



Ministry of Housing,  
Communities &  
Local Government

# Government response to the housing White Paper consultation: Fixing our broken housing market

A summary of consultation responses and the Government's view on the way forward



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# Government response to the housing White Paper consultation: Fixing our broken housing market

## Foreword

In the housing White Paper, 'Fixing our broken housing market', we made it clear that our priority is building the new homes this country needs. We made a commitment to deliver a million homes by the end of 2020 - and half a million more by the end of 2022. We set out proposals for tackling the housing shortage in England in four chapters. In the first, *Planning for the right homes in the right places*, we looked at how we could achieve better, more realistic plan-making which faces up to housing need, to make sure that more homes are planned in places where people want to live. In the second chapter, 'Building homes faster', we put forward new ideas to enable local authorities to ensure that their plans, developed in consultation with the community, are implemented; and to ensure that the necessary infrastructure will be in place to support new homes. In the third, 'Diversifying the market', the proposals were about opening up the market to smaller and medium-sized builders, boosting productivity and innovation by encouraging modern methods of construction, and attracting investors into developing homes for rent as well as for sale. The final chapter, 'Helping people now', asked what more we could do to tackle the impacts of the housing shortage on ordinary households, given that it will take time to feel the impact of building more homes.

A further consultation paper, *Planning for the right homes in the right places*, proposed an improved method for assessing local housing need, amongst other policy proposals. The Government's response to that consultation is set out in the ['Government response to the Planning for the right homes in the right places consultation'](#).

Budget 2017 set out an ambition to put England on track to deliver 300,000 new homes a year. To underline the importance of providing housing, the Department for Communities and Local Government became the Ministry of Housing, Communities & Local Government on 9 January 2018.

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# Introduction

The housing White Paper, 'Fixing our broken housing market', was published on 7 February 2017. The housing White Paper consultation, which closed on 2 May 2017, set out 38 principal consultation questions. Respondents were invited to reply online using an internet survey or to email or post written comments to the Department. We are grateful for all the responses received, which have been given careful consideration.

The housing White Paper consultation attracted widespread interest. Many offered comments on the implications of our proposals or made recommendations of their own. This document summarises the consultation response and sets out the Government's response. This document follows the layout of the housing White Paper consultation. Where appropriate, questions are linked or provided with a combined response. The percentages are of those responding to that particular question, not of all responses received. Unless otherwise stated, 'Framework' is the National Planning Policy Framework, and 'guidance' is the Planning Practice Guidance on the website<sup>1</sup> alongside the Framework.

The online survey published alongside the housing White Paper added two further questions, to follow up issues raised by the 2016 'Rural Planning Review: call for evidence'<sup>2</sup>. The response to these can be found at questions 39 and 40.

The subject of Question 3b, the assessment of local housing need, was the subject of a subsequent consultation, *Planning for the right homes in the right places*. A summary of responses to that consultation is published in the '[Government response to the Planning for the right homes in the right places consultation](#)'.

The *Planning for the right homes in the right places* consultation set out a number of proposals which were closely related to measures proposed in the housing White Paper. Those who had already commented on the housing White Paper proposals which also featured in the *Planning for the right homes in the right places* consultation, were given another opportunity to comment on proposals or amend their original response.

We recommend reading this Government response alongside the housing White Paper itself, as it provides explanatory detail for each consultation question. You may also wish to revisit the Government's response to the Communities and Local Government Select Committee's report on our earlier consultation on national planning policy (February 2017)<sup>3</sup>.

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> <https://www.gov.uk/government/consultations/rural-planning-review-call-for-evidence>

<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/589929/CM\\_9418\\_-\\_Select\\_Committee\\_Response\\_NPP\\_Web\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589929/CM_9418_-_Select_Committee_Response_NPP_Web_.pdf)

After consolidating approved changes and clarifications, we are now inviting comments on a draft revised Framework, which is available on the [Gov.uk website](#). To respond to the consultation please use the [online survey](#). The consultation remains open for your comments until 10 May 2018.

# Overview

There were 1,393 total responses to the housing White Paper consultation. Not all respondents answered every question. All responses have been analysed and given full consideration in the preparation of the revised Framework. We are grateful to everyone who took the time to respond to the consultation.

The table below provides a breakdown of the consultation responses by type of respondent. This data does not include campaign responses. This document provides a factual report of responses and does not attempt to capture every point made.

## ***Type of consultation respondent***

	<b>Number</b>	<b>Percentage</b>
<b>Personal view</b>	568	41%
<b>Local authority<sup>4</sup></b>	300	22%
<b>Private sector organisation<sup>5</sup></b>	201	14%
<b>Interest group or voluntary organisation<sup>6</sup></b>	181	13%
<b>Neighbourhood planning body, parish or town council</b>	72	5%
<b>Other</b>	71	5%
<b>Total</b>	1,393	100%

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<sup>4</sup> Including National Parks, Broads Authority, the Greater London Authority and London boroughs

<sup>5</sup> Including housebuilders, housing associations, businesses and consultants

<sup>6</sup> Including trade associations, charitable organisations and public sector organisations

# Chapter one proposals

## Getting plans in place

### Question 1

Do you agree with the proposals to:

- a) make clear in the 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?
- 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?
- c) revise the Framework to tighten the definition of what evidence is required to support a 'sound' plan?

### Question 1(a) response

There were 860 responses to this question, with considerable support (70%) for the proposal. Points raised include:

- Local authorities wanted to ensure that the requirement to include allocations was sufficiently flexible to allow for other approaches to providing sites such as windfall, broad strategic policies and different types of planning documents.
- Concern was expressed that including housing allocations may lead to a focus on housing to the detriment of wider priorities.
- Developers generally welcomed the addition of allocations especially if local authorities had to plan to meet need, suggesting this would speed up delivery.
- Some local authorities sought clarification of any impact that amending the strategic priorities would have on existing plans going through the process or recently adopted.
- Respondents suggested that clarity on the terms 'area' and 'strategic' were required.

### **Government response**

We are proposing to amend the Framework so that local authorities are expected to bring forward strategic allocations to provide for housing, jobs and other strategic priorities. We also propose to make clear in the Framework that allocations should, as a minimum, be those needed to deliver the strategic priorities (except where



these needs may be met through more appropriate mechanisms, such as brownfield registers or local policies).

### **Question 1(b) response**

There were 768 responses to this question, and considerable support (64%) for the proposal. Points raised include:

- Most respondents agreed that spatial development strategies should be allowed to allocate sites only if the spatial development strategy is subject to unanimous agreement amongst combined authorities, although some developers were concerned this could cause delay.
- A number of local authorities, voluntary bodies and individuals pointed to the need to ensure public involvement/accountability/scrutiny in spatial development strategy preparation and to maintain safeguards such as sustainability appraisal or strategic environmental assessment.
- Some respondents wanted clarity on the term 'strategic site'.

### ***Government response***

The Neighbourhood Planning Act 2017 placed a statutory duty on local authorities to plan for the strategic priorities for the development and use of land in their area. We are proposing to amend the Framework to reflect the flexibility open to authorities as to the scale at which this takes place. As well as the option of a local plan, we propose to make clear in the revised Framework that this duty could be met by a statutory spatial development strategy produced by an elected Mayor or combined authority (where plan-making powers have been conferred).

### **Question 1(c) response**

There were 882 responses to this question, and considerable support (73%) for the proposal. Points raised include:

- The plan making system needs to be streamlined and greater clarity given to local planning authorities.
- A number of different groups voiced concern that the change could create more work and confusion for local authorities; by adding complications and making the planning system less accessible to the public.

### ***Government response***

We are proposing to amend the Framework to clarify that evidence should be adequate but proportionate, and focused on justifying the policies in the plan. This will make clear that authorities should collect only what is needed to justify the policy approach, thereby speeding up the plan-making process. Further detail will be given in guidance.

We are also proposing that the evidence base section of the plan-making chapter is reduced; setting out a clear list of what evidence is needed with more detailed text moved into guidance.

## Question 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?

### Question 2 response

There were 627 responses to this open question, and a wide range of comments were received. Points raised include:

- On local or strategic plans:
  - Consultations need to be jargon-free and in plain English, and the process simplified and streamlined.
  - There should be easier access to information regarding the plan – online and in print.
  - Better use of online tools by local authorities is needed to allow better understanding of how different parts of the plan/evidence base fit together.
  - Better engagement of people from different age groups is needed throughout the plan-making process, possibly through the use of social media.
- On neighbourhood plans:
  - Calls for more transparent and open examination process.
  - Removal of one of the neighbourhood planning consultation periods.

### **Government response**

Through legislation<sup>7</sup> we are strengthening early engagement on plan-making between local authorities, communities, local organisations and business to make the process more effective and meaningful. This will come into force on 31 July 2018.

For local plans, we have amended legislation<sup>8</sup> to allow local authorities to submit documents electronically rather than in hard copy. We are developing data standards for key data in local development documents, and will engage with local planning authorities on these proposals shortly. We will also look further at changes to the formal consultation stages.

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<sup>7</sup> Section 6 (assistance in connection with neighbourhood planning) and section 13(2) (statements of community involvement) of the Neighbourhood Planning Act 2017 will come into force on 31 July 2018 (see The Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018).

<sup>8</sup> Regulation 5 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

For neighbourhood plans, we have updated guidance to ensure that qualifying bodies remain well briefed on all matters relating to examinations and to clarify that any additional information requested by an examiner should be made publicly available to ensure the fairness and transparency of the process.

Government remains of the view that the current arrangements for consulting on and publicising neighbourhood plans are workable and proportionate. We are intending to revise the Framework to make clear that the test of soundness should be applied proportionately for local policies.

## Question 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?
- 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?

### **Question 3(a) response**

There were 941 responses to this question, and strong support (81%) for the proposal. Points raised include:

- There was a call for groups with particular needs to be more clearly defined, and for more clarity on what is expected of local plans. It was also suggested that travellers should be included in these groups.
- Most comments related to the provision of housing for older and disabled people. There was concern about funding for housing in these categories, and how the Town and Country Planning (Use Classes) Order 1987<sup>9</sup> is applied to specialist housing for older people.

### ***Government response***

The Government welcomes the strong support for this proposal and intends to strengthen the relevant policy in the revised Framework. A list of groups with particular needs is already set out in the Framework and the Government is proposing to add specific reference to travellers who do not fall within the definition in Planning Policy for Traveller Sites. We are also preparing guidance for local authorities on how plans should address the housing needs of older and disabled people.

### **Question 3(b) response**

Because of the subsequent consultation on the assessment of local housing need, Question 3(b), together with the responses, is considered in the [‘Government response to the Planning for the right homes in the right places consultation’](#).

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<sup>9</sup> S.I. 1987/764, as amended.

# Making enough land available in the right places

## Question 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?
- b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the Framework?
- 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 Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?
- d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

### Question 4(a) response

There were 688 responses to this question, and strong support (81%) for the proposal. Points raised include:

- Local authorities were generally supportive, though some raised concerns about the need for decisions to remain at a local level, to allow flexibility in responding to local opportunities and constraints. (For example, landscape, environmental considerations and local infrastructure capacity).
- Development industry responses tended to welcome the change as a step towards improved transparency, though some raised questions about how this relates to the presumption in favour of sustainable development, and cautioned against a 'brownfield first' approach.
- Some respondents wanted further clarity on the terms 'maximising' and 'suitable' which they felt were open to interpretation; and there were concerns about how the text would work with the rest of the presumption.

### Government response

In the revised Framework we intend to retain this principle, but we agree with some respondents that it could be misconstrued if made part of the presumption itself. In particular, we wish to avoid any impression that all development should be accommodated on brownfield sites. Instead we are proposing to include this policy alongside text on land use and development density.

## **Question 4(b) response**

There were 646 responses to this question, and considerable support (73%) for the proposal. Points raised include:

- While some local authorities accepted the principle of clarifying the presumption, many challenged the rationale for the change, and/or questioned its compatibility with the wider approach to sustainable development and the role of local plans.
- Development industry responses tended to support a more rigorous approach to taking development constraints into account.
- A number of responses, across all sectors, sought further clarity in relation to the wording, with some suggesting that 'strong reason' was too open to interpretation.

## ***Government response***

In the revised Framework we intend to retain the principle of expecting a strong rationale when using specific policies in the Framework as a reason to restrict development, but to use changes to the list of policy 'exclusions' in the footnote to make clear what this means in practice.

## **Question 4(c) response**

There were 566 responses to this question, and considerable support (68%) for the proposal. Points raised include:

- Local authorities preferred the list of policies being left as examples, a common concern being that factors other than those suggested may constrain development.
- By contrast, many in the development industry supported the proposal for a closed list, although there were some comments about the specific constraints that should be included.
- Interest groups and individual respondents proposed additional constraints that they felt should be added to the list.
- A number of responses across all sectors supported the addition of ancient woodland and aged or veteran trees, although some pointed to the importance of other irreplaceable habitats.
- Several responses, from different sectors, argued that the footnote should have greater prominence in the Framework, by being incorporated in the text.

## **Government response**

In the revised Framework we propose further amendments to the text of the presumption to make clearer which policies provide a clear reason for refusing a proposed development. We intend to keep the list of policies as a footnote so that it does not detract from the overall flow of the text. The proposed text also makes clear that these policies do not include those in development plans.

## **Question 4(d) response**

There were 522 responses to this question, and strong support (79%) for the proposal. Points raised include:

- Local authorities showed some concern that the change of wording from 'local plans' was unclear or downgraded their importance.
- Development industry views were mixed, but a couple of responses argued that the proposed re-ordering created a more negative policy by putting constraints ahead of a more general balancing exercise.
- A number of responses questioned the terms 'genuinely' and 'significantly'.

## ***Government response***

In the revised Framework we are proposing to re-order elements of the presumption, as proposed in the White Paper, to better reflect the way that decisions are approached in practice. We propose a further change to the way that plans are referred to, with 'strategic plans' replacing the existing reference to local plans when providing for objectively assessed needs, to reflect changes in policy and terminology elsewhere in the Framework. We also propose to make clear, as a general principle, that all plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.



## Question 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 planning consent which they have granted to themselves?

### Question 5 response

There were 712 responses to this question, and considerable support (74%) for the proposal. Points raised include:

- Those in support felt it would give local authorities greater flexibility and allow them to take a more proactive approach to land assembly and bring public sector land forward for development more quickly and efficiently.
- Those in support also said it would allow local authorities to benefit from the uplift in land values arising for the grant of planning permission.
- Respondents saw no good reason for the current difference in powers and expressed the view that the proposal would bring consistency.
- Some recognised the potential for misuse of the power and the need for appropriate safeguards to ensure transparency and accountability.

### ***Government response***

This measure was taken forward by the Town and Country Planning General (Amendment) (England) Regulations 2018<sup>10</sup>, which came into force on 23 February 2018, empowering local authorities to dispose of their own land with planning consent. A summary of responses and the Government's response to that question was published on 2 February 2018<sup>11</sup>, and is not reproduced here.

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<sup>10</sup> <http://www.legislation.gov.uk/id/uksi/2018/99>.

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/678919/Disposal\\_of\\_LA\\_land\\_with\\_permission\\_govt\\_response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/678919/Disposal_of_LA_land_with_permission_govt_response.pdf)

## Question 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)?

### Question 6 response

There were 689 responses to this open question. Points raised include:

- A number of suggestions were made in response to this question, including contributing to speedier housing delivery, facilitating greater collaboration between landowners, developers and local authorities, and transforming urban brownfield sites.
- An alternative view was that local authorities should make greater use of Compulsory Purchase Orders in land assembly where landowners are not cooperating.
- Local authorities stated that more funding is needed to invest in the relevant framework and expertise that is required in the land assembly process.

### Government response

We welcome the large number of thoughtful responses to this question and will take these into account as we continue to consider how we can best help local authorities to take a more proactive role in bringing their own and other land forward for development supported by the right infrastructure. We are committed to supporting ambitious and innovative approaches locally. We have made £45 million available through our land release fund for the remediation of, and small scale infrastructure on, local authority land. Through the One Public Estate Programme we are providing £9 million for local authority capacity building. Homes England will continue to support us in achieving these ambitions.

## Question 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?

### Question 7 response

There were 728 responses to this question, and strong support (81%) for the proposal. Points raised include:

- Respondents expressed the view that regeneration can improve social outcomes for communities, and that community engagement should be at the centre of all regeneration.
- A number argued that existing residents and communities should not be displaced but protected; that there should be no loss of social housing; and that more affordable homes must be made available.
- Clear guidance is needed on funding support in low value areas.
- The needs of the elderly and disabled for accessible housing integrated with health and care services should be a prime consideration in estate regeneration.
- Those opposing said local authorities already do this. Comments suggested that retention of right to buy receipts would be of more use and that refurbishment of housing stock should be prioritised over redevelopment.

### ***Government response***

In support of the Government's national strategy on estate regeneration<sup>12</sup>, we propose to amend the Framework to make clear that local authorities should consider the social, economic and environmental benefits of estate regeneration and ensure regeneration is delivered to a high standard. We will consider the wider issues around how landlords engage with their tenants when making decisions and about the quality of social housing as we develop the Social Housing Green Paper.

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<sup>12</sup> DCLG (2016) Estate Regeneration National Strategy. Available at: <https://www.gov.uk/guidance/estate-regeneration-national-strategy>

## Question 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?
- 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?
- 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?
- 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 sites of half a hectare or less?
- e) expect local planning authorities to work with developers to encourage the sub-division of large sites?
- 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?

### Question 8(a) response

There were 693 responses to this question, and overwhelming support (90%) for the proposal. Points raised include:

- This would be a valuable means of gaining local views and support for development.
- Some comments suggested that neighbourhood plans can already do this, and recommended that policy needs to encourage this to happen.
- Local authorities would need additional resources to support neighbourhood planning groups.
- The development industry was particularly supportive of this proposal, with 96% supporting it. Many commented that involving neighbourhood plans in site allocation would be beneficial to the quality of housing delivery.

### **Government response**

The Government welcomes the overwhelming support for this proposal and in the revised Framework we propose to make clear that neighbourhood plans should also consider the opportunities for allocating small sites suitable for housing in their areas.

## **Question 8(b) response**

There were 626 responses to this question, and strong support (87%) for the proposal. Points raised include:

- Respondents were supportive of the opportunities for villages to thrive, as long as this was done in a sustainable manner.
- Many commented that any growth in villages would need to support local services and meet local infrastructure needs.
- Concern was raised about the impact of lots of small site development but no infrastructure to support the new homes.

## ***Government response***

Following the strong support for this proposal, in the revised Framework we are proposing to make clear that, in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. We propose to make clear that housing should be located where it will enhance or maintain the vitality of rural communities, and plans should identify opportunities for villages to grow and thrive.

## **Question 8(c) response**

There were 609 responses to this question, and strong support (75%) for the proposal. Points raised include:

- Many respondents suggested that the use of market housing could help to make homes actually affordable for local residents.
- Concern was raised that this proposal could lead to market housing on rural exception sites becoming normal practice.
- It was considered that using market housing on rural exception sites could increase the value of land.
- Comments suggested that there should be a limit on the number of market homes considered acceptable, and affordable homes should continue to take priority.

## ***Government response***

The Government welcomes the strong support for this proposal and in the revised Framework we are proposing to make clear that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. The proposed text will set out that consideration should also be given to whether allowing some market housing on these sites would help facilitate this.

## **Question 8(d) response**

There were 660 responses to this question, and more than half (55%) agreed with the proposal. Points raised include:

- Respondents in favour expressed the view that this proposal will encourage diversification of the housing market, by making more sites available to small and medium sized developers.
- Those who disagreed said:
  - It will increase the plan-making burden on local authorities, slowing down plan making.
  - 10% is an arbitrary figure which does not reflect local need.
  - Small sites are market driven.
  - Unless a local authority has policies to the contrary, sites of fewer than 10 units are not required to provide planning obligations. There would therefore be no contributions for local infrastructure/services and affordable housing.
  - A number of respondents expressed the view that the policy would not deliver enough homes.

## ***Government response***

In the housing White Paper we set out proposals to diversify the housing market and increase the number of small and medium sized builders in this country. Small sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. At Budget 2017, the Government announced its intention to increase the proposal to allocate 10% of small sites in plans to 20%.

In line with this, and after taking the consultation responses into consideration, we propose in the revised Framework that to promote the development of a good mix of sites, local planning authorities should ensure that at least 20% of the sites identified for housing in their plans are of half a hectare or less.

We remain open to views on this proposal and whether it is the most appropriate threshold, or whether a broader approach should be taken. In the consultation document published alongside the draft revised Framework we seek views on this and how the policy should be taken forward.

## **Question 8(e) response**

There were 581 responses to this question, and considerable support (74%) for the proposal. Points raised include:

- Sub-division to create more small sites could potentially speed delivery of housing.
- Local authorities have no power to force developers to sub-divide.
- Suggestion made that sub-division of large sites could be something which is suggested in local plans.
- Delivery of essential infrastructure will need to be master-planned, to ensure any sub-divided sites have the infrastructure required.
- Sub-dividing large sites risks reducing the potential planning obligations of the full site.

### **Government response**

In the revised Framework we propose to make clear that, to promote the development of a good mix of sites, local authorities should work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

### **Question 8(f) response**

There were 557 responses to this question, and considerable support (68%) for the proposal. Points raised include:

- Local development orders can be more appropriate for large sites.
- Both local development orders and area-wide design codes require significant local authority resource.
- Local development orders could make delivery of small sites more consistent and efficient.
- Design codes can ensure that the development of small sites is in keeping with local character.

### **Government response**

In the revised Framework we propose to make clear that, to promote the development of a good mix of sites, local authorities should use tools such as area-wide design assessments and Local Development Orders to help bring small sites forward.

## Question 9

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

### Question 9 response

There were 461 responses to this open question. Points raised include:

- Providing stronger national planning policy support for new garden towns and villages.
- Making more effective use of existing tools such as local development orders, permission in principle and design codes
- Looking at alternative routes to delivery: for example, statutory development corporations or development consent orders.
- Streamlining procedures could compromise quality.
- A concern that proposals for new garden towns and villages should be identified through the local plans process not separately fast-tracked.

### Government response

The Government agrees that streamlining procedures must not come at the expense of delivering high quality, sustainable communities. In the revised Framework we propose to strengthen the encouragement for local authorities to take a proactive approach when identifying suitable opportunities for new settlements where this may help meet development needs in a sustainable manner.

We have recently consulted on regulations to enable the creation of locally-led New Town Development Corporations<sup>13</sup>. As announced at the Autumn Budget 2017, the Government considers that these have the potential to be an effective delivery vehicle for a new generation of garden towns, where that is the approach the local area wants to take. We plan to lay the regulations in Parliament as Parliamentary time allows.

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<sup>13</sup> <https://www.gov.uk/government/consultations/the-new-towns-act-1981-local-authority-oversight-regulations>



## Question 10

Do you agree with 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?
- 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?
- c) appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?
- 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?
- 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?
- f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

### Question 10(a) response

There were 638 respondents to this question, and considerable support (61%) for the proposal. Points raised include:

- Responses from local and parish councils indicated that in some areas Green Belt protections should be reviewed as they hinder good planning.
- Local authorities should have the flexibility to identify what reasonable options are.
- Local authorities are already expected to look at other options before losing Green Belt. This requirement is a new evidential burden.
- There may be cases where Green Belt land is the more sustainable option.

### Question 10(b) response

There were 585 responses to this question, and considerable support (64%) for the proposal. Points raised include:

- Many local authorities felt land should be removed from Green Belt only if that would lead to substantially meeting the need for affordable housing and infrastructure.

- Responsibility should initially rest with a developer to identify what opportunities they wish to promote as compensatory; the local authority should assess the merits on a site by site basis.
- Development on de-designated Green Belt should be required to provide green spaces of enhanced environmental quality and access.
- More practical to ensure that where land is removed it makes a contribution to strategic green infrastructure and that access to the countryside is retained.
- The proposal feeds a general misunderstanding that Green Belt is a landscape or environment policy rather than a tool for managing growth.

### **Question 10(c) response**

There were 523 responses to this question, and considerable support (69%) for the proposal. Points raised include:

- Infrastructure that maintains openness, or which contributes to the management or enjoyment of the Green Belt, is acceptable in principle.
- Green burials are increasingly popular.

### **Question 10(d) response**

There were 548 responses to this question, and about half (48%) agreed with the proposal. Points raised include:

- Local authorities and neighbourhood planning forums were generally supportive of this proposal.
- Treating Neighbourhood Development Orders in the same way as Community Right to Build Orders in Green Belt removes an inconsistency.

### **Question 10(e) response**

There were 568 responses to this question, and more than half (56%) agreed with the proposal. Points raised include:

- Those in support said the proposal would provide greater strength to neighbourhood plans and the views of local communities.
- Local authorities would support boundary changes through a neighbourhood plan provided they had been involved in the discussions and agreed the change.
- New Green Belt should replace that which is lost.

## **Question 10(f) response**

There were 581 responses to this question, and considerable support (64%) for the proposal. Points raised include:

- All land to be developed should be around transport hubs, whether existing or not, and additional hubs encouraged.
- The proposal is acceptable provided new development close to transport hubs is accompanied by an appraisal of how it will integrate with existing neighbourhood and infrastructure.

## **Government response (question 10a – f)**

The Government attaches great importance to the Green Belt and its role in preventing urban sprawl. The range of responses received to the proposals is welcomed. In the revised Framework we are proposing to make clear the criteria that must be satisfied before the release of Green Belt land may, in exceptional circumstances, be justified. We are proposing to state that, as well as optimising density and co-operating with neighbouring authorities, local authorities should give priority to suitable brownfield and land well-served by public transport.

We are proposing to create an expectation that loss of land from Green Belt should be off-set by means of compensatory improvements to environmental quality and access on remaining Green Belt land. We are proposing to make it explicit that rural exception sites can be created in Green Belt, and that development under neighbourhood development orders and changes of land-use for outdoor sport and recreation or provision of burial grounds is 'not inappropriate' in Green Belt if it preserves its openness and would not conflict with its purposes.

## Question 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?

### **Question 11 response**

There were 525 respondents to this open question. Points raised include:

- There was no widespread support for any particular new consideration.
- Though we sought responses on options additional to those proposed, the majority of respondents re-emphasised the potential of brownfield and underused land, or of increased densities and building height.
- Many reiterated a 'brownfield first' policy.
- Most suggestions were about finding more opportunities to build new homes, including the smarter use of local knowledge about small brownfield sites; greater incentives to decontaminate land; compulsory purchase of developable land that is neglected or near motorway junctions and stations; a right to subdivide dwellings to create new homes; high-rise villages; garden towns; freeing up sites formerly in farm, equestrian or military use; towns on land claimed from the sea; and legal restrictions on second or long-empty 'investment' homes.

### ***Government response***

The response to this question did not provide a basis for significant amendments to the Green Belt section of the Framework, beyond the clarifications already proposed.

# Strengthening neighbourhood planning and design

## Question 12

Do you agree with the proposals to amend the Framework to:

- a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?
- 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 out clear design expectations; and that visual tools such as design codes can help provide a clear basis for making decisions on development proposals?
- 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?
- 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?
- 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?

### **Question 12(a) response**

There were 790 responses to this question, and more than half (58%) agreed with the proposal. Points raised include:

- A housing requirement figure could help neighbourhood planners to become focused on accommodating development
- In practice, it may be difficult to identify a meaningful housing requirement figure.
- Development industry responses tended to welcome the change, as a step towards improved transparency, though some asked how this relates to the presumption in favour of sustainable development.

### ***Government response***

We are proposing to amend the Framework to include an expectation that local planning authorities set out a housing requirement figure for designated neighbourhood planning areas.

## **Question 12(b) response**

There were 620 responses to this question, and strong support (79%) for the proposal. Points raised include:

- Many commented that although design guidelines are a positive idea, there needs to be a degree of flexibility to allow for innovation in design styles, and to take account of specific circumstances and local context.
- The majority of local authorities were in favour of this proposal.
- The development industry was also supportive. But they iterated that there must be some level of flexibility to allow for innovation and design that reflects local character.

## ***Government response***

We have taken on board the consultation responses and in the revised Framework we propose to make clear that plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. We intend to set out that design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. We will highlight that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

To provide maximum clarity about design expectations, we intend to make clear that plans or supplementary planning documents should use visual tools such as design guides and codes. We propose to set out that the level of detail and the degree of prescription should be tailored to the circumstances of each place, and should not inhibit a degree of variety where this would be unjustified.

## **Question 12(c) response**

There were 636 responses to this question, and strong support (89%) for the proposal. Points raised include:

- Responses reflected the importance of pre-application discussions to the success of developments.
- Local authorities suggested that they already have a well established pre-application process, but that the Framework needs to strengthen a local authority's ability to have this discussion with developers.
- Pre-application discussions should be a facilitator to the development process. Local authorities need to be able to provide feedback and advice to developers that is clear and timely.

## ***Government response***

In the revised Framework we propose to make clear that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. We intend to set out that applicants should work closely with those affected by their proposals to evolve designs and take account of the views of the community. In addition we intend to make clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

## **Question 12(d) response**

There were 591 responses to this question, and considerable support (60%) for the proposal. Points raised include:

- Most local authority respondents agreed with this and thought it was possible for local authorities to develop a comprehensive plan with clear design expectations for areas.
- Many were concerned about the clear design expectations being too prescriptive, as they could prevent innovation, and could end up with design expectations that are not flexible enough to reflect local character.
- Some felt that many more local authorities are developing strategic plans, which would be too high level to set out the detail required for these design expectations.
- The development industry generally agreed with this proposal, as it could help speed up decision making and development if developers know what the design expectation is.

## ***Government response***

In the revised Framework we propose to make clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in local policies, design should not be used by the decision-maker as a valid reason to object to development.

## **Question 12(e) response**

There were 536 responses to this question, and strong support (78%) for the proposal. Points raised include:

- It was considered valuable to have design standards as reference points, but these must be supplemented by local design guidance reflecting specific characteristics.
- Many stated that local authorities need resourcing to manage such standards appropriately.
- Developing good design practices should be about responding to and enhancing a site's context and character, rather than a tick-box exercise.
- The development industry generally agreed with the proposal but said that design standards should be high level and not unduly prescriptive, so that they do not restrict innovation in design approach or materials.

## ***Government response***

In the revised Framework we propose to make clear that local planning authorities should ensure that they have the appropriate tools and processes for assessing and improving the design of development. These include design advice and review arrangements, which should be used as early as possible in the evolution of schemes. We also propose to make clear that in assessing applications, local planning authorities should have regard to the outcomes from these processes, including any recommendations made by design review panels.



## Question 13 and 14

Question 13: Do you agree with the proposals to amend national planning 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?
- 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?
- 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?
- 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?

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

### Question 13(a) response

There were 744 responses to this question, and more than half (56%) agreed with the proposal. Points raised include:

- Community engagement is essential for high-density housing.
- Local character, heritage, protected areas, and parking needs, are important considerations for high-density housing.
- We must avoid a 'one size fits all' approach.
- Local authorities should be able to decide appropriate local densities.
- National policies must support local authorities keen to deliver high-density housing.
- There remains a need for low-density living: for instance, housing for families or older people.
- A definition of low density is required.

### ***Government response***

In the revised Framework we are proposing to make clear that, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that development proposals make optimal use of the

potential of each site. A Written Ministerial Statement laid on 5th February 2018 on extending buildings upwards to create new homes also sets out how planning policies and decisions should respond positively to suitable opportunities to use the airspace above existing residential and commercial premises for new homes. We are proposing to incorporate this Statement into the revised Framework.

### **Question 13(b) and 14 responses**

There were 744 responses to question 13(b), and more than half agreed (58%) with the proposal. Points raised include:

- Avoid use of a 'one size fits all' approach.
- Infrastructure and local character were considered important considerations for high density housing.
- Density does not mean tall – we must explore a variety of density models.
- Use of air space must be balanced against daylight/sunlight and wind tunnel issues.
- Framework should focus on instructing local authorities to optimise (rather than maximise) densities.
- There remains a need for low-density living; for instance, housing for families or older people.

There were 497 responses to question 14. Points raised include:

- Minimum density standards could be helpful in town or city centres – with existing high densities and suitable infrastructure; in areas with high housing demand, limited land availability, affordability issues, and where high density would be viable; brownfield sites; and, new planned settlements (garden towns/villages, urban extensions).
- New developments should be in character with existing buildings.
- Space standards for new homes should not be reduced.
- Density should not dictate what type of home is built (e.g. size, property type).
- Facilities such as open spaces and infrastructure (parking, transport, local services) should remain a priority.
- Any standard should be locally set, with an element of flexibility.

### ***Government response (questions 13b and 14)***

The Government welcomes the range of comments received on this proposal. In the revised Framework we are proposing to make clear that where there is an existing or anticipated shortage of land for meeting identified housing needs, plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres

and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate.

We also propose that the use of minimum density standards should be considered for other parts of the plan area. In this case, it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

### **Question 13(c) response**

There were 744 responses to this question, and considerable support (73%) for the proposal. Points raised include:

- Good design, infrastructure (social, green and transport), and amenity space are all essential for high densities to succeed.
- There remains a need for low-density living: for instance, housing for families or older people.
- Local authorities should be able to define the need for high-density living, in relation to their local housing requirements.
- A blanket approach to density and design would not be appropriate.

### ***Government response***

In the revised Framework we are proposing to make clear that planning policies and decisions should support development that makes efficient use of land. This should take into account the need for housing and other forms of development; local market conditions and viability; the availability and capability of infrastructure and services; an area's prevailing character; and, the importance of securing well-designed places.

### **Question 13(d) response**

There were 744 responses to this question, and about half (53%) agreed with the proposal. Points raised include:

- Green space is an essential requirement of higher density living - concern that green infrastructure would be sacrificed.
- The location of 'nearby' facilities needs to be defined.
- Local authorities and neighbourhood planning groups are best placed to identify suitable locations for high-density housing.
- Good access needs to be defined – should not be confused with proximity.

## ***Government response***

In the revised Framework we are proposing to make clear that, when considering applications for housing, local authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where this would otherwise inhibit making efficient use of a site. We propose to make clear that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account policies in the Framework.

## Question 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)?

### Question 15 response

There were 342 responses to this open question. Points raised include:

- many commented that we must use land no longer serving the purpose for which it was originally designated: for example, old schools, office and other employment developments and military sites.
- Many wanted detail of what 'more intensive use' would mean in practice. It was felt that the term 'public sector sites' is imprecise and could cover Green Belt and brownfield, school playing fields, parks and other spaces important for health and wellbeing.
- Respondents also expressed concern about increasing density; further extending permitted development rights; the lack of infrastructure to support development; the lack of local employment opportunities; and the design of new buildings.

### ***Government response***

We propose to amend the Framework to make clear that local authorities and other plan-making bodies should take a proactive role in bringing forward land suitable for meeting development needs, such as sites on brownfield registers or held in public ownership. In the Framework we intend to create a stronger expectation that, in areas where there is a shortage of land for meeting identified housing needs, local authorities should avoid house-building at low densities, and ensure optimal use of the potential of each site. Amongst other changes to the Framework we also propose that local authorities should consider including in their plans minimum density standards for new housing in city and town centres and other locations well served by public transport should be considered for inclusion in Plans.

Local and neighbourhood development orders can grant planning permission for specific housing development within a defined area. Existing permitted development rights will continue to deliver additional homes making better use of buildings. In the revised Framework, we will continue to have policies which ensure authorities can continue to protect valued areas of open space, the character of residential neighbourhoods and stop unwanted garden grabbing.

# Chapter two proposals

## Providing greater certainty

### Question 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 five year housing land supply?
- b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?
- 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?

### **Question 16(a) response**

There were 638 responses to this question, and under half of respondents agreed (42%) with the proposal. Points raised include:

- Respondents evenly divided on the inclusion of a 10% buffer.
- Queries about relationship to other buffers.
- Concerns about the impact of the buffer.

### ***Government response***

We are proposing to clearly set out in guidance the process for agreeing five years' housing supply for a one year period. We are proposing to include a 10% buffer in the revised Framework to ensure that the land supply demonstrated will prove resilient to changes in the market during the year. We will also provide guidance on the relationship between buffers which will make clear that the 10% is not to be added to existing buffers.

## **Question 16(b and c) response**

There were 628 responses to question 16(b), and considerable support (64%) for the proposal. Question 16(c) was an open question. Points raised include:

- Most were in favour of the Planning Inspectorate considering the approach to land supply, and 26% said that the Inspectorate should assess the supply figure as well as the approach.
- There needs to be clear standardised guidance on how to prepare a land supply calculation.
- Concern about the Inspectorate's resources and capacity and whether the proposal was workable.

## ***Government response (question 16 b and c)***

We have noted the support for the Inspectorate's role in this approach and are setting out the details in guidance. The resource requirements and capacity of the Inspectorate have been a key consideration in the development of this policy and guidance. We have also considered the concerns about the interaction of this proposal with local plan preparation, and about the workability of the proposal. We are proposing to make clear in policy and guidance that the demonstration of a five year land supply with a 10% buffer can be part of a local plan examination. We are committed to encouraging plan-making and to reducing the number of appeals brought on the basis of a lack of five year supply where there is a newly made plan. We are providing more detailed guidance on the assessment of five year land supply to ensure that assessments are more consistent, transparent and robust.

## Question 17

In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised Framework, do you agree that it should include the following amendments:

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

### Question 17(a) response

There were 506 responses to this question, and considerable support (68%) for the proposal. Points raised include:

- Local authorities were mainly concerned with the practical difficulties as to how the neighbourhood plan's share of housing would be worked out.
- Neighbourhood planning groups stated that there should be no requirement for groups to plan to meet a share of local housing need in their neighbourhood plans if they do not wish to do so.
- The development industry believed that neighbourhood plans should face the same tests for delivery as local plans, be encouraged to take their share, and potentially incentivised to go further.

### Government response

We are not requiring neighbourhoods to plan for housing; however, we are proposing amendments to the Framework to provide appropriate protection for neighbourhood plans in certain circumstances. These include where a neighbourhood plan comes into force and contains policies and allocations that will meet the identified housing requirements of its area. The Framework clearly sets out the ways in which the neighbourhood share of local housing need can be calculated.

### Question 17(b) response

There were 403 responses to this question, and about half (54%) of respondents were in support of the proposal. Points raised include:

- Many of the negative responses related to wider concerns about the Housing Delivery Test.



- Private sector respondents were strongly in favour of the proposals and any reservations related to the approach as a whole under the WMS or that the percentages were not sufficiently high.
- There were concerns that the policy would disadvantage neighbourhood planning groups (rather than developers) as they do not have control over delivery of houses or market failure.

### ***Government response***

We are proposing amendments to the Framework to provide appropriate protection for neighbourhood plans in certain circumstances. These include where the local authority has at least a three year supply of deliverable housing sites, and housing delivery was at least 45% of that required over the previous three years. The lower housing delivery threshold will provide a more appropriate level of protection from the presumption in communities which are planning for their housing need.

### **Question 17(c) response**

There were 256 responses to this open question. Points raised include:

- Requiring allocations would be necessary as it would be hard to know if areas had met their share of need if there were not allocations.
- Allocations should remain in local plans, and it may not be possible in constrained areas to identify specific sites.
- The best approach would depend on the circumstances of each neighbourhood plan area, which could mean allocations in some places and criteria-based policies in others.

### ***Government response***

We are proposing amendments to the Framework to provide appropriate protection for neighbourhood plans in certain circumstances. These include where they contain policies and allocations that will meet the identified housing requirement of their area. We consider that both policies and allocations are required to provide sufficient certainty about the intention and ability to address the identified requirement.

## Question 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;
- b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and
- c) whether there could be lower fees for less complex cases.

### **Question 18 response**

There were 556 responses to this open question. Points raised include:

- The majority who commented saw planning appeal fees as a sensible, positive measure.
- Many commented that it would not affect the decision to appeal, since this already involved significant cost.
- A few considered it could affect the viability of smaller developments.
- A common suggestion was to link fees to the size of the development. There were suggestions of fee levels between £50 and full cost recovery.
- A third thought fees should vary with the complexity of the appeal.
- Under half (44%) thought there should be some level of refund, such as when appeals were successful or other criteria met.
- It was suggested an administration fee could be retained.

### ***Government response***

We are proposing to introduce planning appeal fees and intend to consult on the detail of the proposal later this year.

# Ensuring infrastructure is provided in the right place at the right time

## Question 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?

### **Question 19 response**

There were 623 responses to this question, and considerable support (66%) for the proposal. Points raised include:

- Most respondents welcomed this additional emphasis on planning for digital infrastructure.
- Some questioned the extent to which such policy could influence digital provision and range of providers. Planning practice guidance on what was expected, or could be included, through local planning policy should underpin the national planning policy approach.

### ***Government response***

We are proposing to amend the Framework to make clear that local authorities should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered.

## Question 20

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

- a) the status of endorsed recommendations of the National Infrastructure Commission is made clear?
- b) authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?

### **Question 20(a) response**

There were 423 responses to this question, and strong support (89%) for the proposal. Points raised include:

- Most welcomed the additional certainty this the change would bring.
- The longevity of the endorsements was questioned, as well as how endorsements would be treated by successive governments.

### ***Government response***

In the revised Framework we propose to make clear that endorsed recommendations of the National Infrastructure Commission can be material when preparing plans or deciding applications.

### **Question 20(b) response**

There were 395 responses to this question, and strong support (82%) for the proposal. Points raised include:

- Local authorities noted that strategic infrastructure takes time to be delivered and there should not be penalties for non-delivery of housing until the infrastructure is in place.
- Other stakeholders, including the development industry were largely supportive of the approach. Concerns focused on how this would link to capturing land values and addressing issues of current infrastructure capacity.

### ***Government response***

In the revised Framework we are proposing to clarify that plans may need to be reviewed where announcements are made on new investment in infrastructure that increase an area's capacity to meet identified development needs. We propose to make clear that opportunities arising from planned investment in transport should be considered at the outset of the planning process.

# Holding developers and local authorities to account

## Question 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?
- 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?
- c) the basic information (above) should be published as part of Authority Monitoring Reports?
- d) that large housebuilders should be required to provide aggregate information on build out rates?

### Question 21(a) responses

There were 579 responses to this question, and strong support (87%) for the proposal. Points raised include:

- Local authorities and the development industry were supportive of amending the application form to include a request for the estimated start date and build-out rate of proposed residential developments.
- Information generated through the amended form would assist planning for future housing delivery and calculating 5-year land supply, and allow developers to plan for future resource requirements.
- However, a considerable number of respondents (including those in favour) expressed caution about how estimated build-out rates would be used, and the weight to be attached to those estimates in decision-making.
- Developers and their representatives worried about being penalised for under-delivery against estimates – especially on large sites where it may be challenging to accurately forecast delivery at outline stage.

### Question 21(b) and (c) response

There were 561 responses to question 21(b), and overwhelming support (90%) for the proposal. For question 21(c), there were 529 responses to the question, and strong support (89%) for the proposal. Points raised include:

- Respondents suggested that the information generated would complement existing datasets, provide a more accurate picture of build-out and aid local communities' understanding of the development process.

- The principal concern was the potential administrative burden that this would create for local authorities.
- Some questioned whether better data would, in itself, speed build-out.
- Respondents stressed the importance of developers providing the material in a timely manner because Authority Monitoring Reports can be delayed as a result of outstanding information.
- No alternative methods of publication were suggested.

### **Question 21(d) response**

There were 355 responses to this question, and just over a third (38%) of respondents agreed with the proposal. Points raised include:

- This proposal would assist local authorities in calculating their five year housing supply and future trajectory.
- This would provide greater transparency on where landowners/developers are land banking or delivering homes.
- This would create more bureaucracy, as the data collection and analysis process requires more staff and IT infrastructure.
- Aggregate information is not useful at a local level – information should be provided on a granular level (site by site or district by district level).
- Data will only be effective if penalties and sanctions are in place for developers that fail to meet rates without a valid reason.

### ***Government response (question 21a-d)***

The feedback on these proposals suggests that providing more transparent data, on a site-by-site basis, would help local authorities to plan for infrastructure and housing delivery in their areas, although processes need to be carefully designed to avoid adding unnecessary burdens. Greater transparency would also enable closer scrutiny of build out, enabling government, communities and developers to better understand the pace of delivery in local markets, and the reasons for delays.

We will continue to explore the opportunities to increase transparency around housing delivery. This work will be taken forward alongside our work on developer contributions. The responses to these proposals will also help inform the work of the independent review being led by Sir Oliver Letwin, to understand the main causes of the gap between housing completions and the amount of land allocated or granted permission in areas of high demand. The review is due to report in time for the Budget 2018.

## Question 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?

### Question 22 response

There were 464 responses to this question, and about half (53%) of the respondents agreed with the proposal. Points raised include:

- Those who supported the proposal suggested it would help to reduce land banking, and deter unrealistic applications and the use of small amendments of applications to keep a permission “alive”.
- Others were concerned that the measure might introduce new considerations difficult to judge, might increase information burdens and might deter the redevelopment of marginal sites.
- Particular concerns were raised about the impact on small sites and small and medium-sized builders.

### Government response

The Government wants to ensure that homes with planning permission are built out as fast as possible and discourage proposals where there is no intention to build or there are insurmountable barriers to doing so. We have amended the Framework to make clear that, for major sites, the planning history of the site, and in particular, the non implementation of earlier similar schemes may be a relevant consideration in the determination of an application.

## Question 23 and 24

- Q23) 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.
- Q24) 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?

### Question 23 and 24 response

There were 521 responses to question 23, and under half (41%) of the respondents agreed with the proposal. For question 24, there were 514 responses and about half (47%) agreed with the proposal. Points raised include:

- Most local authority and development industry respondents were opposed to the proposal, and support came mainly from individuals and voluntary or community groups.
- Those in support of the proposal suggested that it would discourage land banking, incentivise development, and benefit small and medium-sized builders who generally deliver sites more quickly.
- Those opposed to the proposal, principally local authority and development industry respondents, commented that:
  - this would be a major change in the planning system as the personal circumstances of an applicant are not always relevant;
  - it would discourage small builders from entering the market;
  - determining and verifying a developer's track record would be resource- and time-intensive;
  - developers could circumvent the policy by using a shell company/subsidiary or changing company names;
  - permissioned sites could be sold on regardless of the purchaser's track record; and.
  - a developer could be "black-listed" in perpetuity, and there would be unfair prejudice against applicants with no track record.

### **Government response**

The feedback from both developers and local authorities suggests that implementing and operating such a policy would require further consideration of a range of practical issues and further consideration of unintended consequences. Its impact on build-out rates would also need careful examination. At the 2017 Autumn Budget, the Chancellor announced an independent review, led by the Rt Hon Sir Oliver Letwin MP, to understand the main causes of the gap between housing completions



and the amount of land allocated or permissioned in areas of high demand. The Review is due to report in time for the Budget 2018.

## Question 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 small and medium-sized developers.

### **Question 25 response**

There were 449 responses to this question, and just over a third (38%) of respondents agreed with the proposal. Points raised include:

- Those who supported the proposal agreed that two years was a reasonable timescale for implementation, and the measure would help prevent land banking and encourage landowners and developers to address site delivery issues earlier in the process.
- Those who did not support the proposal felt two years would not be sufficient to implement permission, particularly on large or complex sites, and it may deter sites being brought forward because of increased risks and uncertainty.
- There was no consensus on the impact on small and medium-sized builders. Some argued the impact would be minimal because of the need for small and medium-sized builders to implement quickly to recoup their investment in sites. Others thought the impact could be negative as the time needed to secure detailed consents and finance after outline permission could deter small and medium-sized builders from taking forward more sites where delays/difficulties could occur.

### ***Government response***

The Government is keen for local authorities to use the flexibilities already available to impose a shorter timescale for a planning permission to be implemented. However, in the light of the responses, it is evident there are risks in proposing too prescriptive an approach. Accordingly, we propose to amend the Framework to encourage local authorities to consider shorter timescales for implementing planning permissions where appropriate.

## Question 26 and 27

- Q26) 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?
- Q27) What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has elapsed, but only where works have begun? What impact do you think this will have on lenders' willingness to lend to developers?

### Question 26 response

There were 549 responses to this question, and strong support (75%) for the proposal. Points raised include:

- This proposal was considered a welcome simplification.
- Some respondents expressed concern about removing the Secretary of State's role in this context entirely; stressing that some oversight was required to ensure notices are not used inappropriately by local authorities.
- Others questioned whether streamlining the completion notice procedure would speed up delivery, citing a range of issues – some beyond a developer's control – that can cause housing sites to become stalled.

### Question 27 response

There were 400 responses to this question, and just over a third (39%) of respondents agreed with the proposal. Points raised include:

- A mixed response on allowing local authorities to serve completion notices earlier in the process.
- Those in favour said that it would ensure that developers maintain momentum once work has started, and discourage them from commencing development purely to ensure a planning permission does not lapse. Those opposed suggested that it would not guarantee that development is accelerated, and legitimate reasons for slow-delivery could be overlooked.
- With regard to lenders, those in support argued that it would be welcomed by lenders as they would ensure development progressed when it could. Those against the proposed change stated that lenders would be reluctant to fund development if a completion notice could be served earlier in the process.

### ***Government response (questions 26 and 27)***

Implementing both completion notice proposals would require changes to primary legislation. We will take them forward when a legislative opportunity arises. In the

meantime, we propose to take forward guidance to support local authorities in their use of the completion notices under the current procedures. The response to these proposals will also help inform the work of the independent review being led by Sir Oliver Letwin.

## Question 28

Do you agree that for the purpose 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?
- 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?
- c) Net annual housing additions should be used to measure housing delivery?
- d) Delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?

### Question 28(a-d) response

There were 514 responses to question 28(a), and strong support (79%) for the proposal. For question 28(b) there were 492 responses, and considerable support (67%) for the proposal. There were 504 responses to question 28(c), and considerable support (74%) for the proposal. For question 28(d), there were 490 respondents, and considerable support (63%) for the proposal. Points raised include:

- Some concern was expressed about the principle that the Housing Delivery Test holds local authorities to account for housing delivery when this is not entirely within their control. A number of respondents suggested that trajectories would be a better approach.
- Some suggested that emerging plans should be taken into account and that ambitious authorities should not be penalised.
- Net additions as the delivery measure was seen as appropriate, with some reservations about how completions are counted and how estate regeneration would be captured.
- Comments suggested that student housing must be taken account of, along with non-self-contained housing.
- Respondents generally welcomed the principle of a rolling period, while a number felt that it should be five, rather than three, years.
- Some also felt that implementation should be delayed to allow transition measures, preventing new local plans being undermined, or the retrospective application of the new policy.

### ***Government response (questions 28a-d)***

While acknowledging respondents' concerns that housing delivery is not wholly within the control of local authorities, the Government believes that, as part of the wider changes to planning policy, the Housing Delivery Test has a significant role to play in helping to deliver authorities' housing commitments. The Government welcomes the general support for these specific recommendations, and proposes to reflect them in the revised Framework and guidance

Concern that a plan's annual requirement does not take fluctuations into account has been recognised. Where appropriate, stepped trajectories and requirements will be taken account of in the baseline. Steps will also be taken to prevent penalising ambitious authorities. The Government acknowledges the concerns raised about using household projections and new standard methodology for Local Housing Need as the baseline in the absence of an up to date plan. However, this will not apply where local authorities have an up to date plan in place and the Government expects authorities to move toward Local Housing Need based plans as soon as possible. In assessing delivery, the Government will also ensure that the delivery of communal accommodation is also included in the Housing Delivery Test calculation.

## Question 29

Do you agree that the consequences for under-deliver 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%?

### Question 29 (a-e) responses

There were 512 responses to question 29(a), and around half (47%) of respondents agreed with the proposal. For questions 29(b) there were 496 respondents, and just over a third (37%) agreed with the proposal. For questions 29(c) there were 496 respondents and around half (47%) agreed with the proposal. There were 491 responses to question 29(d), and a third (33%) agreed with the proposal. For question 29(e), there were 497 respondents and around a third (32%) agreed with the proposal. Points raised include:

- About half (47%) thought the action plan consequence should be triggered when delivery falls below 95%.
- Around a third (32%) supported the proposal that the presumption in favour of sustainable development should apply where delivery falls below 65%.
- A common issue was that the action plan threshold was too high and more detail was needed.
- Local authorities noted that the impact of an action plan would be limited or would distract from plan-making.
- Comments queried how the Housing Delivery Test would interact with the five year land supply policy, as in some areas land is constrained and takes a long time to come forward.
- Comments suggested that the buffer and presumption might undermine newly adopted local plans, allowing developers to use the system to their advantage to press for release of attractive rural land.
- Respondents generally welcomed the incremental approach to implementing the presumption, most wanting a one year transition period.

- Views varied on the percentage thresholds for the presumption in favour of sustainable development: local authorities felt the thresholds are too high, the development industry and others too low.

### **Government response (question 29a-e)**

To support our commitment to deliver a million homes by the end of 2020 - and half a million more by the end of 2022 - the Government intends to implement the 'consequences' policy, broadly as described but with one exception: the Autumn Budget 2017 announced that we would increase the threshold at which the presumption in favour of development applies to 75%, rather than 65%, of housing delivery by 2020. The Government has delayed implementation of the action plan and the buffer to 2018 and will implement the presumption from 2018 as planned. The Government will maintain the existing strong protections on designated land like the Green Belt, National Parks and Areas of Outstanding National Beauty as laid out in the Framework.

Detail about how the policy will function, including information on the action plan, and how the Housing Delivery Test will interact with five year land supply policy, will be set out in guidance. Guidance will also cover applying the consequences of the thresholds not being met to joint plans, and transitional arrangements to minimise impacts on new local plans.



## Question 30

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

### **Question 30 response**

There were 353 responses to this open question. Points raised include:

- a period of stability in terms of legislative and policy change;
- more resources for planning departments;
- developers to be held more accountable for under-delivery;
- retention of Right to Buy receipts to re-invest in housing;
- removal or raising of the HRA spending cap;
- bespoke deals with Government;
- reducing the duration of planning permissions;
- tax relief for land quality improvement; and
- funding local authorities to develop sites themselves.

### ***Government response***

The Government acknowledges and welcomes the wide range of views expressed – which have been carefully considered. A number of proposals to help local authorities to increase housing delivery are set out in the proposed revised Framework.

# Affordable housing proposals

## Question 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?
- b) introduce an income cap for starter homes?
- c) incorporate a definition of affordable private rent housing?
- d) allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?

### **Question 31(a) response**

There were 414 responses to this question, and considerable support (69%) for the proposal. Points raised include:

- An expanded definition would give flexibility in relation to the provision of affordable housing.
- Concerns were raised that the suggested definition would not address the needs of those with greatest housing need, and might reduce social and affordable rented housing.
- A number of respondents suggested that the definition needed to work in conjunction with viability assessments, to ensure it leads to sufficient delivery of affordable housing.
- Others would like caveats within the definition: for example, a perpetuity clause to enable affordable homes to remain affordable indefinitely, and the linkage of affordable homes to local incomes, house prices and rents.

### ***Government response***

The Government has carefully considered the views on this issue, and will include a proposed revised definition of affordable housing in the revised Framework.

### **Question 31(b) response**

There were 318 responses to this question, and strong support (85%) for the proposal. Points raised include:

- There was significant support to make the cap location-specific, because of regional variations.

- A significant number of respondents, including local authorities and the development industry, raised concerns about starter homes as a general concept, however there were very limited concerns specifically relating to the concept of a cap.

### **Government response**

The Government welcomes the broad support for introducing a location-specific income cap for starter homes. It is proposed to include this cap in defining starter homes in planning policy and guidance.

### **Question 31(c) response**

There were 316 responses to this question, and strong support (78%) for the proposal. Points raised include:

- There were suggestions relating to securing contributions in perpetuity, calculating discount levels locally and ensuring that discount levels are sufficient to meet identified need.
- Concerns were raised that affordable private rent housing would be favoured above social housing by developers.

### **Government response**

The Government welcomes the support for the proposal to incorporate a definition of private rented housing within the definition of affordable housing and the comments and suggestions have been carefully considered. The Government proposes to include a definition of private rented housing within the definition of affordable housing in the revised Framework.

### **Question 31(d) response**

There were 340 responses to this question, and strong support (82%) for the proposal. Points raised include:

- Of those who were not supportive, most wanted a longer transition period.
- Concerns were generally about the potential impact on the local plan process.
- Negative comments suggested that the proposed transitional arrangements would have implications for in terms of increased delays and resource requirements.

### ***Government response***

A transitional arrangement for plans that are at or approaching examination is included in Annex 1 to the Framework. For individual applications, the revised definition will be a material consideration from the date that the final Framework is published. As there are no issues identified that we would consider justify delayed implementation

## Question 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?
- b) that this policy should only apply to developments of over 10 units or 0.5ha?

### **Question 32(a) response**

There were 621 responses to this question, and under half (44%) of the respondents agreed with the proposal. Points raised include:

- Many of those who supported the proposal were positive about it helping more people into home ownership.
- Concerns were raised about the deliverability of the proposed levels and that the requirement is inflexible.
- A number of responders in support of the proposals emphasised the requirement for the policy to be imposed as a minimum requirement.
- Local authorities suggested that such policy requirements should be set at a local level and give consideration to issues of viability.
- The development industry expressed similar concerns, particularly around the impact of the policy on the viability of sites.

### ***Government response***

The Government has considered the responses on this issue. In taking forward this policy we intend to include a requirement that this would not apply where it would undermine the ability to meet the identified affordable housing needs in the area.

### **Question 32(b) response**

There were 621 responses to this question, and just over a third (37%) agreed with the proposal. Points raised include:

- Many respondents expressed a concern that developers would avoid the effect of the policy by sub-dividing plots.
- Others agreed with the principle, subject to local discretion in some circumstances.
- Those against said that the policy should be set locally, based on local evidence, as delivery varies significantly between different housing markets and in areas of differing housing need.

### ***Government response***

The Government has considered the respondents' views on this issue. Following careful consideration of all the responses we intend to proceed with this policy in order to promote the supply of affordable homes to buy, and to reflect existing national policy on affordable housing and the definition of major development.

## Question 33

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

### **Question 33 response**

There were 414 respondents to this open question. Points raised include:

- There were mixed views, but very few rejected the exclusions proposed in the consultation.
- Some respondents suggested that exceptions should be decided locally rather than in national planning policy.

### ***Government response***

The Government has considered respondents' views carefully. We intend that the proposed policy in the revised Framework will exclude development which:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry level exception site or a Rural Exception Site.

# Sustainable development and the environment proposals

## Question 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 paragraphs 18-19 of the Framework, together constitute the Government's view of what sustainable development means for the planning system in England?

### **Question 34 response**

There were 371 responses to this question, and strong support (81%) for the proposal. Points raised include:

- While responses across different sectors supported clarifying the Government's approach to sustainable development, many questioned whether our approach was sufficient or the best way.
- A number of definitions of 'sustainable development' were offered.
- Several responses questioned the relationship between paragraphs 7-10 of the Framework and the rest of the document in terms of what constitutes 'sustainable development'.

### ***Government response***

In the revised Framework we propose amending the section on achieving sustainable development so that an internationally recognised definition of sustainable development, its implications for the planning system and how this is carried through to the policies in the Framework are more clearly explained. In doing so, we propose to remove the reference to specific paragraphs, as the wider changes make their inclusion unnecessary.



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

### Question 35(a) response

There were 460 responses to this question, and strong support (87%) for the proposal. Points raised include:

- Some respondents noted examples of overheating in newer homes. Several supporting the proposals commented that rising temperatures and overheating will have impacts on human health and wellbeing, particularly for the elderly and other vulnerable groups.
- Some considered other climate change impacts of equal or greater importance, or that increasing instances of extreme temperatures was the issue.
- A small number felt it important that Government gives a clear policy message on addressing climate change, while some sought clarification or guidance.

### *Government response*

We welcome the support for this clarification and have proposed an amendment to the revised Framework to include the risk of overheating from rising temperatures.

### Question 35(b) response

There were 473 responses to this question, and strong support (88%) for the proposal. Points raised include:

- Some respondents sought further clarification or guidance on how this proposal should be implemented through local plan making, while others felt that the Framework was already sufficiently clear on the matter.
- A few considered that the policy could go further: for example, in relation to zero and low carbon homes and controlling greenhouse gas emissions.
- A few others warned about planning being over-prescriptive on this issue, and not setting restrictive standards and targets which affect house-building.

### ***Government response***

We welcome the support for this proposal. We propose to introduce an additional provision in the revised Framework which will clarify the need for local authorities to include appropriate policies to support the future resilience of communities and infrastructure to the impacts of climate change.

## Question 36

Do you agree with these proposals to clarify flood risk policy in the Framework?

### **Question 36 response**

There were 579 responses to this question, and strong support (88%) for the proposal. Points raised include:

- Most who expressed an opinion supported these proposals, and this was the case across all the main sectors, though sometimes views were qualified.
- A number of respondents (mostly local authorities) sought further guidance, particularly in relation to local plans and cumulative flood risk. Flood risk to elderly and other vulnerable people was a particular concern.
- A few questioned the need for the changes, or why it was necessary to apply the Exception Test for plan-making and to planning applications.
- Some suggested that taking account of cumulative flood risk could be difficult and/or could potentially be used by some authorities to constrain new development; and there were concerns that further evidence-gathering would be needed, with time and resource implications for local plan-making.
- However, other local authorities commented that they were already following the proposed approaches.

### ***Government response***

It is important that the strong national planning policy to protect people and property from flooding is clear and robustly implemented, as has been recognised by the overall response to these consultation proposals. We are proposing amendments to the Framework to clarify the existing policies on flood risk, including in relation to cumulative flood risk and the application of the Exception Test. We will consider what further guidance would be helpful in supporting these policies.

## Question 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 arising from existing development?

### **Question 37 response**

There were 463 responses to this question, and strong support (89%) for the proposal. Points raised include:

- High level of support for this amendment, particularly from local authorities and the development industry.
- The principle of 'agent of change' was a common theme, and was particularly supported by local authorities.
- A number of respondents, however, considered that this proposal was already part of the planning policy. Some raised concerns that this provision could be used inappropriately to promote anti-competitive behaviour.
- Mitigation was considered important, though it should not be unreasonable. Some questioned what impact this would have on resident's rights to complain about noise and disruption.
- It was also recommended that the Framework recognise the differences between urban and more rural activities that may generate noise. Guidance was recommended, which could include an assessment of successive effects, simultaneous effects from concurrent developments and combined effects from the same development.

### ***Government response***

In the revised Framework we propose to incorporate the 'agent of change' principle to ensure that existing business and organisations, including clubs, pubs and places of worship, are able to operate without unreasonable restrictions.

## Question 38

Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the Framework, no transition period should be included?

### **Question 38 response**

There were 1,428 responses to this question. 18% of respondents agreed with the proposal; however, 78% neither agreed nor disagreed with the proposal. Points raised include:

- Of the minority that answered the question, most supported the proposal not to include a transition period following incorporation of the Written Ministerial Statement into the Framework.
- Several respondents explained that no transition period is necessary given the length of time that this Statement has been operative.
- Concerns were raised that there may still be applications or appeals caught by the transitional period. However, we understand that all relevant appeals have now been determined.

### ***Government response***

We propose to incorporate the Written Ministerial Statement into the revised Framework along the lines proposed in the consultation. We will set out in guidance the implications of the phrase “following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and [that] therefore the proposal has their backing”.

# Rural planning review proposals

## Question 39

To support more flexibility in adapting to changing markets and technology, and to further support farming efficiency and productivity, the Government sought views on amending existing agricultural permitted development rights.

- a) Should the thresholds set out in Part 6, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) be amended?
- b) What would be appropriate thresholds including size and height?
- c) What prior approvals or further conditions would be required?
- d) Are there other changes in relation to the thresholds that should be considered?

## Question 39 response

There were 175 responses to question 39(a) and around half (46%) of respondents agreed with the proposal. Questions 39 (b) – (d) are open questions, and we analysed the comments. Points raised include:

- A majority supported an increase to the thresholds for permitted development rights for agricultural development, but few offered detail on what would be appropriate.
- Arguments were fairly finely balanced between those seeking higher thresholds to reflect modern farming methods, including representative bodies of the farming industry those raising concerns about any increase, and those who believe the current system works well.
- Various limits were suggested, ranging from a modest increase to 500sqm to 1,500sqm or no limit at all (up from 465sqm), and an up to 50% increase in the cubic content of a building on smaller farms.
- It was suggested that further planning guidance may be beneficial to clarify the scope and operation of existing permitted development rights for agricultural development.
- Some concerns were raised about impacts of permitted development in protected areas (within and bordering National Parks), while other responses sought to relax existing requirements for prior approval in these areas.

## **Government response**

In order to support farm businesses we intend to amend the existing permitted development right for agricultural development to increase the size limit of agricultural buildings erected or extended to 1,000sqm, and on smaller farms allow an increase in cubic content of 20%, over twice the existing longstanding limits.

There are existing permitted development rights for the installation of equipment for renewable energy generation for businesses, including farms.

In response to issues raised regarding farm tracks and flood resilience works we will amend guidance to make clear that there is no ground area limit on the extent of the farm track that can be developed and flood resilience works should be considered in the context of the need to mitigate flood risk to support the sustainability of the farm.

## Question 40

To further support delivery of rural homes for rural workers, the Government consulted on a new agricultural to residential use permitted development right, to allow conversion of up to 750sqm of floor space, for a maximum of 5 new dwellings, each with a floor space of no more than 150sqm.

- a) Do you consider that this proposal would be effective in creating more homes for rural workers; and, if so,
- b) How should the right be framed to best ensure homes are available to meet local need; and
- c) Should the new right have similar conditions to the existing Class Q right?

### Question 40 response

There were 185 responses to question 40(a), and more than half (59%) the respondents were in agreement with the proposal. Question 40(b) was an open question, to which 82 responses were received. For question 40(c), there were 144 responses to this question and more than half (58%) agreed with the proposal. Points raised include:

- More than half (58%) of those who replied to the question considered that a new agricultural permitted development right would help create more homes for rural workers.
- Positive suggestions were made on how to ensure homes could meet local need, including: a local or rural worker occupancy restriction; homes to be available at an affordable rent or restrictions placed on their sale price; and a size limit on the homes. Some respondents also suggested there should be an assessment of local need.
- Other respondents considered that any increase in local supply as a result of the new right would help address local need, and any restrictions on occupancy or sale price may limit the number of homes delivered.
- More than half (58%) thought that the existing Class Q conditions strike the right balance in ensuring that only agricultural buildings suitable for conversion benefit from the right, and should apply to a new right.
- Other respondents were evenly split between those favouring fewer or more limits on the operation of Class Q.

### **Government response (questions 40a-c)**

It is clear from the responses received that there is a continuing need for additional housing in rural areas, particularly for rural workers. As proposed, we are increasing the existing Class Q threshold from 450sqm to 465sqm. To help ensure that further change of use of agricultural buildings provides homes that are more affordable for rural families, we also intend to amend the existing Class Q right to provide up to 5



new homes of no more than 100sqm each, while limiting each agricultural unit to no more than 5 homes in total created by Class Q.