



The Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing and Communities

1 March 2023

Dear Michael,

Levelling -up and Regeneration Bill: reforms to national planning policy - representation from Basingstoke and Deane Borough Council

I am writing regarding the open consultation on the government's proposed reforms to national planning policy. This is a joint response from all political groups at Basingstoke and Deane Borough Council, reflecting the strength of feeling held locally on the proposed changes. The Council has also submitted a separate more detailed technical response to the specific consultation questions.

The opportunity to comment on the proposals are welcomed and many of the issues set out in your WMS of 6 December appeared to acknowledge and start to address the significant problems with the current planning system that both ourselves and others have previously raised with you directly. Whilst the consultation document goes some way towards tackling these issues, and there is much that is welcomed, the council is extremely disappointed with a number of the changes (or lack of changes) to the NPPF as currently proposed.

The proposal to retain the 300,000 annual housing target and also the Standard Method as the starting point for determining housing need is not supported and we request that this flawed and simplistic method is removed from the planning system. The Standard Method is an unsound approach which relies on significantly out of date demographic projections and data inputs. The artificial inflation of the projections by the application of the affordability ratio is also unjustified and does not reflect the reality that the price of housing is a function of the cost and availability of credit and the market more generally, rather than a marginal change in housing supply. It should no longer be applied. The NPPF should unambiguously support local areas in calculating their housing requirement on an objective basis, taking account of up to date data and local considerations. It should be a locally derived and accountable number. Whilst previous Government statements have indicated support for locally derived housing requirements, the simple removal of the mandatory application of the Standard Method does not achieve this.

The need to show exceptional circumstances should also be removed. Its retention means that the approach to housing numbers has in fact changed little in spite of the strong arguments put forward by concerned MPs and local communities about the

Chief Executive Russell O'Keefe

Executive Director of Borough Development and Deputy Chief Executive Ian Boll
Executive Director of Corporate Services (Section 151 Officer) Sue Cuerden CPFA ACMA
Interim Executive Director of Residents' Services Tom Payne CEnvH

need for increased flexibility. You will be aware of similar concerns expressed by our own local communities clearly expressed through groups such as the Whitchurch Conservation Group. Whilst the consultation sets out the intention to clarify exceptional circumstances, the examples in the consultation document indicate that these will be extremely specific and prescribed, narrowing further the potential for areas to produce Plans which reflect local circumstances and concerns. The stated aims of the consultation are simply not being met by the proposed changes to the NPPF and the overall changes have increased ambiguity by starting off with what could be interpreted as a more flexible position which is then removed. The changes also conflate the issues of housing need and requirement and this must be addressed for the guidance to have the required clarity.

Whilst three additional matters have been added to the potential constraints that can be considered in setting a suitable housing requirement, these are also very specific. Councils should be able to set out a case about issues specific to them, which reflect the diversity of a place and its suitability for growth. For example, as a London overspill town, Basingstoke has experienced very high levels of growth over the long term, which have led to specific circumstances which impact upon the borough's suitability for continued high levels of growth. There should be flexibility in the guidance to enable local circumstances to be truly considered, as previous Government statements have suggested. We also raise specific concerns about paragraph 11b)iii regarding over delivery. The guidance should enable the impact of historic over delivery to be considered and not just recent delivery over a current plan period. Whilst over delivery is considered in a different context in paragraph 75 relating to land supply, this guidance should also explicitly state over what period over delivery is to be considered and should, again, be longer term and not just relate to a current plan period, in order to recognise longer term changes that have occurred. This can have negative implications for an area where developers have failed to build out permissions over a current plan period and therefore its introduction into land supply calculations does not support the overall aims of the consultation and the changes being suggested in relation to five year land supply.

Other key issues that we would like to draw your much needed attention to are outlined below:

- The real focus of the planning system should not be on housing numbers but rather ensuring that the right homes are built in the right places. The amendments strengthening the need for beauty and high quality design are supported.
- The changes to the application of the Housing Delivery Test are generally supported, including retention of just the 75% threshold and the change to enable permissions to be considered. However, limiting permissions to only apply over the applicable Test monitoring period, as outlined in Footnote 49, penalises authorities that allocate and deliver strategic sites as these will take more than three years to be developed out.
- Whilst we support many of the proposed changes to housing land supply, the use of the 4 year land supply test outlined in Appendix 1 (paragraph 226), should apply to all Local Plans that are currently being prepared at the point in

time that they reach Regulation 18. This will encourage Councils to move forward with their Plan making and not penalise those at an early stage.

- The proposals to address slow build out rates are supported but should be more far reaching. The suggestion of financial penalties is welcomed (and it is noted that there will be further consultation on this issue) and these could include a requirement for schemes with permission which fail to deliver housing to pay a levy or tax as if the homes have been built. Incentives for developers, rather than just penalties, should also be considered, especially to incentivise the development of the right types of homes to meet needs. The issue of delivery is multi-faceted and other approaches to speed up delivery, such as modular homes, should continue to be explored. Ultimately, the right homes should be built to meet needs and therefore proposals to increase delivery, such as increasing the diversity of housing tenures to maximise absorption rates, should not result in a loss of required affordable housing. The Government should be alive to the potential unintended consequences of the proposals.
- Proposals to support onshore wind development and energy efficiency are generally supported but, again, should be more far reaching to support the country reaching net zero. The failure to take more proactive steps at this stage to address climate change is a missed opportunity. The NPPF could, for example, clearly outline support for community renewable schemes; ensure new buildings have the highest level of energy efficiency including the use of solar panels on roofs, particularly on larger buildings; stipulate water efficiency targets (as considered in the Environment Improvement Plan, 2023); and strengthen support for CHP schemes. Stronger words in the NPPF should incentivise developers to address climate change. More clarity on solar forms and the status of the land post the lifetime of a scheme would also be welcomed and may help to increase local support for such projects. The Government should also be encouraging energy production to be fed back direct into local communities, and disconnect the price of renewable energy from gas/fossil fuels. At a national level there also needs to be a focus on improving plastic recycling and the provision of the required infrastructure to do so. Finally, on climate change matters, the Council would welcome the consideration of Government to enabling those who have declared a climate emergency to be able to set their own local planning policies now to help address these issues.
- The introduction of any steps to stop developers 'gaming' biodiversity net gain rules are welcomed, although the Council questions how this will be achieved. The length of time taken to deliver biodiversity net gain should also be addressed in legislation.
- The council has concerns about the removal of Supplementary Planning Documents from the planning system and how locally specific policy issues can be quickly and flexibly responded to after their removal. There is also concern about the suitability of design codes for areas which are large or diverse in nature, and increased flexibility on their application would be welcomed to reflect local circumstances.

- Whilst the council recognises the potential benefit of setting national policies on certain development management issues, this should not be at the expense of enabling local councils to set detailed requirements that respond to local circumstances. Localism is a key pillar of the planning system and this must not be diminished.
- The Government's continued advocacy of neighbourhood planning is welcomed and the change from two to five years protection is strongly supported in a borough where communities have been very active in bringing forward Plans. Further clarification on the weight of such Plans, for example in light of changes to land supply guidance, would be welcomed and it is considered that all neighbourhood plans should benefit from the proposed extension to protection, not just those that include new housing. It is unclear why areas that have met their housing needs, for example, should be penalised. Clarification of further funding regimes would also be useful.

In addition to the matter raised above which relate to the consultation, the council would also like to take this opportunity to raise other planning related issues for your consideration. Permitted development rights continue to cause significant negative impacts in the borough and the introduction of more stringent standards would be supported, as would the requirement for relevant schemes to provide affordable housing. The Government's approach to the fire proofing of buildings needs to be strengthened as does guidance on HMOs where the introduction of national standards would be welcomed.

These comments are made in the context of an authority which continues to take proactive steps to meet needs and deliver the right growth for the area. The area benefits from local communities who are actively involved in planning issues and the comments made reflect their experiences and concerns as well as those of our Councillors. I look forward to your detailed consideration of these important issues and await the updated final version of the NPPF this spring which should enable the borough to move forward proactively in guiding future change in the area.

Yours sincerely

Councillor Simon Minas-Bound
Leader of Basingstoke and Deane Borough Council