

Appendix A: Draft Consultation Response to the Government's Housing White Paper

1. Do you agree with the proposals to:

- a) **Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?**

The strategic priorities set out in paragraph 156 of the Framework require policies to provide:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

As 'lower tier' authorities, a number of the strategic priorities listed are beyond the remit of the Councils' areas of control, being the responsibility of the County Council (transport, minerals and waste). In addition, many organisations which are not local planning authorities have significant responsibilities in relation to these matters including public institutions, not-for-profit charities and privately owned companies working within a regulated market. The policy guidance in paragraph 156 can only be understood fully by reference to the definition of local planning authority in the glossary which clarifies that these strategic priorities will vary depending on the extent of their responsibilities. Given the increasing incidence of combined authorities and devolution deals, this definition may need further refinement.

Given that many of these organisations are not public bodies (NPPF paragraph 178), Cambridge City Council and South Cambridgeshire District Council would be supportive of requirements being applicable to all organisations responsible for the strategic oversight and provision of these strategic priorities to ensure their co-operation in a timely and constructive manner regarding their respective area of responsibility to support growth and the needs of local communities.

A proviso requiring full and timely responses to strategic matters would be welcomed by Cambridge City Council and South Cambridgeshire District Council. This condition should require any objections or serious concerns from a statutory consultee or an organisation with statutory responsibilities regarding any planning proposals during a consultation (external or internal) to be provided in a clear and timely manner; thereby allowing for the issue to be resolved or a strategy to be developed to overcome the concerns raised at an early stage of the planning process. Delays resulting from partial cooperation or late responses from statutory bodies can increase the cost of the plan-making process hindering the development of key policy areas.

b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?

Some of the Spatial Development Strategies currently being considered by combined authorities are non-statutory plans. As such, there is some concern that the allocation of strategic sites through such plans would not be subject to the same local public or independent scrutiny as those identified through local plans. This is particularly important given the potential wider significant impact that the allocation of strategic sites can have. It is important that the consideration of strategic sites takes place alongside other elements of the plan-making process such as Sustainability Appraisal, Infrastructure Planning and Strategic Flood Risk Assessment. There would also need to be a very clear definition of what constitutes a 'strategic site'.

c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

The content of all Local Plans vary according to their area and local circumstances. A pragmatic approach would therefore be supported which allowed the Councils to produce the evidence they consider to be necessary. However, given the increasing opportunities to develop strategies with different partner organisations and the need to produce cost effective plans, Cambridge City Council and South Cambridgeshire District Council would welcome a 'tightened' definition which outlines the minimum requirement for its evidence base regarding its strategic policy areas such as housing, employment, Green Belt and open spaces, flooding and climate change, rural and urban centres, where applicable. A degree of flexibility would remain for the Councils to then decide what other evidence would be appropriate and reasonable for the remaining policy areas.

2. What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?

Advances in technology now allow Councils to use an array of different media to consult on Local Plan related matters. This also means there are more ways to gather responses in a more efficient manner by digital media, however there is no obligation on the part of consultees to respond via digital media. There have been instances during the Local Plan process where local communities have submitted a considerable volume of paper representations to numerous consultation questions. These representations require a considerable amount of resources to properly collate and manage them. One recommendation is to require responses from all statutory and non-statutory organisations to be submitted in digital format. This would allow more resources to be deployed to record any paper representations submitted by individuals, recognising that some individuals would prefer this format to digital media.

In terms of the examination process, it must be recognised that the determination of planning applications will not wait for the outcome of a prolonged Local Plan examination procedure. Consideration should be given, in whole Local Plan examinations, to enabling Inspectors to identify at an early stage whether the strategic policies of a plan are sound before proceeding to examine development management policies and/or non-strategic allocations. In this way, planning applications could be assessed against an up-to-date locally relevant strategy rather than an out of date strategy.

3. Do you agree with the proposals to:

a) Amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

Cambridge City Council and South Cambridgeshire District Council would be supportive of this approach and have already included policies related to accessibility standards and specialist housing within our emerging Local Plans. We would also be supportive of the continuation of the nationally described space standard. By ensuring that new homes are built to baseline Building Regulations Part M requirements, these homes would have sufficient space to enable residents to meet their day to day needs. Such homes are also more capable of being adapted to changes in personal circumstances.

Policies need to cover not just older people and those with physical disabilities, but also those requiring more specialist supported housing, such as hostels, care

homes, extra care housing and other forms of supported housing which require additional design features.

Planning policies are only part of the solution. The Government's proposed new model for funding supported housing must be developed in a way that gives providers long-term financial certainty, if they are to be encouraged to bring new schemes forward.

b) From early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

The introduction of the standardised approach will need to include clear guidelines as to how those local plans that are at an advanced stage, at examination for example, will be dealt with. Requiring such plans to take on the new standardised approach could result in considerable delay and costs for the local planning authority concerned. The NPPF should provide a clear definition of what is an up-to-date plan, and no plan should be considered to be out of date for at least a two year period after adoption. Without such clarity, the issue of whether a plan is up to date will lead to extensive argument at s78 appeal inquiries. Cambridge City Council and South Cambridgeshire District Council's Local Plans have been at examination since March 2014. These examinations include the full objectively assessed housing need figures for both authorities. It would be unfortunate if either plan were to be out of date soon after their adoption due to the length of the examination process. A standardised approach should also be introduced to assess requirements of housing of all types for particular groups, including older people and those with physical and/or other disabilities.

4. Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

a) Authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?

Cambridge City Council and South Cambridgeshire District Council would be supportive of the aim to maximise the use of suitable land. However, sufficient flexibility should be permitted to allow the strategy to respond to local opportunities and constraints including landscape and environmental considerations and local infrastructure capacity. Furthermore, it is likely that this will result in discussion at application and appeal regarding what 'clear', 'suitable' and 'maximising' mean.

- b) It makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?**

Cambridge City Council and South Cambridgeshire District Council would be supportive of the requirement if the description of 'identified need' can be locally defined otherwise this may lead to confusion as to what is meant by the term, i.e. just considering housing in isolation of other needs.

- c) The list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?**

Cambridge City Council and South Cambridgeshire District Council would be supportive of the addition of Ancient Woodland and aged/veteran trees to footnote 9 of the Framework. With regards to the reference to locations at risk of flooding, specific reference should be made to the fact that no development in the highly vulnerable, more and less vulnerable flood risk categories should be permitted in Flood Zone 3b (functional flood plain). More generally though, the Councils are concerned about this being presented as a closed list. Other examples of issues which arise include unstable and contaminated land.

- d) Its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?**

No comment.

- 5. Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of consent which they have granted to themselves?**

Cambridge City Council and South Cambridgeshire District Council would be supportive of this as it should assist in bringing forward publicly owned land for development.

- 6. How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development)?**

Cambridge City Council and South Cambridgeshire District Council are supportive of this in general but have no suggestions regarding additional powers or capacities that may be needed.

- 7. Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?**

While estate regeneration can be a useful means by which to deliver additional housing, it is important to ensure that such an approach does not lead to the fragmentation and dispersal of existing communities or to a loss of affordable homes. This can be a particular concern in areas proposed for regeneration with high proportions of existing social housing. As part of any proposals for estate regeneration, measures must be put in place to ensure that existing residents are not displaced by development. In addition to the social and economic benefits, national policy should also give consideration to the potential environmental benefits of estate regeneration. This could include addressing existing areas at risk of flooding through the use of sustainable drainage systems, enhancing the energy efficiency of homes and urban greening, which will help to futureproof communities against our changing climate. Improvements to the quality and maintenance of the public realm and open spaces should also be encouraged in such regeneration initiatives.

- 8. Do you agree with the proposals to amend the National Planning Policy Framework to:**

- a) Highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?**

Yes, but this should provide some protection to that community from unplanned speculative housing development proposals. While we recognise the role of neighbourhood plans in potentially identifying and allocating sites, both Neighbourhood Forums and local planning authorities need greater levels of support to deliver this aim. Experience demonstrates that many organisations preparing neighbourhood plans do not have the skills to identify any development sites and often do not wish to be “blamed” for their allocation by members of their own community. The limited financial resources, including the availability of neighbourhood planning grants, are unlikely to be sufficient to pay for professional support to cover such complex matters.

- b) Encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?**

Development in more sustainable villages plays an important role in the development strategy for the Greater Cambridge area. The emerging South Cambridgeshire Local Plan includes village site housing allocations to provide flexibility and to help ensure a continuous supply of housing land over the plan period. It also recognises the role that such villages play in their locality. Nevertheless, it is important to balance the benefits of development in villages with the impacts that more dispersed patterns of development can have, including transport implications. Village development is also unlikely to be of a scale that would support greater investment in public transport and community and education facilities, leading to unsustainable patterns of transport focussed on the private car. As such, while the Councils are supportive of the role that development in more sustainable village locations can play in meeting an area's housing need, the overall capacity of village housing allocations should remain proportional to their scale and accessibility in the interests of achieving sustainable patterns of development.

- c) Give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?**

Through the Greater Cambridge City Deal, partners have committed to delivering an additional 1,000 homes on rural exception sites by 2031. While these do not count towards the Councils' objectively assessed housing need, they still play an important role in delivering affordable housing in the Greater Cambridge area. The availability of suitable sites and the willingness of landowners to sell the land is the key to their deliverability and the proposed measures would be likely to encourage more land to come forward.

- d) Make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be on sites of half a hectare or less?**

It is unclear whether this is a reference to 10% of sites or to 10% of the required additional housing capacity. If the former, it could be very modest in a district proposing new settlements, if the latter, it could amount to a large number of small sites which could be onerous to allocate for development. In urban areas, such sites will usually be previously developed land and so are likely to benefit from permission in principle in any event. As part of the site allocation process,

each site would need to be assessed against a series of criteria which would lead to further resource requirements for the Councils. Sites under 0.5 ha may include sites that have a particular constraint that may need to be overcome before development can proceed. A policy allocation may reduce the cost of borrowing by providing greater policy certainty, subject to any site constraints.

e) Expect local planning authorities to work with developers to encourage the sub-division of large sites?; and

This measure is supported.

f) Encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?

While the Councils have experience of working with the development industry to develop site wide design codes, the production of design codes and local development orders can be very resource intensive and time consuming for local planning authorities. Their production requires the input from local authority planners, urban designers, landscape architects and sustainable drainage engineers in order to ensure the delivery of quality outcomes. The level of detail or 'resolution' in design codes needs to be considered so as not to stifle innovation and creativity. Highly prescriptive codes can work to ensure consistency between adjacent developers on large sites but may not be appropriate on the smaller sites also identified in the White Paper. The reliance on codes does little to promote innovative design and push developers towards using architects and other design professionals. Design codes do not in themselves ensure that development comes forward more quickly. Decision making processes need to be clarified/streamlined such as the use of delegated powers to approve code compliant schemes.

9. How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?

South Cambridgeshire District Council has direct experience in positively planning for new settlements within its area. Our experience demonstrates that these developer-led settlements can take many years from the initial proposal in a development plan to the first dwellings being occupied. While the proposed changes are welcomed, it will remain the case that many local planning authorities will not wish to bring such developments forward because of the risks they pose to maintenance of a 5 year housing land supply over the plan period. To reduce this risk, the NPPF should state that, where such developments are included in a plan, 5 year housing land supply calculations should be calculated using the Liverpool methodology rather than the Sedgfield methodology (the

'Liverpool approach' is to seek to meet any backlog over the whole plan period. It is also known as the residual approach. The 'Sedgefield approach' is to front load the provision of this backlog within the first five years).

10. Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

- a) Authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?**

Cambridge City Council and South Cambridgeshire District Council would be supportive of this clarification in the NPPF.

- b) Where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?**

Cambridge City Council and South Cambridgeshire District Council would be supportive of the principle, but this is logistically difficult. The suggestions put forward in the White Paper (community forests, nature reserves or allotments) do not reflect the local characteristics of Green Belt where often it is undeveloped agricultural land that is generally not accessible to the public. It may neither be feasible, viable or environmentally appropriate to provide compensatory measures in the immediate vicinity of where Green Belt land is lost as different landowners may be involved.

- c) Appropriate facilities for existing cemeteries should not be regarded as 'inappropriate development' in the Green Belt?**

The Councils would support further clarification as to whether recreational uses such as playing pitches are inappropriate development in the Green Belt, given the judgement in the Court of Appeal of *Timmins & ANOR, R (on the application of) v Gedling Borough Council* [2015] EWCA Civ 10 (22nd January 2015).

- d) Development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?**

Proposals brought forward through Neighbourhood Development Orders must still be in general conformity with the strategic policies of the development plan and the Basic Conditions set out by legislation. This should give an indication of

the scale of development which may be acceptable even if only by describing it as small scale.

- e) Where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?**

Yes, proposals for boundary amendments brought forward through neighbourhood plans must still comply with the strategic policies of the development plan and the Basic Conditions set out by legislation.

- f) When carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously development and/or which surrounds transport hubs?**

This approach may be too simplistic especially as the definition of previously developed land could be interpreted to be any form of development such as playing fields or a small sports building. There may also be other factors that need to be considered such as the landscaping and setting of the town or city surrounded by Green Belt. The Councils are of the view that Green Belt serves an important role and any study that considers re-designating land or removing land from the Green Belt should consider areas which will minimise impacts on the important functions that the Green Belt designation was intended to serve. Similarly, the Councils consider reference to previously developed land and/or land which surround transport hubs in the Green Belt as too simplistic in any first step at rolling back this designation. Guidance here should be more specific on what is intended. Park and Ride sites for example should not be included in the definition of transport hubs.

- 11. Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?**

The Councils consider that authorities could be required to explore sites with deliverability issues to understand why sites have not or cannot come forward.

- 12. Do you agree with the proposals to amend the National Planning Policy Framework to:**

- a) Indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?**

It is important that, unless a requirement is already stated in an adopted strategic policy, figures relating to a housing requirement for a particular settlement have

regard to local infrastructure capacity and environmental considerations. If a housing requirement figure was provided this would need to be considered achievable in principle and not simply based upon an apportioned figure from the strategic policy.

b) Make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set clear design expectations; and that visual tools such as design codes can help to provide a clear basis for making decisions on development proposals?

It is considered that the development of clear design expectations is best dealt with through site specific planning development brief type documents as opposed to through local plans. While local plans are able to set general design policies and principles related to the design considerations needed to deliver high quality sustainable development, successful design is something that understands and then responds to the context in which a development is located. As such, the setting of higher level but clear design quality expectations is best achieved through documents such as Neighbourhood Plans and Area Action Plans. Site Specific Supplementary Planning Documents, which enable the more detailed consideration of context, can also play a crucial role in articulating development principles and in so doing engender support from local communities for development proposals. It should be recognised that neighbourhood planning groups are unlikely to have the expertise to be able to produce design guidance and that they will need help to achieve this. The complexity and appropriateness of a design approach may not fit with the ambitions to make more efficient use of land or deliver the type and mix of housing that an area needs. Design codes are not purely 'visual tools' but also compile technical information and identify mandatory and discretionary elements that need to be factored into the design of new development (see 'Design Codes: A Practice Manual, November 2006 that followed on from the Design Coding pilot studies undertaken by the DCLG in 2006). The ability to 'break the code' should also be considered where the principles set out in the code can be effectively challenged. Design codes need to work alongside urban design guidelines, detailed masterplans, village design statements, site briefs and community participation techniques, along with more general design guidance that provides an understanding of how the particular characters and qualities of buildings and places within an authority/region can help to inform how new development proposals, particularly on smaller sites, can respond appropriately to the prevailing character of an area. The production of such documents can and should involve significant community participation.

- c) Emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?**

Cambridge City Council and South Cambridgeshire District Council support this proposal.

- d) Makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and**

Design is a complex area and not purely an aesthetic consideration. For example, functional design can play a significant and important role in determining the way in which a place functions and safeguard against the degradation of public spaces by rogue parking, poorly located bin storage and ineffective cycle parking. In such circumstances, it would be entirely appropriate to refuse a scheme on such grounds. Where 'aesthetic' considerations are considered, design can become a more subjective issue and the LPA needs to be mindful of Paragraph 60 of the NPPF. Contemporary designs that successfully contrast with the surrounding area are a good example of where subjective judgement may stifle innovative designs and construction techniques.

- e) Recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?**

Widely accepted design standards, such as Building for Life, can help in the assessment of design quality but are only as good as the person assessing the scheme. Questions can be so general that it is often difficult to 'fail' an assessment. We would advocate a 'design led' approach using appropriately skilled experts to deliver and drive up the quality of schemes particularly from the volume housebuilders. Such an approach requires appropriately skilled professionals within the LPA to engage with and proactively produce high quality outcomes rather than relying on assessment techniques that are invariably applied towards the end of the design process. The NPPF also refers to the need for decision makers to take Design Review Panel comments into account. However, this means that members of design panels need the skills to make recommendations which reflect the Councils' positive approach to growth.

13. Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

a) Make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?

It is important to make efficient use of land but the location and density of development needs to relate well to existing or proposed infrastructure. The higher the density of development, the more crucial that functional design issues such as bins, bicycles, cars are well resolved and the less likely that 'pattern book' type development will be appropriate. Access to usable public open space, as well as private amenity space is also crucial considerations and can be more challenging at higher densities. A thorough understanding of the context to development proposals is needed to ensure that development proposals do not adversely impact on the areas around them.

b) Address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?

Densities need to be considered as 'profiles' related to accessibility to transport and shops and services. It is important to understand how the new development fits into the range and mix of existing development in an area and to consider the cumulative impact of multiple higher density schemes in a given area to help deliver mixed and balanced communities. Well designed and appropriately located higher density development can reduce car dependence and sustain public transport routes and shops and other services and lead to the creation of 'walkable neighbourhoods' as well as extending the range of housing types available. Such an approach can help people stay within an area to upsize or downsize according to need. Higher density proposals will sustain a mix of uses adding to the viability and vitality of urban areas and reference to this should be made to in policy. It is important to understand that 'density' should not be confused with 'height' as different development models can create different design outcomes whilst achieving the same or similar densities.

c) Ensure that in doing so the density and form of development reflect the character accessibility and infrastructure capacity of an area, and the nature of local housing needs?

Agree this is part of creating context aware development.

d) Take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

Open space is not just about the quantity but quality of provision so some flexibility in provision is clearly needed, depending on the particular circumstances of a development proposal. While the Councils recognise that there is a need for some flexibility in open space provision, many studies have demonstrated the health and wellbeing benefits of access to both public and private amenity space as part of new developments. This is in addition to the role that well-designed multifunctional open space can play in enhancing the desirability of new developments and providing for features such as sustainable drainage. In considering the role of existing nearby open spaces, consideration needs to be given to the nature of these spaces, their sensitivity to increased recreational demand (e.g. wildlife sites) and the demand already placed upon them. It may not be possible for existing open spaces to absorb the pressure of additional high density development, and as such it is important that all new developments include quality open space provision to meet the needs of their residents. Where space is at a premium, open space provision should be increasingly multifunctional, and consideration should also be given to other forms of open space such as roof terraces, balconies and urban allotments/community gardens. Through the provision of high quality open space to support higher density developments, the Councils can deliver housing on brownfield sites.

14. In what types of location would indicative minimum density standards be helpful, and what should those standards be?

While the Councils recognise the importance of making efficient use of land and look to deliver housing at appropriate densities to support growth, in some cases, especially on smaller sites, achieving a prescribed density that balances against other planning, highways and design matters may be challenging. The appropriate density of any scheme will depend upon a range of factors including the context of the site, the prevailing character and the overall location of a scheme, along with the type of development proposed. Previous national planning policy setting minimum density requirements, notably Planning Policy Statement 3, which set a minimum density of 30 dwellings per hectare, was criticised for not being design or context driven but did ensure that more efficient use of land was made. As such, it is considered that it would be difficult to set a national requirement for minimum density standards by location. The setting of density requirements should be left to local planning authorities through the development of site specific planning policies or through the development of Area Action Plans or other forms of planning guidance such as parameter plans

for specific sites taking full account of context, transport and other planning considerations.

15. What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?

As referenced in our response to question 14, the Councils support the intensification/densification of land use on sites. This needs to be informed by an understanding of context and consideration of other planning, highways and design matters and is not simply a question of whether land is in the public sector. It is considered that the focus of national policy should be on providing general support for land intensification/densification without setting specific requirements for particular categories of land.

16. Do you agree that:

a) Where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?

Further explanation on how this mechanism will operate should be published and consulted on before this is brought into operation. The guidance should include recommended minimum requirements for engaging with the development industry and infrastructure providers and provisions for what will happen in the event of one or both of these sectors not engaging in the process. However, maintaining the 10% buffer appears to be a satisfactory requirement given that it is a current requirement of the NPPF.

b) The Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

The Councils agree with this proposal and considers that the decision of the Planning Inspectorate should be considered to be definitive in regard to known sites, although subsequent planning permissions granted within the following year should be counted in 5 year housing supply calculations. If found not to have such a supply, this would allow a local planning authority to know that it can count on sites already considered in the Planning Inspectorate's consideration without fresh challenge at a s78 appeal.

- c) If so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?**

If the assessment has been undertaken in consultation with the development industry and infrastructure providers then the consideration should focus on the approach taken. However, it is acknowledged that there may be occasions when the development industry and local planning authority cannot agree, in which case it will be necessary for the Planning Inspectorate to undertake a more robust examination of the assessment itself. Often challenges to housing supply evidence are made by out-of-area development enabling companies rather than by local development companies.

- 17. In taking forward the protection for neighbourhood planning as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:**

- a) A requirement for the neighbourhood plan to meet its share of housing need?**

It must be recognised that there will be some instances where a neighbourhood plan is prepared for an area where there is little scope or need for an additional housing, such as a constrained urban area with little opportunity or a remote small village with no services or facilities. In such instances, it must be acknowledged that the neighbourhood plan's fair share of housing might not be for any planned development at all. Furthermore, the NPPF's wording should not give rise to a need for the local planning authority to prepare a document sharing out housing need across all the communities in its district which is unnecessary and likely to be unhelpful.

- b) That it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?**

This requirement may penalise a local community that has invested considerable time and money in the preparation of a neighbourhood plan for the local area. There is little incentive to produce a plan in a local planning authority area that has persistently under-delivered and is not actively bringing forward an up-to-date local plan in a timely manner. It is considered that this requirement should not be included in the NPPF.

- c) Should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?**

The protection should apply as long as the neighbourhood plan development strategy and housing policies will meet the fair share of the local housing need. Neighbourhood planning volunteers do not always have the skills or resources to make allocations and do not want to propose potentially unpopular allocations. The wording should avoid creating scope for arguments about what is the right share of local housing need to be accommodated.

- 18. What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:**

- a) How the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;**

Generally, smaller scale development is promoted by smaller developers. A scale of fees based on size of development could address this.

- b) The level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and**

The level of fee should address the administrative costs of dealing with an appeal based on an assessment of these costs. This element of the fee would be retained whatever the outcome. It is not clear whether the fee would go to the local planning authority or the Planning Inspectorate or both organisations. Refunds of fees generally add an administrative burden to local planning authorities.

- c) Whether there could be lower fees for less complex cases.**

There could be lower fees for less complex cases if the system was based on the cost to the local planning authority and the Planning Inspectorate in dealing with appeals.

- 19. Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?**

While Cambridge City Council and South Cambridgeshire District Council both have emerging policies to support the delivery of high quality digital

infrastructure, this can only be delivered with the full cooperation of broadband suppliers. As with other forms of infrastructure, there is a need for utilities providers to work proactively with local planning authorities to plan for and deliver in a timely fashion the infrastructure required to support growth. As such, we welcome the reference in paragraph 2.24 to the need for investment in utilities provision to align with local development plans, speeding up timely connections for new homes and non-residential development. Cambridgeshire authorities are in the process of setting up a Utilities Forum to establish more effective engagement and communication between local authorities and the relevant utilities providers to identify, understand and act upon relevant planning and growth issues. If successful, this approach could help provide a more proactive, strategic approach to planning for infrastructure requirements to support the growth agenda and speed up delivery. However, if the approach is to work, it will require high level commitment from the utilities providers as well as more flexibility in the regulatory requirements governing infrastructure provision.

20. Do you agree with the proposals to amend national policy so that:

- **The status of endorsed recommendations of the National Infrastructure Commission is made clear?; and**
- **Authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?**

It is important to remember that the planning and delivery of strategic infrastructure can take many years before it comes to fruition. As such and subject to the usual viability, feasibility and deliverability considerations, while additional development opportunities arising from strategic infrastructure improvements could potentially be identified, it would be erroneous to specify in a local plan when such development could come forward until the improvements have been funded and timetabled. The Councils consider that there is a balance that needs to be struck between being 'expected to identify' and an alternative option of being 'expected to consider and where viable, feasible and deliverable identify.'

21. Do you agree that:

- a) The planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?**

While this information would be helpful, the information would have little worth if the developers were not held to account for the information that they provide or if the decision making process were delayed due, for example, to an appeal or an

extended period of time required to sign a Section 106 agreement. Many applications are made by companies who specialise in gaining planning permission with the intention of selling the site on to a housebuilder who will then often submit a new planning application to amend the layout and housing numbers and design.

- b) That developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?**

This is normal practice for the Councils but a requirement to provide this information will make it easier to undertake land availability assessments. Developers should be informed that this information will be made public.

- c) The basic information (above) should be published as part of Authority Monitoring Reports?**

The basic information about projected build-out rates is already published as part of the Councils' housing trajectories.

- d) That large housebuilders should be required to provide aggregate information on build out rates?**

For consistency in monitoring development delivery, information by planning application numbers and land parcels is preferred. It gives a better view of how a large site is developing and can also identify where build may slow down e.g. due to lack of infrastructure or by change in land type.

- 22. Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?**

The decision on a planning application should remain informed by its conformity with the NPPF, the development plan and any other material considerations. The definition of "realistic prospect" would need to be set out clearly if this approach were to be pursued in order to avoid lengthy legal arguments and planning appeals.

- 23. We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.**

It is considered inappropriate to take an applicant's track record into account. There would be nothing to prevent an applicant gaining planning consent and then selling the consent to a developer with a poor track record.

- 24. If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?**

It is considered inappropriate to take an applicant's track record into account. There would be nothing to prevent an applicant gaining planning consent and then selling the consent to a developer with a poor track record.

- 25. What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.**

This could result in a further workload for local planning authorities in assessing and reviewing viability and deliverability exceptions. The requirement, if it is to be introduced, should remain consistent for all.

- 26. Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?**

The removal of this requirement is welcomed. However, greater use of these powers will only be successful if local planning authorities have the skills and resources to take them forward.

- 27. What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has lapsed, but only where works have begun? What impact do you think on lenders' willingness to lend to developers?**

Yes, this should be facilitated. The impact on lenders is not known.

28. Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

- a) **The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?**

This is an acceptable approach.

- b) **The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?**

This is an acceptable approach.

- c) **Net annual housing additions should be used to measure housing delivery?**

Yes, net annual completions should be the standard form of measuring housing delivery.

- d) **Delivery will be assessed over a rolling three year period, starting with 2014/15 - 2016/17?**

This is an acceptable approach.

29. Do you agree that the consequences for under-delivery should be:

- a) **From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?**
- b) **From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?**
- c) **From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%;**
- d) **From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and**
- e) **From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?**

The Councils have yet not modelled the consequences of these thresholds fully. In any event, the Government should reserve power to suspend and modify these percentages to take account of national and local circumstances and to ensure the primacy of the plan-led system nationally (for example in the event of

another recession). Furthermore, local planning authorities should be able to demonstrate that if the shortfall is due to circumstances outside their control (e.g. a national or international economic downturn), and they have made every positive effort to ensure that housing in their area is delivered, then the presumption in favour of sustainable development should not be applied. The Councils recognise, however, that local planning authorities should still be required to actively seek to maximise housing delivery.

30. What support would be most helpful to local planning authorities in increasing housing delivery in their areas?

With recognition that periods when housing growth has been at its highest is when local authorities have had the freedom to build, the Councils very much welcome the Government's intentions to support local authorities in delivering new homes, and in looking at bespoke housing deals with local authorities in high demand areas.

We also welcome the Housing Minister's recent announcement of the intention to review the use of Right to Buy receipts to ensure one for one replacement. However, to ensure that enough homes are available which are affordable to local people, this proposal should go much further and ensure funding is available to provide more homes than are currently being sold, to help make up for the long-term loss of rented homes since Right to Buy was introduced. At least some of these should be available at Social Rents, for those unable to afford Affordable Rents.

Current restrictions on use of receipts make it extremely difficult for authorities to build homes in any significant numbers, often compounded by the lack of borrowing capacity. Cambridge City Council has already started work on delivering 500 new council homes through the Cambridgeshire and Peterborough devolution deal, and both Cambridge City and South Cambridgeshire District Councils are in a strong position to increase council housing delivery in an area of high housing need, were there to be more funding available. The Councils would be keen to discuss the potential for a locally negotiated agreement.

In terms of private sector house builders, we are also pleased that the Government recognises the importance of SME builders.

The Councils would also welcome a proactive response to the issue of shortage of experienced planners in growth areas.

31. Do you agree with our proposals to:

a) Amend national policy to revise the definition of affordable housing as set out in Box 4?

The proposed provisions are not entirely clear. For example, under 'social rented and affordable rented housing' it states that 'affordable housing should remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision'; but it does not say this under the Affordable Housing or Starter Homes headings. This may be a typographic issue – i.e. meant to say that 'Affordable Rent should remain... etc. However, our view is that any housing to be defined as affordable housing needs to meet this requirement, to help meet both current and future needs.

In addition, the way 'Intermediate Housing' is worded suggests that Affordable Rent could also be considered as a form of intermediate housing: 'discount market sales etc and other housing that meets the following criteria: housing that is provided forrent at a cost above social rent, but below market levels'.

Although Starter Homes may have a role in the housing market, they should not be included as a form of affordable housing which can be delivered in place of other forms of affordable housing tenure if they are not to be treated as affordable housing in perpetuity.

b) Introduce an income cap for starter homes?

If Starter Homes are to be a form of affordable housing then an income cap is essential to prevent homes being bought by purchasers who could otherwise buy on the open market. There need to be clear monitoring systems in place to ensure that developers only offer Starter Homes to eligible households.

c) Incorporate a definition of affordable private rent housing?

There is scope to include affordable private rent housing as a form of affordable housing, provided it remains affordable in perpetuity, and it is provided as part of a wider range of affordable housing types and tenures at different price levels to meet locally assessed needs. However, in areas like ours, 20% below market rent is still unaffordable to many; an issue compounded by recent welfare reforms and Local Housing Allowance rates falling well short of private rents.

20% below market rent is not just an issue for those on benefits. If private rent is to help ease the housing crisis and meet housing need, then it needs to be truly affordable in relation to local incomes, based on a robust local affordability assessment. It is also important that, as proposed in the white paper, longer term tenancies are available to enable households to settle and in the interests of sustainable communities. Longer term tenancies should also be promoted

and/or incentivised for some existing private rented homes. Although we support proposals to ban letting agency fees, more also needs to be done to improve affordability, security of tenure and standards in existing private rented homes.

d) Allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

No comment

32. Do you agree that:

a) National planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?

The Councils do not support this approach as we consider that the percentage of homes on individual sites provided as affordable home ownership should be based on local circumstances, local assessment of need, nature and location of the site, etc.

b) That this policy should only apply to developments of over 10 units or 0.5 ha?

The Councils do not support the 10 unit threshold, as we consider that the requirement should be driven by demonstrable housing need, affordability of market housing and site development viability. The Councils would also take the opportunity to highlight that we consider that the local circumstances in Greater Cambridge are sufficient to justify affordable housing thresholds in their emerging Local Plans lower than that included in the Written Ministerial Statement and now comprising national planning policy. Both Councils have a large current affordable housing need and viability work has shown that both policies are viable, not a barrier to development and do not represent a disproportionate burden.

33. Should any particular types of residential development be excluded from this policy?

No minimum percentage of homes provided for affordable home ownership should be imposed on individual sites as any approach should be based on local needs and circumstances. If the policy is introduced, then there should be some exclusions, e.g. supported housing with special design features for vulnerable people, including hostel accommodation, extra care, care homes etc. The Councils also consider it appropriate to exclude rural exception sites from any requirement to deliver Starter Homes, which by definition are not affordable in the longer term.

- 34. Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraph 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?**

The Councils consider that the NPPF is sufficiently clear in respect of sustainable development.

- 35. Do you agree with the proposals to amend national policy to:**

- a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?**

The Councils would be supportive of the addition of reference to rising temperatures to the list of climate factors to be considered. A hierarchical approach should be taken to tackle overheating, with architectural responses, passive cooling and the role of site wide masterplanning being prioritised over mechanical and active cooling. The planning system is best placed to give consideration to the role of orientation, overhangs and shading, fenestration, green roofs in reducing the risk of overheating, as well as wider approaches such as the role of green infrastructure and sustainable drainage systems in providing evaporative cooling.

- b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?**

The Councils would be supportive of greater clarity in relation to the role of planning policy in supporting the future resilience of communities and infrastructure to climate change. There are many ways in which the planning system can support climate resilience, from the role of green infrastructure and sustainable drainage systems in reducing flood risk and helping to reduce the urban heat island effect through evaporative cooling, to the role of architectural responses to issues such as overheating. These measures also have the additional benefit of enhancing the visual and amenity value of new developments.

- 36. Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?**

The Councils would be supportive of measures to help clarify the national policy approach to flood risk.

- 37. Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances from existing development?**

The Councils would be supportive of such an amendment. Policies in our emerging Local Plans already seek to ensure that developments give consideration to existing sources of noise and to mitigate any impact where necessary.

- 38. Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?**

No comment.