

## Report of Director of City Development

### Report to Development Plans Panel

**Date: 3<sup>rd</sup> November 2017**

**Subject: DCLG Consultation: 'Planning for the Right Homes in the Right Places'**

Are specific electoral Wards affected? All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

1. Within the context of the Housing White Paper (HWP) published in February 2017, the Government (Department of Communities & Local Government) have recently issued (14<sup>th</sup> September) for consultation, 'Planning for the right homes in the right places'.
2. The focus of these consultation proposals is to promote a 'new planning approach to speed up delivering homes'. These cover a range of proposals including: approach to calculating the local housing need, Statement of Common Ground, Planning for a mix of housing needs, Neighbourhood Planning, viability assessment and Planning fees.
3. In responding to the consultation proposals, the above topics are covered by a series of consultation questions. The City Council's draft response is attached as Appendix 1. This responds specifically to these questions and also includes some 'Overview' comments. These comments are set within the context of the City Council's previous response to the HWP, which is appended to the Council's proposed response to this consultation for information. The consultation deadline is 9<sup>th</sup> November.

### Recommendations

Development Plan Panel is recommended to:

- i) Note and comment on the draft consultation response

ii) To agree any revisions and for these to be incorporate into the City Council's response.

## **1 Purpose of this report**

- 1.1 The purpose of this report is for Development Plan Panel to consider the City Council's draft response to the DCLG Consultation proposals, 'Planning for the right homes in the right places'. The draft response is attached as Appendix 1, which also included the Council's previous response to the HWP (agreed by Executive Board).

## **2 Main issues**

### Overview

- 2.1 On 14th September DCLG published the Consultation proposals, which follow on from the HWP. The main section of the consultation covers the following areas:

1. a standard methodology for calculating local authorities' housing need,
2. a statement of common ground to improve how local authorities work together to meet housing and other needs across boundaries,
3. making the use of viability assessments simpler, quicker and more transparent,
4. increasing planning application fees in those areas where local planning authorities are delivering the homes their communities need.

### Standard methodology for calculating local authorities' housing need

- 2.2 Whilst the proposals follow on from the HWP and were largely anticipated, they have been delayed since early summer. Within this context also, whilst it was understood that further consultation would take place on the approach to housing need, the approach previously intimated reflected the work of the Local Plan Expert Group (LPEG) who have previously proposed a revised methodology. The consultation proposals published on the 14<sup>th</sup> September is a departure from both the existing NPPF guidance and the LPEG recommendations. The new proposals comprise of a standard methodology consisting a three step approach:

Step 1: Setting the (Demographic) baseline

Step 2: An adjustment to take into account Market signals (the price of homes)

Step 3: Capping the level of any increase

- 2.3 Not only do the consultation proposals set out a 'new' standardised methodology, the proposed formulae has been applied to each local authority area. The figure advocated for Leeds equates to 42k new homes, rather than the 70k in the adopted Core Strategy or in the region of 50-55k as reflected in the evidence based work being undertaken for the Core Strategy Review. The application of the standardised methodology has been entirely out of the blue for local planning

authorities across the country, with some authorities seeing their requirements either reducing or increasing.

- 2.4 The implications arising from these proposals are covered in other items on this Development Plan Panel agenda (SAP Update and Core Strategy Review). However, it should be noted that the proposed standardised methodology when applied to Leeds MD, does not reflect evidence emerging from the 2017 Strategic Housing Market Assessment regarding affordability issues. Also, it does not take into account any aspirations for economic uplift. The nature and timing of the proposals has meant that it has been necessary for the Council to take stock of their implications and as a consequence the housing component of the SAP Examination has been deferred until the New Year. This will enable the Council to undertake further technical work to assess the implications for the SAP in terms of Green Belt release for housing. This is considered to be a prudent and responsible approach under the circumstances.

#### Viability Assessments

- 2.5 The City Council supports the view that viability testing should be at the plan-making rather than planning application stage and the desire to streamline the process (by sticking to strategic matters). The Council accepts however that by exception, viability assessments in relation to specific planning applications may be required due to 'abnormals' which cannot be identified at a strategic level/plan-making stage). Development Plans in Leeds (and the charging schedule identified as part of the Community Infrastructure Levy) have been subject to viability testing and have been found to be sound via independent examination. However, the experience of the Development Management process is that in some instances, the requirement for policy compliant schemes is met by concerns from the development industry that meeting these requirements would not make proposals viable. This is sometimes due to issues around land values rather than strategic matters. Consequently, individual viability assessments for proposals are submitted by developers in such instances, which are then subject further independent assessment by the District Valuer (DV).

### **3 Corporate Considerations**

#### **3.1 Consultation and Engagement**

- 3.1.1 The delivery of housing regeneration and growth is a key corporate priority and is subject to both formal and informal consultation processes. In reflecting these priorities through a plan making and plan-led processes, in meeting regulatory requirements the development plan must be subject to public consultation consistent with the Statement of Community Involvement and statutory requirements.

#### **3.2 Equality and Diversity / Cohesion and Integration**

- 3.2.1 The Core Strategy Review (which includes a review of the Leeds Housing requirement with its scope, will require Equality Impact Assessments at appropriate stages.

### **3.3 Council policies and Best Council Plan**

- 3.3.1 The Core Strategy (and Core Strategy Review) is one of Leeds City Council's main policy documents setting out vision, objectives, policy and targets for the future growth of Leeds particularly in terms of spatial planning. The Core Strategy helps articulate the spatial dimension of other council strategies and plans including 'Vision for Leeds' and the Best Council Plan, so it is important that the Core Strategy is kept up-to-date.

### **3.4 Resources and value for money**

- 3.4.2 The Core Strategy Review will require both staffing and technical resources to support the plan making process and evidence base work. However it is desirable that the Core Strategy should be up-to-date in terms of Leeds' need for housing growth and effective in terms of delivering quality of housing and new development within Leeds.

### **3.5 Legal Implications, Access to Information and Call In**

- 3.5.1 The Core Strategy Review will follow the statutory Development Plan process. The report is not eligible for call-in as no decision is being taken.

### **3.6 Risk Management**

- 3.6.1 The City Council's consideration of the implications of the DCLG consultation proposals is considered to be a prudent and responsible approach and is undertaking further technical work to reflect this. In taking this forward, the City Council is liaising closely with the SAP Inspectors via the Programme Officer. Notwithstanding the manner in which the new DCLG proposals have been published, the Government continues to advocate a plan-led approach to managing and delivering housing growth.

## **4 Conclusions**

- 4.1 This report, read in conjunction with the other items on this Development Plan Panel agenda, provide an overview of the implications of the DCLG Consultations (and the Council's draft response), an update on the SAP and Core Strategy Review. The DCLG consultation proposals are to be welcome in a number of respects but there are detailed operational issues to be address. In addition given the Government's stated commitment via the HWP to 'fix the broken housing market', radical interventions at pace are needed to ensure that local authorities have the means and flexibilities to respond positively and that all sectors responsible for housing delivery play their part in meeting housing needs now and in the future.

## **5. Recommendations**

- 5.1 Development Plan Panel is recommended to:

i) Note and comment on the draft consultation response

ii) To agree any revisions and for these to be incorporate into the City Council's response.

**Appendix 1:**

**DCLG Consultation: '*Planning for the Right Homes in the Right Places*'**

**Leeds City Council Response**

## **DCLG Consultation: ‘Planning for the Right Homes in the Right Places’**

### **Leeds City Council Response**

#### Overview

1. The City Council has previously commented on the Housing White Paper (HWP) proposals (see attached for information) and the following comments therefore need to be read in conjunction with the points previously made.
2. In terms of the Consultation proposals issued on 14<sup>th</sup> September, the City Council broadly welcomes the focus of the proposals for ‘planning for the right homes in the right places’. In particular, the desire to simplify the process of identifying housing requirements in national guidance, reinforcing the support for a ‘plan-led’ approach and increasing local authority discretion is especially supported. The proposed approach also to testing the “viability” of development at the plan-making stage, rather than via individual planning applications is also seen to be beneficial.
3. However, whilst the intent of the HWP is to ‘fix the broken housing market’, this is not reflected in more radical proposals as part of this consultation or in bringing much needed clarity, certainty and funding to deliver the necessary infrastructure to support regeneration and growth. If the Government’s impetus is to deliver more homes more quickly, there needs to be a step change to improve outputs and delivery across the sector, rather than emphasis upon local authorities to monitor, performance manage and report. The City Council is willing to accept greater levels of delegation but it is of concern to the Council that a number of the consultation proposals entail additional responsibilities for local authorities but without additional resources for delivery. Whilst the consultation proposals do restate commitments for additional resources to local authorities via increases to planning fee income, this commitment is yet to translate into resources being made available to local authorities ‘on the ground’. In the Council’s view also, a number of these proposals, individually and in combination, run counter to the Government’s desire to “streamline” and to “reduce red tape”, by introducing additional layers of complexity and the potential for delay.
4. As stated in the City Council’s response to the HWP (attached for information), Leeds has an extant stock of planning consents for housing (c20k units) but due to a number of factors including the business models and margins of some of the volume sector/housing providers, requirements of the industry for a number and spread of ‘outlets’, the slow pace of build out rates and the need for strategic infrastructure, outstanding permissions are simply not being translating into completions, despite the best efforts of the local authority. Consequently, the City Council considers that more stringent efforts are needed to understand and to take action regarding barriers to delivery. Any potential barriers therefore need to be identified at an early stage and where specific issues remain, these need to be addressed via direct interventions including a clear timetable for the provision on infrastructure (identifying who is responsible for its delivery and funding arrangements) and the use of planning conditions and /or legal agreements for implementation. Changes in land values (post the granting of planning consents) or “viability” should not be cited as reasons preventing implementation (given the ‘plan making’ commitment to viability

advocated in the consultation proposals) unless by exception unforeseen 'abnormals' are an issue (which are clearly evidenced).

5. Notwithstanding the Council's evidence base, the identification of need and Policy framework embedded as part of adopted development plans and supplementary planning guidance, 'Affordable Homes' are simply not being provided at the scale and at the price points, to make them 'affordable' to prospective home owners. Consequently, whilst the HWP and the proposals of this current housing consultation are seeking to diversify the housing market (through the promotion of SMEs etc. – which is supported by the Council), more strategic interventions at pace are needed to have an immediate impact and during the transitional period, before these new proposals are enshrined within NPPF. Although this is a relatively short period, the holistic approach advocated in the HWP needs to be maintained to ensure that progress is made.

## Response to Questions

### **Question 1 (a)**

*Do you agree with the proposed standard approach to assessing local housing need? If not, what alternative approach or other factors should be considered?*

#### LCC Response:

Yes, the principle of a simplified and standardised approach, as a baseline is supported – whilst allowing local authority discretion to adjust the figure (based upon local evidence). DCLG however needs to be mindful that the application of a standardised methodology is resilient to the unforeseen consequences of the economic cycle, market conditions or demographic change. The approach therefore needs to be sufficiently flexible to allow for change and local discretion (based upon evidence) to reflect current and emerging circumstances. From a Leeds perspective the Core Strategy (adopted in 2014) identifies a housing requirement of 70k, a Strategic Housing Market Assessment (2017) being undertaken as part of the Core Strategy selective Review suggests an emerging figure in the region of 55k – whilst based on the methodology outlined in the consultation proposals 42k is presented. The City Council would agree that the figure derived from the new methodology should be regarded as a starting point, with any increase being justified by evidence to achieve a requirement which more fully reflects challenges of affordability and aspirations for economic uplift. Where a local authority is seeking to plan for a higher figure (based on local circumstances and evidence), their ambition needs to be supported by Government, in the face of public opinion in some quarters which is resistant to housing growth.

The key thrust of the HWP is the desire to 'fix the broken housing market'. Within this context a more radical approach would be to dispense with the requirement to demonstrate a five year housing supply. Since its introduction in national guidance, this requirement has become paramount in 'planning by appeal' and protracted debates via the plan-making process about the overall housing requirement. This in part has been to the detriment of a more holistic and sustainable approach to planning and development in seeking to achieve the positive outcomes of better places, jobs, new homes and regeneration. Consequently, an alternative approach would be for a local authority to have a target (derived from the standardised approach, with an increase where evidenced, set within an adopted plan), with local authorities, partners and stakeholders responsible for delivery and monitoring. Such



an approach would allow for greater flexibility and focus upon delivery, rather than being continually diverted by the complexities and requirements of national guidance.

**Question 1(b)**

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

**LCC Response:**

By continuing to make available and ongoing engagement with the sector and stakeholders, in the development and use of a robust local evidence base to help inform the decision making process and Policy choices.

**Question 2**

*Do you agree with the proposal that an assessment of local housing need should be able to be relied upon for a period of two years from the date a plan is submitted ?*

**LCC Response:**

Yes, this is useful in providing a baseline and a period of stability, to 'set' a requirement figure via a plan-led approach and via monitoring of performance against policy objectives once adopted. However, adopted Plans will need to continue to be reviewed to keep them up-to-date and relevant as set out in NPPF.

**Question 3**

*Do you agree that we should amend national planning policy so that a sound plan should identify local housing needs using a clear and justified method ?*

**LCC Response:**

Yes, to allow for consistency of approach and application. Current national guidance has sought to do this but has become over complicated and entrenched with contested interpretations, inputs and variables, which has diverted attention away from outputs and responsibilities for delivery. Consequently, the desire to simplify and streamline – whilst allowing for some local authority discretion, is supported.

**Question 4**

*Do you agree with our approach in circumstances when plan makers deviate from the proposed method, including the level of scrutiny we expect from the Planning Inspectors ?*

**LCC Response:**

Yes, the role of Inspectors in assessing development plan requirements needs to be clear and consistent at the outset. In particular, we agree that Inspectors should not be expected to enter into detailed and unnecessary consideration of whether the standard methodology should be applied in a district; or, where an authority has chosen to go beyond that, whether any particular alternative figure is "better". As the consultation sets out, Inspectors should be able to treat that higher figure as sound for the purposes of plan-making. The Council considers that, in the interests of clarity and consistency, and to avoid over-complicated debates through individual appeals, five year housing requirements should also be calculated on the basis of the standard methodology, even where an authority has sought to go beyond that as an ambition and in terms of site identification through the development plan.

**Question 5(a)**

*Do you agree that the Secretary of State should have discretion to defer the period for using the baseline for some local planning authorities? If so, how best could this be achieved, what minimum requirements should be in place before the Secretary of State may exercise this discretion, and for how long should such deferral be permitted ?*

**LCC Response:**

Yes, depending on individual circumstances. Local authorities need to be able to demonstrate that they are seeking to plan for housing need, within their boundaries.

**Question 5(b)**

*Do you consider that authorities that have an adopted joint local plan, or which are covered by an adopted spatial development strategy, should be able to assess their five year land supply and/or be measured for the purposes of the Housing Delivery Test, across the area as a whole ?*

**LCC Response:**

No comments

**Question 5 (c)**

*Do you consider that authorities that are not able to use the new method for calculating local housing need should be able to use an existing or an emerging local plan figure for housing need for the purposes of calculating five year land supply and to be measured for the purposes of the Housing Delivery Test ?*

Unless an up to date figure is in a Plan which has reached submission and aligned with the Government's approach to housing need, the starting point should be to use the proposed approach to test the five year supply and delivery.

**Question 6**

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

**LCC Response:**

Yes, the proposed transitional arrangement allow some flexibility depending on the timing and timescale of plan preparation. However, even when particular circumstances might apply to individual local authorities, authorities still need discretion to consider the scope and timing of plan review based on local evidence and emerging national guidance.

**Statement of Common Ground**

**Question 7(b)**

How do you consider a statement of common ground should be implemented in areas where there is a Mayor with strategic plan-making powers ?

**LCC Response:**

This should be prepared through the arrangements regarding Mayoral powers and individual districts' roles set out in each area. It will always be important to ensure that

individual local planning authorities have been able to participate in developing and agreeing the statement.

**Question 7(c)**

*Do you consider there to be a role for directly elected Mayors without strategic plan-making powers, in the production of a statement of common ground ?*

**LCC Response:**

The key responsibility for such a statement should rest with the local planning authorities responsible for plan-making. However, the Mayor is likely to have views as to how their powers might be exercised to promote sensible patterns of development across their area and so any Mayor will be an important consultee in the preparation of statements.

**Question 8**

*Do you agree that the proposed content and timescales for publication of the statement of common ground are appropriate and will support more effective co-operation on strategic cross-boundary planning matters ?*

**LCC Response:**

Yes. The proposal to introduce SoCG into the wider Duty to Cooperate (DtC) process, appears to be a measure to tackle areas of dispute between local authority areas, where these have arisen in relation to 'cross boundary' issues. In areas where this is the case, SoCG may be useful in identifying areas of consensus and outstanding residual matters. In areas where the DtC process is working effectively (such as Leeds City Region), there is a danger of introducing the potential for delay and unnecessary levels of complexity. However, it is accepted that for the purposes of certainty and clarity, as a backstop, SoCG can be a useful tool to address cross boundary matters.

**Question 9(a)**

*Do you agree with the proposal to amend the tests of soundness to include that:*

- i) plans should be prepared based on a strategy informed by agreements over the wider area; and*
- ii) plans should be based on effective joint working on cross-boundary strategic priorities, which are evidenced in the statement of common ground ?*

**LCC Response:**

Not sure. See above comments. Given that the DtC requirements are already in place, there is a danger that the introduction of SoCG as a unilateral requirement is over engineered, in areas where current DtC arrangements are working effectively.

**Question 9(b)**

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

**LCC Response:**

See above comments.

Planning for a mix of housing needs

**Question 10(a)**

*Do you have any suggestions on how to streamline the process for identifying the housing need for individual groups and what evidence could be used to help plan to meet the needs of particular groups ?*

**LCC Response:**

This is a hugely complex area and especially challenging in an area the size and diversity of a City such as Leeds. A balance however needs to be struck between oversimplification and levels of analysis and detail, which lose sight of the overall position. Current guidance advocates the preparation of Strategic Housing Market Assessments (SHMA). These are resource intensive and time consuming evidence base documents to produce and in Leeds, have been a major undertaking. However, the latest Leeds SHMA has incorporated a multi sector Reference Group (to advise on its scope and content), as well as an extensive household survey (20k households). This has provided a richness of detail to help assess and plan the needs of various groups across the District now and in the future.

Where local authorities, either individually or collectively, consider that SHMA or other evidence will assist in the development of policies, the identification of an appropriate spatial framework for cross-boundary collaboration and SoCG, or setting an appropriate and ambitious housing delivery target for their Plan, they should be able to use them in this way.

Local Plans should be able to set policy expectations for delivery of particular types of housing (for example, accessible, flexible and affordable spaces of sufficient size to provide good amenity) based on local evidence of need.

**Question 10(b)**

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

**LCC Response:**

The current definition appears to be comprehensive and fit for purpose.

**Neighbourhood Planning**

**Question 11(a)**

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

**LCC Response:**

Not sure. This is a major challenge for a Metropolitan District the size and complexity of Leeds Metropolitan District and the level of interest in Neighbourhood planning across the District. Leeds has a distinctive settlement hierarchy comprised of the City Centre, Main Urban Area, Major, Smaller and other settlements. Overlaying this is a complex pattern of Neighbourhood Planning Areas and Parish and Town Council boundaries. Within this context it would be difficult to easily apportion growth at a localised level and to differentiate between housing to meet immediate unmet local need and homes for future demographic change/growth (over a 15/16 year plan period). In addressing this issue geographically via the adopted Leeds Core Strategy, the District has been subdivided into 11 Housing Market Areas (HMCAs), with each area taking a proportion of the overall requirement based upon the consideration of housing needs, the characteristics of local areas and land supply and

availability. It is felt that this approach provides a basis to translate overall strategic requirements to local areas. A key issue also with the approach advocated in the consultation proposal is that in the Leeds experience, whilst there is a high level of interest in Neighbourhood plans, very few of the plans are allocating sites to support local needs/housing growth. In addition, where there is no coverage of a Neighbourhood plan, there will be difficulties in identifying an appropriate requirement for such areas.

**Question 11(b)**

*Do you agree with the proposal for a formula-based approach to apportion housing need to neighbourhood plan bodies in circumstances where the local plan cannot be relied on as a basis for calculating housing need ?*

**LCC Response:**

As emphasised in the response to Question 11a. above, this would be a complex approach for Leeds. Consequently, such a formulaic approach could grossly oversimplify the position. However, there is some merit in the view that recognises that there is housing need (and the need to plan for growth) across all neighbourhood area in a proportionate way.

**Proposed approach to Viability Assessment**

**Question 12**

*Do you agree that local plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions developers will be expected to make ?*

**LCC Response:**

Yes, but this is the intent of current national planning guidance, which seeks to plan for the necessary infrastructure to support growth. The Leeds Core Strategy, Aire Valley Leeds Area Action Plan (AVLAAP) and Site Allocations Plan (SAP), are underpinned by Infrastructure Delivery Plans (IDPs). The IDPs identifies planned infrastructure and ongoing programmes (such as major Highways and Transportation investment) to assist delivery, with the Core Strategy setting out strategic policy requirements (e.g. for Green space and Affordable Housing), with the allocation Plans also identifying site requirements (including for infrastructure). In addition Leeds has adopted a Community Infrastructure (CIL) charging schedule, which is explicit regarding the contributions developers are expected to make.

The above framework is considered by the Council to provide a proportionate approach to this issue and any more prescription on the face of an adopted plan, is likely to be out of date very quickly as new Government Policy approaches and funding regimes change over time. What is needed however through national guidance and funding, is greater certainty for infrastructure and how this aligns with development plan proposals, allocations and their phasing. A major challenge in Leeds (and no doubt elsewhere) is around the role and commitment of infrastructure providers and the priorities, business models and constraints they are working to. For example, the provision of schools in Leeds is a major issue and the Council has integrated the need for new school places as part of the SAP. However, within the context of national reforms to school provision, delivery is compromised by the complexity and changing nature of funding and uncertainty around the operation of Free Schools. This situation is further complicated by restrictions on s106 funding regarding provision and limits to the 'pooling' of contributions across site allocations. In addition,

through public consultation on the SAP, a key issue raised to the impact of future planned growth upon the provision of health services (such as Doctors Surgeries and Dentists). As part of the preparation of the IDPs, the City Council has worked closely with the Clinical Commissioning Groups (CCGs) and has been advised that the onus of providing such facilities is upon individual surgeries/groups to provide additional capacity, subject to their business plans and internal funding. Again, this is one component of the infrastructure needed for a major City such as Leeds but helps to illustrate the complexity of delivery and aligning this to development plan requirements.

### **Question 13**

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

#### **LCC Response:**

The City Council supports the view that viability testing should be at the plan-making rather than planning application stage and the desire to streamline the process (by sticking to strategic matters). The Council accepts however that by exception, viability assessments in relation to specific planning applications may be required due to 'abnormals' which cannot be identified at a strategic level/plan-making stage). Development Plans in Leeds (and CIL) have been subject to viability testing and have been found to be sound via independent examination. However, the experience of the Development Management process is that in some instances, the requirement for policy compliant schemes is met by concerns from the development industry that meeting these requirements would not make proposals viable. This is sometimes due to issues around land values rather than strategic matters. Consequently, individual viability assessments for proposals are submitted by developers in such instances, which are then subject further independent assessment by the District Valuer (DV).

The outcome of such discussions of then results in difficult choices having to be made about the form, quality and the sustainability of development. Because of this, it is considered that there may be cases where site specific viability will need to be considered alongside the broad strategic approach validated through the development plan, but these should primarily relate to clearly evidenced and site specific abnormal costs whether of remediation or infrastructure. This would also provide a framework to cover the issue of redevelopment or reuse of vacant existing buildings, rather than the unsatisfactory approach currently encapsulated in NPPF, which lacks clarity as to where it might apply and raises the prospect that developers may "double dip" against both CIL and S106 contributions, or claim automatic exemptions where they are not required i.e. because schemes are already perfectly viable.

### **Question 14**

*Do you agree that where policy requirements have been tested for their viability, the issue should not usually need to be tested again at the planning application stage ?*

#### **LCC Response:**

Yes, agree, see response to Question 13 above and the references to abnormals. In relation to the implementation of this overall approach, the City Council considers that the current Government approach to vacant building credits is creating over complication, confusion and challenge and the issue would be more effectively dealt with by addressing through an assessment of abnormals, which may be frustrating redevelopment proposals.

**Question 15**

*How can Government ensure that infrastructure providers, including housing associations, are engaged throughout the process, including in circumstances where a viability assessment may be required ?*

**LCC Response:**

Through the development plan preparation process, DtC, Leeds City Region working arrangements and pre application meetings (in respect of Development Management), infrastructure providers etc. are engaged in the process. However, issues of viability need to be identified and quantified at a very early stage in the development process. This would help in being able to more effectively specify what infrastructure is required, who should provide it, when should it be delivered and how might it be funded. Central to this is the extent to which infrastructure sits in mainstream strategic programmes or is more bespoke to individual proposals and the level of funding available. An important dimension of this also is the mechanics of wider development finance and the perceptions and expectations of the level of developer contributions.

**Question 16**

*What factors should we take into account in updating guidance to encourage viability assessments to be simpler, quicker and more transparent, for example through a standardised report or summary format ?*

**LCC Response:**

The City Council would generally support measures to simplify and streamline viability assessments at a strategic levels but they need to remain realistic and credible. Consequently, it is important to consider the underlying assumptions and inputs into assessment models, as a basis to understand the outputs and what can or cannot be delivered. Abnormals should be considered by exception in relating to site specific proposals, rather than at the strategic plan-making level.

**Question 17(a)**

*Do you agree that local planning authorities should set out in plans how they will monitor and report on planning agreements to help ensure that communities can easily understand what infrastructure and affordable housing has been secured and delivered through developer contributions ?*

**LCC Response:**

Not sure. Within the context of the points made in relation to infrastructure above, this is a complex area. The City Council does currently monitor this area in relation to s106, CIL, decisions on individual planning applications and the Authority Monitoring Report. Consequently, any future Government proposals should not duplicate what is already in place. In reporting such information, the fundamental question which is and will continue to be raised will be what level of developer contributions are appropriate ? In relation to Affordable Housing, the experience in Leeds is that it is a continued challenge to meet Policy requirements via developer contributions. Consequently, in the Government's ambitions to 'fix the broken housing market', more strategic and radical interventions are necessary to make an impact. The recent Government announcements to promote a new wave of Council housing is a positive step in helping to remedy the current position.

**Question 17(b)**

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

**LCC Response:**

As noted in response to Question 17 (a) above, the City Council does currently monitor this information and any new proposals should not duplicate what is undertaken already or create additional resource/capacity issues. A key consideration in response to this question is what the monitoring information for ? Is this for comparative purposes, to monitor outputs, identify best practice etc ?

**Question 17(c)**

*How can local planning authorities and applicants work together to better publicise infrastructure and affordable housing secured through new development once development has commenced, or at other stages of the process ?*

**LCC Response:**

This should form part of an ongoing process and continued public engagement. Integral to the approach to development in Leeds is to encourage and facilitate pre application discussions and early public consultation. Such an approach helps to manage public expectations at the outset and to identify any key issues at an early stage. The City Council has found also that the master planning of major sites is a useful tool in presenting planning requirements, which can then be worked up into more detailed proposals. Against this framework, the local planning authority and the applicants/developer need to be able to communicate what has or is going to be delivered.

**Planning fees**

**Question 18(a)**

*Do you agree that a further 20 per cent fee increase should be applied to those local planning authorities who are delivering the homes their communities need? What should be the criteria to measure this ?*

**LCC Response:**

Earlier discussions with Government (DCLG) on a 20% planning fee increase has resulted in local authority 191 officers signing this off locally. However, disappointingly, this is yet to be brought in nationally. This is frustrating for local authorities such as Leeds where there is general support from the development industry for the increase, to bring in much needed additional capacity to the planning service. An additional 20% in Leeds would be especially welcome in supporting housing growth (including the Housing Growth Deal, Housing Infrastructure Fund bid, Council housing stock etc.) and targeted support for SMEs, self-build and specialist providers. This increase of fees would also offset the loss of income arising from the introduction of Permission in Principle (PiP). Consequently, this increase needs to be introduced at the earliest opportunity.

**Question 18(b)**

*Do you think there are more appropriate circumstances when a local planning authority should be able to charge the further 20 per cent? If so, do you have views on how these circumstances could work in practice ?*



LCC Response:

Please see response to Question 18 (a) above.

**Question 18(c)**

*Should any additional fee increase be applied nationally once all local planning authorities meet the required criteria, or only to individual authorities who meet them?*

*Apply nationally*

*Apply to Individual authorities only*

LCC Response:

Please see response to Question 18 (a) above.

**Question 18(d)**

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

LCC Response:

Please see response to Question 18 (a) above.

Other issues

**Question 19**

*Having regard to the measures we have already identified in the housing White Paper, are there any other actions that could increase build out rates ?*

LCC Response:

The HWP emphasises the importance of diversifying the housing market via the role of SMEs. This approach is welcome, especially where more innovative solutions may be devised to unlock the potential of housing sites and boost delivery. This proposal however is being introduced within an operating environment where a small number of volume house builders current exert considerable influence upon the housing market in terms of sites, delivery and build out rates. Consequently, if the Government's intentions are to be realised (i.e. to 'fix the broken housing market' and to deliver more homes more quickly), more needs to be done to accelerate build out rates through these providers, as more SMEs come on line. Such measures could include increasing the skills and capacity of the industry, construction & design solutions to enable homes to be built more quickly, earlier engagement by statutory undertakers and infrastructure providers to enable faster commencement and completion and closer working and collaboration between providers especially on larger sites to boost output in relation to infrastructure delivery and a requirement for commencement on site within a year of a permission being granted (supported by a 'build out programme').

In addition, on large sites including new settlements there should be an emphasis, through development briefs or masterplans, of setting expectations about build out rates, including the expectation of a proportion of such sites to be delivered through SMEs, RPs, or specialist providers alongside a range of volume builders to increase outlets, front load delivery and provide choice and maintain competition around sales which would offset any tendency to hold completions back to support higher house process. Local planning authorities should be able to enforce delivery of masterplans through clauses in S106, S278 or other legal agreements.

## Housing White Paper (DCLG) – Leeds City Council Response

No.	DCLG Question	LCC Response and Proposed Recommendations
1a	Do you agree with the proposals to make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156, of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?	<p><b>Yes.</b> LCC broadly agrees with the addition of a requirement to plan for the allocations needed to deliver the area's housing requirement.</p> <p><b><u>LCC Recommendation</u></b>  DCLG need to ensure that evidence on the contribution from historic windfall and empty homes are also considered alongside the level of allocated land required. Such an approach is especially important in large metropolitan authorities such as Leeds. This is central to the Adopted Leeds Core Strategy (2014) where just over 10% of housing need is being met on un-allocated windfall sites.</p>
1b	Do you agree with the proposals to use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?	<p><b>No.</b> The Government's rationale for allowing the allocation of strategic sites via Spatial Development Strategies is currently unclear. Most Combined Authorities do not have such strategies in place and they will take time and resources to produce – which would seem contrary to the Government's intention to urgently boost housing supply and delivery and include a time delay in delivering policy solutions quickly and effectively. In West Yorkshire the majority of local authorities have an up to date Local Plan; either Adopted or at a very advanced stage. The City Council are concerned that such allocations could serve to remove the link between local people and plan-making, which was an issue in relation to the preparation of the former Regional Spatial Strategies. The first Core Principle of the NPPF sets out that planning should be <i>"genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area"</i>. The measures would also potentially cast doubt on the established Duty to Cooperate arrangements, as it is not clear how such proposals would operate in practice.</p> <p><b><u>LCC Recommendation</u></b>  The White Paper should take steps to strengthen the Local Plan as the keystone of the planning system. It is suggested that where Combined Authorities consider that genuinely sub-regional scale strategic sites are justified, these are supported by the</p>

		Combined Authority via the Local Plan making process. In Leeds this has been the case with the progression to Examination in Jan 2017 of the Aire Valley Leeds Area Action Plan which provides for an Enterprise Zone and is a key allocation in the West Yorkshire Strategic Economic Plan and the Enterprise Zone for the City Region.
<b>1c</b>	Do you agree with the proposals to revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?	<b>Yes.</b> This is a helpful clarification which establishes that the LPA should set out, "an" appropriate strategy and allows a more proportionate approach to evidence. Both these elements are key means by which plans are slowed during preparation and the changes would help speed up their production and enable more responsive and targeted "selective" review.
<b>2</b>	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?	<p><b><u>LCC Recommendation</u></b></p> <p>The City Council supports the re-emphasis on the Local Plan as an integrated family of documents. There is a need to update the "Plain English guide to the Planning System" so as to specify the type and nature of individual Local Plan Documents. There is also a need to stress that Local Plans are geared to individual LPA circumstances via a proportionate evidence base and local consultation. This reflects the principles of 'localism', as established in the 2011 Act.</p> <p>Simplifying the "tests of soundness" or removing the need for LPAs to consult on the strict basis of soundness would provide a more 'user-friendly' experience, as this is an area of consistent criticism and confusion from those involved in consultation process.</p> <p>Greater use of on-line consultation will help speed up the process. Leeds' recent experience from use of on-line interactive mapping was positive with over 40,000 individual representations: 1/3 on paper; 1/3 by e-mail and 1/3 via on-line map.</p> <p>Provided that LPAs consider that they have prepared a sound plan which addresses key strategic policies, there should be a greater targeting of matters for development plan examination so as to avoid protracted debates / alternative strategies at a late stage and reduce costs.</p> <p>Government should also revisit support for LPAs mid-way through Local</p>

		Plan making processes so as to ensure that fewer plans are withdrawn at Examination stage. Use of PINS frontloading or independent views via Planning Aid would be helpful. It is considered that generic good practice guidance on this matter is less helpful in addressing specific local issues that arise. Leeds has previously benefitted from a PINS frontloading visit and would therefore advocate its re-introduction.
<b>3a</b>	Do you agree with the proposals to 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?	<p><b>Yes.</b> These needs are already picked up through Strategic Housing Market Assessments (SHMAs) and reflected in the Adopted Core Strategy. It is the implementation of such needs that causes difficulty when house builders are averse to constructing homes outside of their models.</p> <p><b><u>LCC Recommendation</u></b> The City Council finds it difficult to include 'non-standard' homes as part of a wider mix where any impacts on overall viability are apparent. LPAs are currently in a weak position to refuse applications on basis of lack of mix, given wider Framework policies on viability and the presumption in favour of sustainable development. To that end, given that groups with particular needs form a part of the national demographic a stronger policy framework within the NPPF on a mix of housing is needed so as to encourage national housebuilders to change their models of delivery. If the Government's intention is to 'fix the broken housing market', greater emphasis needs to be placed on being able to effectively meet specific and complex needs, rather than just delivering what the market is prepared to provide.</p>
<b>3b</b>	Do you agree with the proposals from early 2018 to 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?	<p><b>Broadly Yes.</b> The White Paper confirms that the Government will consult on options for introducing a more standardised approach to assessing housing requirements. Until the detail of such a methodology is known it is difficult to accept it in principle but efforts to simplify what has become a very elaborate technical exercise would be welcomed. It would be useful if such an approach could be 'pilot tested' prior to any formal introduction, in order to test how it might apply in different circumstances, as a basis to test and anticipate any unforeseen or unintended consequences.</p> <p><b><u>LCC Recommendation</u></b> Some of the LPEG suggestions were strenuously challenged by</p>

		<p>demographic experts and the Government needs to specifically consider the following elements of such a standard approach:</p> <ul style="list-style-type: none"> <li>• <i>relationship between job growth and housing growth</i> and how this is reflected – the Council considers that the LPEG method would be subject to challenge for those authorities with economic / transformational growth ambitions</li> <li>• <i>need to plan a middle road through boom and bust</i> rather than for extremes of market performance – the Council (under the current methodology) has a housing requirement towards the upper limits of likely scenarios, which is not being delivered</li> <li>• <i>need for clarity on affordable housing need</i> as a driver of higher housing numbers – some LPAs may require higher overall numbers to deliver more affordable housing via planning gain, others like Leeds will deliver affordable housing need within housing requirements. A standard approach should not threaten this bespoke approach.</li> </ul>
4a	Do you agree with the proposals to amend the presumption in favour of sustainable development so that authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?	<p><b>Yes.</b> Local Plan policies should reflect the desirability of re-using brownfield land. However, LPAs and housing providers also have to deal with the fact that brownfield land can be more expensive to develop, which can impact on the viability of proposals.</p> <p>This is the approach of the Adopted Leeds Core Strategy which identifies over 60% of its housing needs on suitable previously developed land, with a spatial strategy prioritising regeneration, city centre living and brownfield land. Definitions of “suitable land” are used for plan-making as set out in Footnote 11 of Framework.</p> <p>The City Council considers that the challenges of delivery arise at the decision taking stage where in our experience housebuilders argue that suitable land is not deliverable either because it is not available (e.g. Leeds has over 7,000 homes on suitable allocated land for housing within the City Centre much of which has more than one permission for housing and is in use for car parking) or is considered to not be achievable (e.g. house builders using standard models are unable to meet their profit expectations, despite flexibilities offered through the planning process). Developers</p>

		<p>argue via the decision taking process that other land (not identified as suitable for housing at the current time e.g. safeguarded land) should be developed instead. This argument – chiefly made via the five year housing land supply – erodes confidence in the plan-making process and replaces suitable previously developed land sites with greenfield releases.</p> <p><b><u>LCC Recommendation</u></b></p> <p>The fact that land is “suitable” should have greater weight than whether it is “available” (this can be artificially constrained) or “achievable” (this can be governed by developer attitude, profit expectation and often inflexible models). Placing each definition on an equal footing so as to expect all land to be deliverable has, since the NPPF was first published, helped slow down the delivery of housing and lead to more “planning by appeal”. Footnote 11 of the NPPF and accompanying guidance should clarify this.</p> <p>In addition, and in light of experiences in Leeds, in its proposed form the PiFSD should promote the use of suitable land for decision taking in the same manner as the plan-making criteria.</p> <p>In seeking to address viability issues, the Government needs to introduce greater challenge, where developers consider that proposals are not viable. What are the determinants of this? Is it market choice, profit margins or business models, rather than physical site constraints? Given that such sites are often located in sustainable locations within urban areas, greater incentives and interventions are therefore needed in the market to bring such sites forward.</p>
<b>4b</b>	Do you agree with the proposals to amend the presumption in favour of sustainable development so that it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?	<p><b>Yes.</b> Provided that greater powers are provided to LPAs to establish and deliver development needs on suitable land (as set out in our answer to question 4a).</p> <p><b><u>LCC Recommendation</u></b></p> <p>The City Council agrees that development needs must be met but achievement of their wider impact and achievement of concurrent environmental / economic / social objectives are also of key importance. Currently, the balance between the three components of sustainable development favours the economic objective of market housing delivery,</p>

		<p>particularly at the expense of the social imperatives of local infrastructure, affordable housing, delivery of schools and health services which in our experience are the issues of most concern to local people. The PiFSD sets a requirement for LPA to approve development unless the adverse impacts significantly and demonstrably outweigh the benefits. This is a high bar test.</p>
<b>4c</b>	<p>Do you agree with the proposals to amend the presumption in favour of sustainable development so that the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?</p>	<p><b>Yes.</b> This is clearer. However, it is important that central Government takes a whole Government and 'joined up' approach to delivering the principles of sustainable development. At a local level Leeds City Council has adopted a "Compassionate City" model, where by 'good growth', environmental protection and enhancement and supporting vulnerable communities are concurrent priorities.</p>
<b>4b</b>	<p>Do you agree with the proposals to amend the presumption in favour of sustainable development so that its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?</p>	<p><b>Yes.</b> Subject to comments above.</p>
<b>5</b>	<p>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?</p>	<p><b>Yes.</b> Leeds as a unitary authority already has the power to do this.</p> <p><b><u>LCC Recommendation</u></b>  In already having the power to do this the City Council takes a proactive approach to de-risking the planning status of the sites it owns e.g. through a Housing Investment Land Strategy and would recommend this as an approach across two-tier authorities.</p>
<b>6</b>	<p>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)?</p>	<p>It is considered that this would be useful. The City Council has already encouraged pooling of land and use of the equalisation of land value in a major urban expansion to the East of Leeds. This is requiring use of Supplementary Planning Documents.</p> <p><b><u>LCC Recommendation</u></b>  The Government could make it easier to achieve positive planning outcomes in this area as follows:</p>

		<ul style="list-style-type: none"> <li>• national guidance should ensure that local planning authorities can – via plan-making and allocation of sites – set the geographies at which place-making should occur i.e. the red-line boundaries within which comprehensive planning applications should come forward. This should help LPAs resist applications for piecemeal parcels of land.</li> <li>• where within specific boundaries, landowners are preventing development coming forward and are constraining better place-making, LPAs need robust CPO powers to ensure that large scale allocations can be delivered swiftly and comprehensively.</li> <li>• the Government should reflect that ransom strips often exist outside of the main developable part of sites e.g. for access to main highways network.</li> <li>• the City Council recommends that Government re-defines a more reasonable and narrower level of uplift in land values for ransom strips at which owners must be compelled to bring forward land as part of wider comprehensive development proposals.</li> </ul>
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?	<p><b>Yes.</b> It should be a priority ambition of Local Plans with areas in need of regeneration. In Leeds our planning policies already prioritise the physical, economic and social regeneration of our housing estates, which contain some of the country's most deprived areas as measured on the index of Multiple Deprivation. Planning policy is not a barrier to our regeneration interventions in these neighbourhoods, it is the marginal market locations of our estates and the viability challenges to attracting commercial investment that prevent the renewal that is required through new development, new housing choices and refresh of social and physical infrastructure. Many estates are in low land value areas where the availability of land and de-risking of its development potential is simply not enough to encourage private sector interest.</p> <p><b><u>LCC Recommendation</u></b></p>



		<p>Estate regeneration should be more clearly defined in planning terms to avoid conflation with ‘comprehensive redevelopment’, which can have the effect of fracturing and dispersing long standing resident communities, breaking social ties and does not deal with many of the underlying issues which have led to the experience of social and economic isolation that regeneration should seek to address.</p> <p>Central government funding should recognise this distinction and the need for interventions that retain and improve the best aspects of our estates alongside sensitive targeted capital and revenue programmes that support existing communities.</p> <p>Greater support could be made available to help in building capacity around the Neighbourhood Planning activities that would establish community-led ambitions for change, which if supported by programmes to address health, skills, connectivity and employment will directly address the causes and consequences of deprivation, as a more sustainable approach to estate regeneration.</p>
<b>8a</b>	Do you agree with the proposals to amend the National Planning Policy Framework to highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?	<p><b>Yes.</b> This is already embedded in neighbourhood planning provisions and proposals are coming forward on at least one NP.</p> <p><b><u>LCC Recommendation</u></b> The key issue is where NPs are resistant to development and wish to limit change. It is difficult for LPAs to dictate the pace and scope of NP preparation – as they are necessarily community led.</p>
<b>8b</b>	Do you agree with the proposals to amend the National Planning Policy Framework to 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?	<p><b>Yes</b> in principle.</p> <p><b><u>LCC Recommendation</u></b> It is unclear what additional provisions the HWP is suggesting. Such development needs to be set within the wider spatial strategy - and existing NPPF core principles - of a LPA which should still direct housing development to those areas with greatest land supply (especially on previously developed land) and access to services.</p>
<b>8c</b>	Do you agree with the proposals to amend the National Planning Policy Framework to give	<p><b>Yes</b> in principle. This would allow for a more flexible and pragmatic approach to those NPs who wish to allocate sites but are not in a position</p>

	<p>stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to local housing needs, even if it relies on an element of general market housing to ensure that homes are genuinely affordable for local people?</p>	<p>to align their plan-making timetable with that of upper-tier plans.</p> <p>It is unclear where the evidence for general market housing as a stimulus to deliver local housing needs comes from. This is considered to be too specific a situation to write into national policy and should be left to individual LPAs and NPs to determine subject to a local evidence base – otherwise pressure on rural land around smaller settlements would be intense.</p> <p><b><u>LCC Recommendation</u></b> Suggest that policy includes reference to “small-scale” rural exception sites.</p>
<b>8d</b>	<p>Do you agree with the proposals to amend the National Planning Policy Framework to 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?</p>	<p><b>Yes.</b> 25% of allocated sites in the Leeds Site Allocations Plan are &lt;0.4ha – the majority of these are on previously developed land. The City Council acknowledges the intent to have a mix of sites available so as to boost housing delivery but advises that this in itself will not always be a stimulus for delivery especially where they are in areas in need of regeneration.</p>
<b>8e</b>	<p>Do you agree with the proposals to amend the National Planning Policy Framework to expect local planning authorities to work with developers to encourage the sub-division of large sites?</p>	<p><b>Yes.</b> It is currently very difficult to affect change in the number of outlets housebuilders will develop on a site at a given time. In this way the supply of houses can sometimes be “drip fed” onto the housing market, which keeps prices high but delivery rates low. It also has the dis-benefit of local construction activity for far longer periods than is necessary.</p> <p>To truly affect change there is a need to encourage sub-division with landowners at an early stage before a developer is identified so that landowners are clear that the expectation is that they will work with a variety of developers to achieve swift build out i.e. volume, small and medium enterprise, specialist e.g. pre-fabricated development or meeting specific needs.</p> <p><b><u>LCC Recommendation</u></b> National policy should establish clear guidelines on minimum number of outlets and phasing for large sites (in liaison with the Homes and</p>

		<p>Communities Agency) so that Local Plans can be far more certain as to housing trajectories where a number of large sites are included in Plans.</p> <p>Sub-division between types of housing developer and product is also important, including provision for custom and self-build and consideration of other local specialist housing requirements. It is difficult for smaller or specialist housebuilders to access land in high and medium market areas as these sites are often in the hands of the volume sector via strategic land holdings and options purchased from landowners.</p> <p>The remaining land, often previously developed land, can be achieved because of the flexible models of the SME sector, but requires borrowing at flexible rates. Potential for additional cross-subsidy from higher value housing delivery i.e. parcels of land within larger sites would assist the business models of the small builder.</p> <p>In the same way as planning policy is used to encourage delivery affordable housing the Government should consider planning guidance to provide LPAs with stronger tools to deliver different products and types of housing especially on large sites. These could be via planning obligations, CPO or voluntary sale of land at pre-defined rates relevant to the local market and housing needs.</p>
<b>8f</b>	Do you agree with the proposals to amend the National Planning Policy Framework to encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?	<b>Yes</b> , but in principle the experiences in Leeds are that planning is not the impediment to bringing smaller sites forward, rather access to finance. However, the City Council recognises that planning delay / costs impacts smaller builders disproportionately and these proposals would help to reduce uncertainty.
<b>9</b>	How could streamlined planning procedures support innovation and high quality development in new garden towns and villages?	As part of a plan-led approach, the City Council are supportive of new garden towns and villages and have identified a new settlement in its Site Allocations Plan. There is a need to recognise that new settlements are a valid option for authorities in the North of England; and it was disappointing not to see any such sites in the first phase of the Government's recent Garden Village and Towns prospectus.

		<p>Such sites should also not be seen as ‘additional’ to identified housing needs but a chief means of delivering them amongst other mechanisms. Streamlined planning at the plan-making stage should not remove the need for sites to be assessed alongside reasonable alternatives. Streamlined planning may assist in the speed of delivery of such sites, but it needs to be recognised that such sites are rarely stand-alone and without local impact. To that end, the current system enables existing local communities to engage with proposals e.g. to seek shared infrastructure benefits. Moreover, the speed of delivery is more likely going to be related to the number and type of house builders (including self-build / custom-build; modern methods of construction opportunities) which the developers support at any one time and up front delivery of key infrastructure to help build at place.</p>
10a	<p>Do you agree with the proposals to amend the National Planning Policy Framework to make clear that 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?</p>	<p><b>Yes.</b> But more clarity is needed on definition of ‘reasonable options’. There is a danger that too many tests are being applied to proposals which can lead to challenge and confusion e.g. footnote 11 of the NPPF requires variously that sites are “suitable”, “deliverable” and “developable” for different purposes. The test of “reasonable” should clearly relate to existing Framework tests otherwise this will be the focus of continued legal challenge which will slow the system down. Government should also re-emphasise what the purpose of Green Belt is.</p> <p><b><u>LCC Recommendation</u></b> To align with footnote 11 of the Framework authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other <u>developable</u> options for meeting their identified development requirements.</p> <p>The Government should amend the NPPF to include previous wording in PPS2 that <i>“Their protection must be maintained as far as can be seen ahead”</i> and <i>“Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans”</i>. This will assist in providing clarity to plan users that Green Belts although permanent may change over longer time periods.</p>

<b>10b</b>	Do you agree with the proposals to amend the National Planning Policy Framework to make clear that 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?	<b>No.</b> Green Belt is not solely about landscape and countryside quality but about openness and amenity. Such measures would have to be justified but not seen as instead of other requirements, to make development acceptable. Such an approach could help with Green Infrastructure/improve access for recreation, infrastructure provision etc.
<b>10c</b>	Do you agree with the proposals to amend the National Planning Policy Framework to make clear that appropriate facilities for existing cemeteries should not to be regarded as 'inappropriate development' in the Green Belt?	<b>Yes.</b> But would depend on particular circumstances.
<b>10d</b>	Do you agree with the proposals to amend the National Planning Policy Framework to make clear that 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?	<b>Yes.</b> But depends on nature of development & impacts. It will also need to be driven through a Neighbourhood Plan with community buy in.
<b>10e</b>	Do you agree with the proposals to amend the National Planning Policy Framework to make clear that 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?	<p><b>Yes.</b> However, more consideration is required as to how this will operate in practice and where identified needs can be met for local areas in NPs. The Council understands the Government's intention to remove the difficulties of timing and alignment of NPs with Local Plan process allowing NPs – these are being experienced in Leeds as it progresses 35 NPs at the same time as a Site Allocations Plan.</p> <p><b><u>LCC Recommendation</u></b> Policy change needs to reflect that a Green Belt has been established.</p>
<b>10f</b>	Do you agree with the proposals to amend the National Planning Policy Framework to make clear that 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	<b>No.</b> The scope to use previously developed land in the Green Belt is already established in national guidance. The scale and development potential arising from such locations would be considered through the plan-making stage (or a selective review), which enables issues such as the effective use of land and active management of patterns of growth which make the fullest possible use of public transport, walking and cycling to be considered.

	surrounds transport hubs?	There is already through this route an option to focus significant development in locations which are <u>or can be</u> made sustainable. It is suggested that the practical implications of this approach also need to be worked through. A standard national approach may result in small scale and isolated locations coming forward.
<b>11</b>	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?	<b>Yes</b> , greater incentives or penalties for not developing brownfield sites in urban areas (within adjacent to communities/identified housing need/transport hubs etc). Delivery is often precluded by anticipated hope values and business models/viability arguments – in the Leeds experience, strong public/political perception that such brownfield opportunities have not been fully exhausted.
<b>12a</b>	Do you agree with the proposals to amend the National Planning Policy Framework to indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?	<p><b>Yes.</b> In principle NP groups should be able to have a housing requirement figure but the Council has concerns with the methodological approach to this.</p> <p><b><u>LCC Recommendation</u></b></p> <p>If the Government suggests that there should be a purely “bottom-up” approach to the setting of housing requirements this has many difficulties and may ultimately be impossible with the data sets available. First, true local need cannot be captured at the neighbourhood level since those who cannot afford to live in a neighbourhood area will not be reflected and where neighbourhood areas have skewed demographic make-up it will be unclear as to how this may be remedied – local choice or standardised make-up of neighbourhoods. Second, neighbourhood plan areas are too small to get meaningful data and do not align with the Office of National Statistics data on household and population growth – it will therefore be difficult for neighbourhood areas to ensure that they are meeting their entire future needs. Third, as a consequence local based methods e.g. surveys, aggregated data down to local area will not reflect true needs and will be statistically flawed.</p> <p>If the Government is suggesting that once set, a LPA OAN can be subdivided to the level of the individual neighbourhood plan area; again this is very difficult. Distributing need per neighbourhood area would mean that</p>

		<p>(whether a Neighbourhood Plan was active in an area or not) LPAs would need to break up its authority into small scale constituent parts. Each part would vary in terms of its constraints and opportunities (suitable land supply, access to services and infrastructure etc). Such an approach would be in danger of setting too much housing in the least sustainable and most constrained parts of an authority and not enough where the land supply and access to jobs was located. Therefore such an approach would need to be subject to planning checks and balances over a considerable number of neighbourhood areas. Only in this manner could a fair and comparative assessment of needs across an authority be undertaken. This would be unduly convoluted and it is for this reason that most LPAs chose to carry out housing market <u>sub-area</u> analysis of need which is more straightforward to correlate with land supply than neighbourhood area analysis.</p> <p>Only once an OAN has been assessed, sub-area housing market work undertaken and policies in place to allocate land for housing development would a true and fair reflection of a neighbourhood plan area housing requirement be made available.</p> <p>In the City Council's opinion this is why the current system which advises that NP can provide for more housing than set out in the Local Plan, is the best way of managing neighbourhood plan aspirations and providing clarity.</p>
<b>12b</b>	Do you agree with the proposals to amend the National Planning Policy Framework to 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?	<b>Yes.</b> Although the importance of local character is already embedded strongly within Leeds supplementary guidance Neighbourhoods for Living. Encouraging local communities engaged in plan making to consider detailed design would assist the development control process; communities able to better understand the positive attributes of their physical environment and make better informed inputs into development processes, more clarity over expectations on developers than can be provided at National or Local policy level. Neighbourhood/community planning groups would need expert help in developing this type of policy accurately.
<b>12c</b>	Do you agree with the proposals to amend the National Planning Policy Framework to	<b>Yes.</b> Although this is established practice in Leeds, where the need for pre-application discussion is integral to the delivery of planning schemes.

	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?	However, protracted discussions will need to be avoided, with clear and realistic expectations about design requirements and housing mix. Affordable Housing and viability are however likely to be potential issues, together with local community concerns about the need for further infrastructure to support growth, including school places and transport infrastructure.
<b>12d</b>	Do you agree with the proposals to amend the National Planning Policy Framework to make 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?	<b>No.</b> A national policy on design is likely to be overly generic, and potentially become too difficult to enforce – potentially erode the strength of design arguments rather than assist. It would not be possible to accurately devise a national policy which definitively covers the complex matters of site specific design. A site by site, and proposal by proposal assessment is required guided by specific policies within Local Plans which have been influenced and examined publically and by a range of interests.
<b>12e</b>	Do you agree with the proposals to amend the National Planning Policy Framework to recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basis design principles – and make clear that this should be reflected in plans and given weight in the planning process?	<b>Yes.</b> A reference to a nationally accepted guide to good practice in residential development would be supported, however, in Leeds a well-established, respected, and heavily used supplementary guidance exists and any erosion in its status would be considered a backward step. Neighbourhoods for Living offers stronger position in terms of justifying design decisions through its more detailed approach in comparison to national standards such as BFL which is generic to allow flexibility between regions and localities.
<b>13a</b>	Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?	<p><b>Yes.</b> There is an argument to address this but it needs to be supported by a proper design analysis on a case by case basis which has regard to character and amenity. We should not be afraid to approach design and density differently so as to achieve high density development throughout cities and in rural areas. Design should not be given as a reason to avoid exploration of housing typologies which assist in delivering higher densities. However, higher densities must still deliver good design. Experience in Leeds, (and seeing development s in neighbouring authorities) is that high densities, combined with house builder standard approaches leads to standard house types with poor environments surrounding them.</p> <p><b><u>LCC Recommendations</u></b>  New approaches to house typologies may assist, but care must be taken in the wording of any text which alludes to changes in approach - ‘innovation’</p>



		and similar terms leads to often poor approaches justified solely by the need for density.
<b>13b</b>	Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should 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	<b>Yes.</b> The NPPF and planning process in general should be strengthened to encourage development near public transport connections, or require connections to be made if no suitable connection exists. This is even more important for a city such as Leeds without a low carbon mass transit system. Development higher densities and taller buildings should be on a place by place basis as there is no generic justification for either in design terms which can be applied nationally, or even across a district. Developers of sub-urban commercial schemes should be encouraged to develop mixed use schemes – residential above commercial etc.
<b>13c</b>	Do you agree with the proposals to amend national policy to 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?	<b>Yes.</b> Developments must be consistent in all ways with their surroundings.
<b>13d</b>	Do you agree with the proposals to amend national policy to 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?	<b>Yes.</b> Higher densities will place higher demands on open space and therefore the requirement for provision should not be undermined. Green space is an intrinsic part of the built environment and has been proven to have not only physical but psychological health benefits. Likely that green space quality & improved accessibility is needed to withstand higher densities. Need to promote creative solutions/roof top gardens, use of green infrastructure etc. Also, need also to have regard to air quality/public health issues – currently high on agenda.
<b>14</b>	In what types of location would indicative minimum density standards be helpful, and what should those standards be?	<b><u>LCC Recommendation</u></b> It is difficult to generalise and to be nationally prescriptive on this issue. New development needs to be assimilated into an existing context, which is derived from its established character, identity and density. These can be complex and vary across a local authority area and it would make sense therefore that the approach to this matter be determined locally rather than via a national 'standard' or criteria. However, opportunities do need to be taken however to making the best use of urban land in sustainable and accessible locations, especially in relation to transport hubs and infrastructure.

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)?	<p><b>No.</b> The City Council would consider existing arrangements which encourage consideration of sites on their individual merits lead to better development outcomes rather than standardised approaches to intensive / high density development for public sector sites.</p> <p>The inference here is that simply because sites are in public ownership there could be a lessening of achievement of planning policy requirements.</p> <p>There is a need for a joined up local authority approach regeneration/planning/asset management/legal/children's services etc – but will still need private sector input (as a strategic partner and service provision).</p> <p>Permitted development rights coupled with weaken design will lead to a legacy of poor quality development.</p>
16a	Do you agree that where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?	<p><b>No.</b> A 10% buffer would be a possible third buffer to be applied to an authorities housing supply and it is unclear what the rationale for such a buffer would be. It would result in a more (not less) complex assessment – why would an authority with a 5% buffer see any value in fixing its supply for a year? How could an authority with a marginal 5YS (plus 5%) fix for a year if additional land (for 10%) was required from sites subject to plan-making review? Given the complexities for many authorities in deriving an annual 5YS it is considered that a one-year period should be the standard time period for a 5YS in any event. Consequently, it is considered that opportunities should be taken to clarify and streamline the current approach – to allow for local flexibility, rather than introducing additional technical and time limited requirements.</p>
16b	Do you agree that The Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?	<p><b>No.</b> This would be an additionally onerous layer to an already complex procedure.</p> <p><b><u>LCC Recommendation</u></b></p> <p>The Planning Inspectorate could usefully agree an authority's methodology and approach to housing supply at a convenient Development Plan opportunity e.g. Core Strategy or Allocations. For those authorities not covered by this and in tandem, more detailed technical guidance on land</p>

		<p>supply is needed which captures lessons learnt from the implementation of the NPPF and a significant amount of case law. This clarity would assist authorities deal with those who have an interest in de-railing a local authority's supply position for their own site preferences.</p> <p>This guidance should apply to a range of local authorities (especially larger Metropolitan authorities). For an authority like Leeds with over 1,000 sites in its SHLAA and around 500 in its 5 year supply the task of monitoring delivery of individual sites is already challenging and attempts to generalise have not found favour with PINS.</p>
<b>16c</b>	<p>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?</p>	<p><b><u>LCC Recommendation</u></b></p> <p>The City Council consider that the Inspectorate is well placed to provide more guidance on how a five year land supply should be calculated. Until then, there will be continued time consuming delay, largely at appeal, on assessing a five year supply. Additional technical guidance (possibly via the PPG but with more detail on good practice and more readily updateable) should include:</p> <ul style="list-style-type: none"> <li>• a reflection of case law since the NPPF</li> <li>• alternatives to testing every site within a 5YS, especially for larger authorities</li> <li>• approaches to take where sites are suitable and achievable in theory but are not being brought forward by willing landowners</li> <li>• greater direction on the appropriate buffer to be applied and how persistent under-delivery might be calculated</li> <li>• a greater steer on the application of the Liverpool or Sedgefield approaches to dealing with past under-supply, especially where increased supply threatens to undermine spatial strategies</li> <li>• expectations of local authorities that Government ambitions for faster build out rates, use of permissions, role of SMEs and self-build are all factors which should influence a 5YS</li> <li>• a reflection that factors which have influenced an OAN should be the same factors which influence likelihood of delivery – otherwise a disconnect between ambitious targets and pessimistic delivery will harm the Development Plan</li> </ul>

<b>17a</b>	In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include a requirement for the neighbourhood plan to meet its share of local housing need?	<b>Broadly Yes.</b> It is recognised that Neighbourhood Plans have the ability to do this now but out of choice, the experience in Leeds is that the majority of Plans do not address this issue. In Leeds many NPs are smaller settlements and villages where the spatial strategy does not seek to direct significant numbers of new homes. NPs can elect to deliver more housing to meet specific identified local needs e.g. for older persons housing or affordable housing. In circumstances where a NP area is within a wider local area of growth, current legislation on conformity between NPs and the Local Plan would ensure that NPs meet their share of growth. Given these uncertainties, it is likely to be unrealistic for the housing requirement of an entire Local Planning Authority area, to be met from a patchwork of Neighbourhood Plans (see 12a above). This is especially challenging also, when there is not full Neighbourhood Plan coverage or 'adoption' within such areas.
<b>17b</b>	In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree 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?	See response to question 17a above.
<b>17c</b>	In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, 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?	<b>Yes.</b> It is the City Council's view that, overall it is preferable to retain allocations. The allocation of sites is a challenging process, through a Plan-led system and as a consequence, in broad terms, the retention of sites allow for greater flexibility and as part of a Plan-led process, it is difficult to react quickly if insufficient allocations are in place. It should be emphasised however, that if allocations are retained, they should also be retained with their site phasing and planning requirements in place (especially where these have been determined via an adopted plan), unless circumstances have materially changed.
<b>18a</b>	What are your views on the merits of introducing a fee for making a planning	It is recognised that this is a difficult area. As part of the HWP's commitment to a Plan-led approach, interventions are necessary to avoid

	appeal? We would welcome views on: 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	'planning by appeal', which can undermine the resource intensive nature of development plan preparation. However, there is also a need for fairness and transparency and not to penalise smaller developers and SMEs. The recommendations of the HWP do however need to urgently address the systematic, sustained and confrontational use of the appeal process (by some agents and housebuilders) to progress commercial interests, to the detriment of providing new homes in preferred locations via the plan-making process.
<b>18b</b>	The level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful	See response to question 18a above. The focus of the HWP, needs to be about facilitating and streamlining the process. There is therefore a danger that introducing further complexity, will be a break to progress and open up additional areas of dispute and contention. How would such fees be set, should this initiative be introduced.
<b>18c</b>	Whether there could be lower fees for less complex cases	See response to 18b above.
<b>19</b>	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?	<b>Broadly Yes.</b> However, Government need to be very clear if this is intended to be an 'ask' of development proposals or an integral requirement such as drainage, electricity supply etc. It is the Council's view that this should be required as 'basic' infrastructure in the modern era – otherwise this is likely to be challenge in terms of viability or not providing other key requirements such as affordable homes or green space etc. Need to be clear what is meant by 'digital' infrastructure, given speed of technology? Is this intended to fix exiting problems or to support new growth? Need to have regard to market context and different providers.
<b>20</b>	Do you agree with the proposals to amend national policy so that: <ul style="list-style-type: none"> <li>• The status of endorsed recommendations of the National Infrastructure Commission is made clear?; and</li> <li>• Authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making</li> </ul>	<p><b>Yes.</b> Needs to be made clear. Would be helpful if there could be improved monitoring of national infrastructure delivery, as this will have implications for the scale and phasing of development.</p> <p><b><u>LCC Recommendation</u></b> As part of a whole Government approach to supporting housing growth there is need for clarity on what national infrastructure – is it to fix existing capacity or to plan for future growth – for what period.</p>

	additional land available for housing?	
<b>21a</b>	Do you agree that the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?	<p><b>Yes.</b></p> <p><b><u>LCC Recommendation</u></b> The form should also ask for reasons if the start date is deferred.</p>
<b>21b</b>	Do you agree 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?	<p><b>Yes</b>, agreed. What about penalties if delays ?</p>
<b>21c</b>	Do you agree that the basic information (above) should be published as part of Authority Monitoring Reports?	<p><b>Yes</b>, a national position needs to be understood but also the information needs to be presented via the house building industry – what about a league table of performance of house builders published nationally – need for wider ownership and accountability – this is not just a local planning authority issue.</p>
<b>21d</b>	Do you agree that large housebuilders should be required to provide aggregate information on build out rates?	<p><b>Yes.</b> Agreed, but needs to explain reasons for any deviation from rates previously as part of a planning consent.</p> <p><b><u>LCC Recommendation</u></b> In bolstering the desire of the HWP to speed up delivery, increase accountability and improve performance, it would be useful if DCLG could provide an overall monitoring framework to track this and to introduce 'league tables', to stimulate performance improvements.</p>
<b>22</b>	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?	<p><b>Broadly Yes.</b> But need to be able to understand the underlying reasons, is it because it's a 'bad' site? If so, why has permission been granted? Is it because of investor confidence, funding, infrastructure, unforeseen problems etc? If the site is brownfield and in a sustainable location, every effort should be made to bring forward, otherwise there is likely to be more pressure on greenfield and Green Belt sites – with other options exhausted or ruled out.</p>
<b>23</b>	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	<p><b>Yes.</b> An applicant's track record should be taken into account, but see Q. 22 above and 24 below. The reasons for any delay will be pertinent to future decision making.</p>

	planning applications for housing development.	
<b>24</b>	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?	<p><b>Yes.</b> This is an important issue but national planning guidance will need to be clear on how 'track record' is defined and the evidential basis upon which this might be assessed. A key issue in Leeds, is that whilst the City Council is committed to housing growth and delivery, the level of completions falls short of expectations and that build out rates are often determined by marketing, sales strategies, business models and industry capacity, rather than planning policies or conditions. Whilst 'track record' might be an issue, greater clarity is needed for what this means in practice when a housing provider has not adequately performed. A fundamental objective of the White Paper is to deliver the homes that are needed, rather than local authorities being put in the position of putting perceived barriers in the way. Any penalties and interventions therefore need to be set nationally, as a basis to improve delivery and the performance of all providers.</p> <p>In terms of new entrants to the market, these need to be encouraged but the recommendations arising from the HWP need to be more explicit about the expectations, roles, responsibility and accountability for the volume housebuilders which currently dominate the market.</p>
<b>25</b>	What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.	<p><b><u>LCC Recommendation</u></b></p> <p>The City Council would like evidence to understand the impact of this and suggest that this approach is piloted. Whilst a shorter timescale may be promoted as a stimulus to development, some agents, investors and developers may argue that this is problematic if in at a low point in the economic cycle and more recovery time is needed.</p>
<b>26</b>	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?	<p><b>Broadly Yes.</b> Initiatives to encourage greater efficiency and streamlining are to be broadly welcomed. However, a simple transfer of responsibility away from the SOS to Local Planning Authorities will be problematic, unless new and funded local authority resources are put in place.</p>

<b>27</b>	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?	<p>"Completion" for the purposes of calculating housing delivery, needs to mean completion of the new homes built on the ground. It is not clear what this would mean for lenders in stimulating development.</p> <p><b><u>LCC Recommendation</u></b> Suggest this initiative be piloted to assess its impact and also the views of lenders assessed, in order to consider the implications for investment decisions.</p>
<b>28a</b>	Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that 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?	<p><b>Yes.</b> But the test should also reflect the reasons for the lack of delivery. As the PPG currently sets out these may not be exclusively around land supply and may involve wider market issues. For example, in Leeds despite having a large stock of land with permission completions were hampered by the mortgage market review in 2015.</p> <p><b><u>LCC Recommendation</u></b> Reflect that factors other than land supply can influence a LPAs performance on delivery.</p>
<b>28b</b>	Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that 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?	<p><b>No.</b> However, this might have some merit if targeted. It needs to be understood however, why a local plan is not in place. This could be due to a wide range of factors including a holding direction (beyond the scope of a local authority) or because of the need to await the conclusion of major infrastructure decisions. Local authorities should not be unduly penalised through a further performance regime (on top of an already complex system), where they are seeking to work through a challenging Plan-led process and where there are legitimate reasons in place for any delay.</p> <p>Government should ensure that the methodology is reasonable and realistic and take account of changes to the market. The onus should not just be on the local authority to monitor performance – structural changes are needed in the house building industry, to improve the performance of home builders e.g. policies for minimum proportions of different types of dwelling and different models of construction, modern methods of</p>



		construction (modular build), opportunities for self- and custom-build within volume house builder schemes and monitoring of these.
<b>28c</b>	Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that net annual housing additions should be used to measure housing delivery?	<b>Yes.</b> Provided that reasons for any under delivery are fully understood. Increasing the supply of housing will not necessarily lead to more delivery, only delivery on the sites the volume sector have an interest in; which are not necessarily those which are compliant with local strategy, need and aspirations.
<b>28d</b>	Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that delivery will be assessed over a rolling three year period, starting with 2014/15 – 2016/17?	<b>Yes.</b> Attempts to average out performance are welcomed.
<b>29</b>	<p>Do you agree that the consequences for under-delivery should be:</p> <ul style="list-style-type: none"> <li>a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authorities annual housing requirement?</li> <li>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%?</li> <li>c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?</li> <li>d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and</li> <li>e) From November 2020, application of the</li> </ul>	<p><b>No.</b> Despite the stated complexities of the housing market and the roles and responsibilities of housing providers (SMEs, volume house builders, LPAs etc) the onus of this approach, penalties and accountability is squarely with the LPA. This is not reasonable.</p> <p>The ramping up of progressive LPA penalties does not fundamentally address the structural failure of the industry (the broken market the HWP is seeking to fix). Local authorities do need to be brought to task if the development plan is not in place but this is one component of the overall position.</p>

	presumption in favour of sustainable development where delivery falls below 65%?	
30	What support would be most helpful to local planning authorities in increasing housing delivery in their areas?	<p>Leeds has the largest annual housing delivery target of any local authority and last year delivered 3,296 new homes, the highest delivery rate of any core city. However recent planning application appeal decisions against the Council on several greenfield sites have resulted in the Council's position on 5 year land supply being rejected, partly on the basis of past under delivery against annual targets and concerns that many of our brownfield City Centre/Inner sites wouldn't deliver as quickly as projected in our SHLAA.</p> <p>However, one of the issues facing Leeds is the marked difference between the number of sites with planning approval and the number of starts – around 1 in 7 planning approvals for new residential development are converted into delivery. Achieving planning approval is not a barrier to housing growth. Market confidence and viability are the key issues.</p> <p>It is clear to us that the acceleration of housing development of the right quantity, in the right places, to the right quality and offering the right choice of size, form and tenure will be central to the properly planned, sustainable growth of our city. To drive the necessary growth we need to unlock and regenerate central and inner parts of our city, where despite success in realising commercial, retail and leisure development, residential schemes have not been implemented with the same pace as the first phase of city living in the early-mid 2000's and there is a need to drive forward a new wave of residential development, including the new models of PRS. Traction here will deliver schemes with high densities that will contribute to a step change in our growth trajectory. New approaches and sources of funding or investment are required that will bring forward the key interventions to stimulate accelerated residential development by removing barriers to growth in these areas and allow a return to pre-recession rates of delivery.</p> <p>We have identified 5 ways in which Government support and flexibility</p>

		<p>would help us do this:</p> <ol style="list-style-type: none"> <li>1. Patient public investment and grant funding to make a positive impact on market confidence, viability and deliverability. Government should recognise the need to target the right form of support to privately-led residential sites and schemes with a move away from 'impatient' fully recoverable investments towards more flexible funding that plays a longer game on returns.</li> <li>2. Investment in infrastructure and public realm. This has a significant part to play in creating underlying market confidence and the acceleration of wider investment. Creating a funding offer to enable a co-ordinated approach between the public and private sector players that have a genuine interest in place making to support existing and new investments can unlock opportunities and create the investment landscape for new homes and related amenities.</li> <li>3. Site acquisitions and land assembly. Across Leeds there are many sites in the ownership of companies or individuals who do not have the capacity, resources or willingness to bring these forward for development. Equally, there are many sites with extant planning permissions but often these serve only to maintain a book value for owners rather than providing a route towards meaningful implementation and delivery. Leeds City Council is undertaking its own programme of engagement and support with these owners to accelerate delivery but government funding or underwriting of acquisition and CPO costs would enable the Council to be more proactive in assembling land and bringing sites to more willing development partners</li> <li>4. De-risking and site preparation. Brownfield sites with a legacy of contamination or relic structures from past industrial uses pose technical and viability challenges require de-risking interventions to enable future development, which may range from simple assistance such as desk top and intrusive surveys to more intensive work to remediate and prepare sites for investment. Availability of flexible 'no strings' funding to assist this would be beneficial to help bring a greater number of sites to a point at which development viability can</li> </ol>
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		<p>be confirmed or investment secured.</p> <p>5. Unlocking the delivery of affordable and social housing. Leeds is mid-way through a programme of delivering its own programme of 1,000 new affordable homes by 2020 but more could be done to stimulate further local authority investment and through changes to government policy to enable home ownership for those on lower incomes. Support could include: removal of restrictions on borrowing through the Housing Revenue Account so that the Council itself can build at scale equivalent to its underlying HRA strength; enabling full retention of Right to Buy receipts by local authorities to be dedicated to new build replacement stock; support and policy flexibilities to enable the development of models enabling tenants to 'rent to buy'; maximising local flexibility in defining and delivering a mixed package of affordable housing, including Starter Homes, with reference to local market conditions and affordability criteria</p>
31	<p>Do you agree with our proposals to:</p> <ul style="list-style-type: none"> <li>a) Amend national policy to revise the definition of affordable housing as set out in Box 4?</li> <li>b) Introduce an income cap for starter homes?</li> <li>c) Incorporate a definition of affordable private rent housing?</li> <li>d) Allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?</li> </ul>	<p><b>No.</b> Whilst starter homes are welcomed as a low cost housing product to assist first time buyers there is concern in relation to the impact of the proposals on affordable housing. Definitions of affordable housing should always relate to products that are affordable in perpetuity, which benefit future users, unless subject to other legislative requirements such as right to buy. The HWP proposes a 15 year repayment period for starter homes which does not provide perpetuity. In particular there will be an impact on affordable housing targets set out in Policy H5 of the Core Strategy as developers will prefer to provide starter homes over affordable housing. An income cap for starter homes is supported, as is a transitional period.</p> <p>It is our understanding that the build to rent model is a different financial model and is broadly welcomed by the Council as an additional source of supply. The HWP reference to affordable housing is broadly in the grain of current definitions and subject to fulfilling in-perpetuity requirements the City Council would be willing to discuss this model with institutions and developers.</p> <p>This flexible approach of the City Council is one which is being adopted in the City Centre to deliver mixed communities.</p>

		There is a danger that this would lead to an even more complicated approach, bogged down by semantics, what we need is solutions and higher housing outputs. All the homes described are wider aspects of Affordable Housing. Would it be easier to describe the typology and an affordable housing ladder – which is focused on delivery and output – whatever rung of the ladder?
<b>32a</b>	Do you agree that 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?	<p><b>No.</b> The NPPF needs to work for every part of the country and not simply the over-heated housing market of the south east. Therefore a more flexible approach is needed. Local viability issues need to be reflected at the plan-making stage. There is also a need to allow flexibility in the tenure of affordable homes; again driven by local aspirations and needs.</p> <p><b><u>LCC Recommendation</u></b> There is a need for a clear statement that affordable housing is required to be provided from new development and that precise levels, types and tenures is a matter for the Local Plan and its evidence base to determine.</p>
<b>32b</b>	Do you agree that this policy should only apply to developments of over 10 units or 0.5ha?	<p><b>No.</b> Some smaller sites may have sufficient viability to deliver affordable housing subject to local circumstances. This blanket approach would stifle achievement of affordable housing in rural areas or lead to pressure to allocate larger sites which may not be as sustainable.</p>
<b>33</b>	Should any particular types of residential development be excluded from this policy?	<p><b>Yes.</b> 100% affordable housing schemes should be exempt.</p>
<b>34</b>	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 18-219 of the National Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?	<p><b>No.</b> The HWP sets out a very weak model of sustainability, which simply seeks to balance competing objectives, rather than genuinely facilitating step changes and positive (measurable) outcomes within the environmental, social and economic objectives.</p> <p><b><u>LCC Recommendation</u></b> More needs to be done to dramatically reduce resource consumption and respect environmental limits. Agreed comparative measures of such limits would help create baselines against which Local Plans can operate. Lessons from eco-systems services approaches to planning have been lost since the global recession and could provide a useful starting point for a</p>

		more meaningful balance between environmental and other objectives. Leeds City Council is committed to a model of 'good economic growth' within a compassionate City, where financial and health inequalities are major issues and are being reflected in plan-making and decision taking.
<b>35a</b>	Do you agree with the proposals to amend the national policy to amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?	<b>Yes</b> in principle, but need more clarity on how this might apply.
<b>35b</b>	Do you agree with the proposals to amend national policy to make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?	<b>Yes.</b> However, it is unclear from the HWP what this means in practice. Current evidence indicates that climate change implications need to be addressed with greater pace and scale. Considerable investment needs to be made in resilience for communities so as to improve investor confidence and ensure infrastructure security prior to comprehensive growth.
<b>36</b>	Do you agree with these proposals to clarify flood risk in the National Planning Policy Framework?	<p><b>Yes.</b> These are key national and local imperatives which are reflected in Local Plans already.</p> <p><b><u>LCC Recommendation</u></b> Clarity is needed on the financing and phasing of flood risk interventions for catchments so as to accommodate housing growth.</p>
<b>37</b>	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.	<p><b>Yes.</b> Local business amenity (like residential amenity) tends to already be embedded in existing policy and decision taking good practice. It is unclear whether the White Paper is also concerned with residential amenity.</p> <p><b><u>LCC Recommendation</u></b> The Government should ensure that housing growth ambitions set out in the WP are carried out within a considered approach to "place making" and respecting the amenity of existing residents and businesses. Good design, community involvement with plan-making and decision taking (rather than speculative development) and front loading of infrastructure (including green infrastructure) can assist residential amenity.</p>

38	Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?	Wind energy need to be integral to the energy mix – many communities would see this as preferable to fracking, nuclear and ongoing reliance on fossil fuel.
	<b><u>LCC Additional Points</u></b>	
	<b><u>A whole Government Approach to Housing Growth</u></b>  A number of major housing schemes, economic development and infrastructure projects in Leeds (including the East Leeds Extension and Thorpe Park) are predicated on the need for new roads, rail connections and public transport provision to be in place	<b><u>LCC Recommendation</u></b>  For a “whole Government” and ‘joined – up’ partnership approach to be in place, to support housing growth. This will entail the Department for Transport, DCLG, the Homes and Communities Agency, Highways England, Network Rail, service providers and operators, to take a proactive and timely approach, to facilitating the urgent delivery of major growth projects. This needs to be an outcome focussed approach to problem solving. This should also facilitate opportunities for statutory “single issues” consultees to support the overall housing agenda.
	<b><u>Infrastructure provision &amp; Delivery</u></b>  Whilst the HWP expressed a broad commitment to the need for infrastructure (including digital) and utilities, there is little detail or clarity on measures or step changes to improve provision or agreed timetables for delivery. In Leeds, through the preparation of the development plan, key issues have arisen regarding the provision of new school places, medical facilities and highways infrastructure to support housing growth. These are key issues, where timely, planned and integrated solutions are necessary.	<b><u>LCC Recommendation</u></b>  For the HWP recommendations to be more explicit about interventions and funded solutions to deliver, priority local infrastructure projects (including schools, medical facilities, highways and public transport) to support housing growth. This needs to be set within the context of the ‘whole Government approach’, described above.

	<p><b><u>Viability</u></b></p> <p>Many of the proposals in this report rely on the development industry to amend their models of delivery so as to speed up delivery and meet specific needs for local housing aspirations. The HWP does not seek to amend the approach set out in the NPPF that where policy requirements affect viability it is difficult for local authorities to implement them.</p>	<p><b><u>LCC Recommendation</u></b></p> <p>Many of the suggestions in the HWP for a more diverse housing market with a greater number of players delivering different types of housing can be achieved only if there is clarity in the approach to assessing viability and the attitudes of the different housebuilding sectors to this. Moreover, changes above to the calculation of a 5 year supply depend on attitudes to viability from different house builders. The Government should seek to standardise the methodology for assessing viability, taking into account the experiences of local planning authorities so that authorities have a clear expectation that initiatives such as parcelling up larger sites, promoting self and custom build and requiring modern methods of construction can be justified at a plan-making and decision-taking stage.</p>
	<p><b><u>Environment &amp; Sustainable Development</u></b></p> <p>Whilst the City Council understands and appreciates the Government's desire for more homes to be built more quickly, the HWP needs to state more explicitly that the environmental impact and overall sustainable development of new homes, are integral to the delivery of these objectives. These considerations are especially important in a complex Metropolitan District such as Leeds, which has a distinctive settlement pattern, containing community areas, each with their own identity and with differing economic, social and environmental opportunities and challenges.</p>	<p>For the HWP and subsequent interventions to recognise that housing growth and delivery, should not be seen in isolation of the need for such development to have regard to local environmental impacts and the need to achieve the economic, social and environmental objectives of sustainable development, at the same time. Consequently, in the provision of new homes, place-making and place-shaping, are fundamentally important considerations, as well as seeking to increase housing numbers.</p>

**Supplementary Comments**



## Leeds City Council Supplementary Comments

### HWP Questions & Additional Comments

12c. The provision of infrastructure is an important issue for Leeds and includes the need for Health facilities, including GP surgeries.

12d. Design quality and good design are essential to protect and enhance local distinctiveness now and in the future. Consequently, every effort needs to be made to ensure that local aspirations and policy objectives are met.

15. Public sector sites overall have the potential to make a significant contribution to the provision of new homes in sustainable locations. A comprehensive and 'joined up' approach is therefore needed, to ensure that all such suitable sites are identified and that local planning authorities are made aware and notified of local opportunities.

18a. Consideration also needs to be given to the issue of awarding costs via the appeal process. Whilst it is recognised that some appeals are finely balanced, others are not. Consequently, greater publicity on the issues and implications of awarding costs associated with the appeal process, would be a potential disincentive to 'unnecessary' appeals.

26. Completion Notices are critically important to delivering and monitoring the provision of new homes. However, in terms of translating planning approvals into completions and in monitoring 5 Year Housing land supply requirements, more stringent requirements and clarity on Start dates (in the commencement of development) is needed. This would assist also in coordinating the delivery of sites in a local area (and other investment), informing local residents and the provision of infrastructure.

30. The City Council is seeking to secure and promote housing delivery through a variety of measures. As part of this, the East Leeds Extension is major Development Plan allocation for c 7,000 new homes. Whilst progress is being made, this is a complex proposal involving several developers and landowners. Consequently, greater local authority support is needed to help resolve outstanding issues between developer interests and landowners to unblock delays and to urgently build out the homes required. Within this overall context also, changes to the New Homes Bonus has meant that local authorities have reduced resources to address local infrastructure issues arising from the impact of new development, this issue therefore needed to be urgently addressed.

### Additional Point

Within many parts of Leeds (including the City Centre), there are a range of opportunities for sites to come forward for housing development. However, in some instances, especially where landholdings are fragmented, a more comprehensive approach (and the potential for more integrated masterplanning) is frustrated by certain developers or landowner being unable or unwilling to work together, to resolve issues and to take a more strategic view. Consequently, great support for local authorities is needed to compel developers, landowners and their agents to work together and with the local authority to facilitate housing growth and delivery.

As with the City Council's previous comments, the above supplementary points are intended to be constructive and City Council would welcome the opportunity to discuss these points further with Central Government and other key stakeholders to help resolve these critically important issues.