

Consultation Question Responses from Basingstoke and Deane Borough Council

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

Agree and the removal of the 5 YHLS requirement would incentivise councils to make plans. The test has resulted in LPAs losing control of development in their areas and has undermined the plan led process in England. The test has led to the wrong development in the wrong places, including, perhaps most notably, in unsustainable rural areas, undermining the trust of local communities and damaging the value of neighbourhood plans. The deliverability of sites is most commonly outside the control of the LPA and there are many examples of where the development industry has used the system to gain permission on so-called deliverable sites which have then not been brought forward as forecast. High numbers of unimplemented permissions have been a direct outcome.

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

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

Agree – whilst the implied complexity resulting from the current use of buffers is considered to be overstated, the principle of including different buffers based upon specific circumstances is another arbitrary element of 5YHLS calculations which ultimately undermine the Plan-led system. The removal of buffers will result in a more equitable and sustainable approach.

3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

The council supports the principle of oversupply being taken into account in land supply calculations, supporting and rewarding additional delivery in the early part of a plan period. However, as the new proposed wording only applies to older plans (more than 5 years old), where the standard method is applied, the proposed approach is not suitable in practice and would actually lead to double counting. The standard method already captures past levels of housing delivery and therefore takes account of over or under delivery. The approach also introduces increased complexity to the system which is contrary to the overall aims of the consultation.

If it was to remain, greater clarity is required to explain what is meant by previous over-delivery/under delivery in terms of timeframes. For example, it could be taken as over the last 5 years, over the whole plan period or longer. This has significant and immediate

implications for land supply calculations and should be clarified to avoid protracted debate on this issue.

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

If it were to remain, planning guidance should be clear on when undersupply and oversupply can be taken into account and over what time period. For example, does this apply to a time limited period of, 5 years, a plan period or longer. The method for taking into account over or under supply also needs to be clearly set out. For example, should any under or over supply be applied to the whole remaining plan period (the so-called Liverpool method) or applied over a 5 year period only (Sedgefield method). This latter issue has led to prolonged and complex considerations during appeals and the proposed change will do little to provide the increased clarity in the system which the NPPF changes are aimed at delivering. Further consideration also needs to be given to how the proposals align with the use of the standard method which takes account of past delivery.

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

Strongly supported. Neighbourhood Planning is encouraged in the borough and has enabled a large number of local communities to influence growth and change in their areas. Such Plans have been undermined by the 5 YHLS and the proposed changes go some way to addressing these. The effort and resource that local communities dedicate to neighbourhood planning should be commended and positive planning at a community level supported.

With many plans now in place across the country, the NPPF (or guidance) could helpfully provide additional guidance on reviewing plans and the extent to which paragraph 14 applies to reviewed plans in terms of meeting identified housing requirements. It would be helpful if guidance provided certainty that a parish's 'identified housing requirement' (as required to receive 5yr protection) is fixed at the point that the plan is made (providing that housing requirement has been developed in accordance with para NPPF 67). When a LP is emerging, there is a risk that evidence may show that local needs have changed after the NP has been adopted. There is a risk that it could be said that a plan is then no longer meeting its 'identified housing requirement', and the parish would no longer have para 14 protection.

Further clarification on the weight of Neighbourhood 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. The removal of the current tests linking protection to a borough's housing delivery is welcomed.

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

Whilst the changes are not considered necessary and perhaps put undue emphasis on housing, the proposals are clear and succinct and no concerns are raised.

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

The issues outlined in the consultation are recognised and should be addressed. However, the proposed changes to the NPPF do not go far enough to support local authorities in identifying a suitable housing number that responds to their local circumstances.

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 be 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 unsound 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 need on an objective basis, taking account of up to date data and all local constraints. It should be a locally derived and accountable number. Whilst previous Government statements have suggested that the objectively assessed housing need approach would be supported, the simple removal of the mandatory application of the Standard Method does not achieve this.

8. Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

The need to show exceptional circumstances should 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 need for increased flexibility. Whilst the consultation sets out the intention to clarify exceptional circumstances, it appears that these will be extremely specific and prescribed, limiting 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 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 past growth which have led to specific circumstances which impact upon the borough's suitability for growth. There should be flexibility in the guidance to enable local circumstances to be truly considered, as previous Government statements have suggested.

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

Increased clarity is supported. However, it is considered that if the case remains that exceptional circumstances need to be shown, additional matters should be included to support local authorities in delivering the right level of homes to meet local circumstances and reflect local concerns, as outlined above.

In terms of the three new tests, it is considered that it is too narrow to only link the impact on character to inappropriate density. Para 9 (BP1) of the consultation document sets out the importance of planning for growth 'in a way which recognises places' distinctive characters and delivers attractive environments which have local support'. There are concerns that an inappropriately high housing number could require an amount of growth that would harm the innate character of settlements and the distinctive characteristics of the borough and fail to meet this policy objective.

Concerns are also raised about proposed 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.

Additional matters to those outlined above could include the availability and quality of local and strategic infrastructure; historic and more recent high delivery rates and its impact; safety constraints associated with relevant land uses; and the supply and quality of water supply. It should be for the local area to consider and identify its constraints and this should be supported in the NPPF.

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

Character is a broad term which would be helpfully defined in the NPPF. If this matter relates to the need for potentially high density development in built up areas then that should be made explicit. As outlined above, it is considered that the proposed wording is too narrow in linking the impact on character to inappropriate density. There are concerns that an inappropriately high housing number could require an amount of growth that would harm the innate character of settlements and the distinctive characteristics of the borough.

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

Do not agree. Whilst a more proportionate approach to evidence needed to inform plan making is very much welcomed, the removal of 'justified' as a test is considered unnecessary. A strategy should be justified to ensure that the key principles of the planning system are applied and that it is based on evidence and local circumstances. The need for proportionate evidence could be reflected through other simple additions to the soundness test and is not a reason for the removal of the whole 'justified' test.

12: Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Agree as well advanced plans should be taken through the existing system.

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

Welcome the clarification that any uplift should be accommodated within the cities and urban centres themselves rather than neighbouring areas. This could go further to outline where additional homes should be located if the conflicts in Para 62 the NPPF are realised.

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

See answer to Qu 13

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

No comment

16. Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

The recognition in national guidance that a reduced land supply should be required during this transitional time is welcomed and 4 years appears a suitable level for the test to be set. However, this should be expanded to other authorities that are also progressing a new or revised Local Plan but which have not yet formally undertaken a regulation 18 consultation which includes draft allocations maps, such that they would also benefit from this protection once that consultation has been undertaken. This will encourage councils to move forward with their Plan making and not penalise those at an early stage.

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

Yes as such changes can be considered through the Plan making process which is sufficiently flexible to take account of updates. There is no reason for suitable local constraints to not be considered as a result of the stage a plan has reached.

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

Agree with the principle of including an additional test relating to permissions, to recognise the on-going high levels of planning permissions in many areas, which are often not delivered in line with expectations. However, whilst the supporting document sets out suitable aims, the actual changes in the NPPF are unclear regarding what permissions can be considered in the calculations. Footnote 49 refers to permissions granted for homes over the applicable Housing Delivery Test monitoring period, which suggests that only permission over the last three years could be considered. Clarity on this matter is required. In line with the general consultation document all current permissions (non lapsed) should be counted rather than just three years. Larger sites will be delivered over a much longer time scale and should not be excluded from the figures after just three years.

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

The 115% is an arbitrary figure and is considered high. A 15% discount due to sites not progressing or being revised is considered unduly high especially as sites which are superseded/revised should be removed from the figures in any case. A 10% discount is considered more suitable and is in line with existing practices of discounting land supply to account for non-delivery.

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

All permissions should be considered although suitable guidance needs to be in place to ensure that data is kept up to date and remains relevant as sites move from outline to reserved matters etc. This could be restricted to new permissions only to avoid double counting etc. All lapsed permissions should be removed each year. Guidance is also required for major sites where delivery will be phased.

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

To avoid confusion it is suggested that the changes should come into effect once they become part of the NPPF in spring 2023 and be applied to the following published HDT for 2023.

22. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Agree. Securing social rent is a priority for many areas including BDBC and national policy should support delivery, as it is considered that alternative products, such as affordable rent are not sufficiently affordable to meet local housing needs. This should be reflected in updated guidance in the NPPF published in the Spring. It would also be helpful if the NPPF consolidated national policy on First Homes.

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

Agree. Retirement housing could be helpfully defined in the glossary and support for bungalows should be clarified.

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

Agree with the consultation document and the important role that smaller sites play in meeting housing needs. However, it is considered that the requirement to accommodate at least 10% of a housing requirement on small sites is a blunt tool which does not take account of local circumstances. This arbitrary target should be replaced with stronger support and flexibilities to enable the delivery of small sites where suitable.

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

No comment

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

Although the council wishes to maximise the delivery of affordable housing, there are some concerns about expanding the definition beyond Registered Providers. There are particular benefits to providers being registered, relating to the governance of the properties and protecting the rights of tenants.

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

No comment

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

No comment

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

No comment

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

Agreed, provided clear guidance is provided about what ‘irresponsible behaviour’ constitutes a material planning consideration.

31. Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

Option 2 would retain the principle that planning decisions should be based on the planning merits of the proposed development rather than the applicant.

32. Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Measures to improve delivery are welcomed. However, these would more helpfully focus on actual delivery rather than, for example, requiring developers to set out trajectories as part of planning applications. A number of developers in the borough have a history of promising high build out rates during the application process or at appeals which fail to materialise, so

mechanisms need to be in place to hold developers to account on their commitments. The DCN and other mechanisms outlined the LURB are likely to have more impact than the three additional actions outlined in this consultation. Developers are unlikely to ever submit applications proposing slow delivery and information on absorption is easy to provide but more difficult to secure.

Changes could also 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.

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

Agree – 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.

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

Agree

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

Agree but this should be considered in the context of reducing conditions to speed up the planning application process.

36. Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

It is considered that text should be included to ensure authorities take a positive approach towards well designed upward extensions and that these can include mansard roofs. However, the new text is not clear to what extent mansard roofs should be subject to the need to be consistent with the prevailing height and form of neighbouring properties and the overall streetscene as referenced earlier in the paragraph. This should be addressed given that mansard roofs, individually or cumulatively, can be harmful to the established character of a street. The detail relating to Mansard roofs could more suitably sit in the NMDC or PPG.

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

Agree that national policy should be strengthened to resist the use of artificial grass. Rear gardens are areas that are valuable habitats for species, particularly in areas that have little open space within the wider areas and where gardens can link with others, the use of plastic grass prevents habitats being developed, species migration and, in the cases where they are constructed on non-permeable bases, water cannot soak away. Other small scale nature interventions that could be encouraged include the use of hedgehog tunnels at the base of fences that link gardens and the appropriate use of swift bricks for birds.

The introduction of any steps to stop developers 'gaming' biodiversity net gain rules are welcomed, although it is questioned how this will be achieved. The length of time taken to deliver biodiversity net gain should also be addressed in legislation.

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

Agree that this is one important factor of many to be considered when identifying suitable sites for development and this is already referenced in the NPPF. The wording 'availability of agricultural land used for food production' is considered too open ended as could relate to a whole council area or wider and therefore could undermine site specific assessments. Tighter wording could be used to reinforce footnote 67 by referring to food production in the current wording.

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

It is considered that it would be appropriate for Local Plans to be supported by a carbon assessment to demonstrate that the proposed strategy (including the distribution of development) has taken all opportunities to minimise carbon emissions. However, any assessment should be proportionate in its level of detail, and guidance should be provided to ensure Local Authorities employ a consistent and efficient methodology and the findings can be easily understood. It should also be recognised that it may not be possible for the Local Plan to achieve a net zero balance, and that mitigating carbon may rely on other factors beyond the control of planning.

In relation to planning decisions, it is recognised that as operational energy (from the occupation of buildings) reduces, embodied carbon will become a greater proportion of a new building's emissions. National policy should require developers to measure and reduce embodied carbon.

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

No comment

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

Agree

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

Agree

43. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

Agree. The proposed wording in both footnotes is supported. However, there is a potential conflict (in existing footnote 54) between SPDs being encouraged when it is also being proposed that they should be phased out.

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

Agree and the inclusion of the term 'significant weight' is useful. Ensuring the use of solar panels on roofs, particularly on larger buildings, is of particular importance. Further guidance within the historic environment section and also potentially the PPG to help balance the issue of energy efficiency with the impact of adaptations on heritage assets would be welcomed. There are concerns over the current ability for energy efficiency improvements to be made to Listed Buildings and other heritage assets under current guidance.

It is considered that the changes relating to climate change should be more far reaching. The failure to take more proactive steps at this stage is a missed opportunity. The NPPF could, for example, clearly outline support for community renewable schemes; 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 into local communities, and disconnect 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, Government should give consideration to enabling those who have declared a climate emergency to be able to set their own local planning policies now to help address issues.

45. Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Agree

46. Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

Agree

47. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Agree

48. Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

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.

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

Not agree. Whilst the potential benefits of setting national policies on broad issues is recognised, this should not be at the expense of local issues. The statutory nature of NDMPs could impact negatively on the development of local policies and decisions, reducing the ability of local communities to shape their areas. Localism is a key pillar of the planning system and this must not be diminished.

The arguments of cost and accessibility of local plans for justifying NDMPs are considered to be overstated as these elements are usually non contentious. Developers should take local policies into account to ensure the development that is suitable to a local area is delivered and therefore the argument that NDMPs will make it easier for developers to build is not significant. NDMPs if introduced, must not undermine a local area's ability to fulfil its ambitions, for example, in relation to climate change. They should also not set expectations, such as the suitability of residential development in town centres, which may not be relevant in all areas. It should be recognised that exceptions can be set out in local policies where there is justification and this should be considered an acceptable approach by Inspectors. The statement that new plans should be consistent with NDMPs is therefore of particular concern. The precedence given to NDMPs over local plans is also not supported. This principle is not required just to protect situations where plans are out of date as this can be dealt with by specific wording.

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

If enacted, they should focus on national level broad issues. Flexibility should exist for local planning authorities to add extra considerations or value to such policies where local circumstances justify such an approach. 51. Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

It is considered that it would only be appropriate to have a national policy on carbon reductions in new development if it was set at a sufficiently ambitious level. The council has declared a Climate Emergency and is developing an evidence base to support policies that would go beyond national minimum requirements (as set out in the Future Homes Standard), and would not want this to be constrained by future policy.

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

None at this stage. Gaps may become apparent when the Government consults on draft policies.

53. What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

No comment

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

No comment

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

No comment

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

No comment

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

No comment

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

No comment