

Report to Sustainable development panel

28 January 2015

Report of Head of planning services

Subject Planning update

Item

5

Purpose

The report briefs members on a range of issues which form part of the current workload of the Planning Policy team. These include an update on local plan adoption and on progress with supplementary planning documents; responses to recent and current government consultations on planning policy matters; and an update on the production of a strategy for the River Wensum in Norwich, being undertaken in partnership with a range of key stakeholders.

Recommendation

To:

- (1) comment on the proposals in the current government consultation 'Stepping onto the Property Ladder'; and
- (2) note the contents of the remainder of this report.

Corporate and service priorities

The report helps to meet the corporate priority A safe and clean city and A Prosperous City, and the service plan priorities To develop the local economy, promote inward investment and regeneration activities, and To deliver new affordable housing.

Financial implications

There are no direct financial implications for the council arising from this report.

Ward/s: All

Cabinet member: Councillor Stonard – Environment and transport

Contact officers

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Background documents

None

Report

A. Local planning update

1. The council adopted the Development Management Policies and Site Allocations local plans on 1st December 2014. The six week legal challenge period ended on 12th January. No challenges were received in that period and there are now no further opportunities to challenge the adoption of either plan.
2. Members were previously advised about a number of supplementary planning documents (SPDs) that are required to provide further detail necessary for the implementation of policies in the newly adopted Development Management Policies local plan. The Retail Frontages SPD was adopted on 10th December.

Affordable housing SPD

3. A report was taken to September Sustainable Development Panel seeking approval to consult on a draft SPD for affordable housing. This SPD was consulted upon in October 2014 and comments were received from a total of 4 respondents.
4. Since then the government has reported back on a consultation it held in early 2014 on a proposed change to the threshold for affordable housing contributions. The proposal was that only developments of 11 dwellings or more, or a 1,000 square metre gross floorspace, would be liable for affordable housing contributions through Section 106 agreements.
5. The consultation outcome was published by the Department for Communities and Local Government (CLG) and a ministerial statement was issued on the 28th November 2014 introducing the new threshold for affordable housing contributions as set out above. In addition, a 'vacant building credit' can now be offered to developers to incentivise them to develop sites. This applies where existing vacant buildings are proposed to be brought back into lawful use or demolished and redeveloped. This does not apply to buildings which have been abandoned.
6. As a result of this national planning policy change some parts of adopted JCS policy 4 can no longer be applied. In particular, bullet point 1 (requiring 20% affordable housing provision on sites of 5-9 dwellings) can no longer be applied in full, and bullet point 2 (requiring 30% affordable housing provision on sites of 10-15 dwellings) now only applies to sites of 11 to 15 dwellings rather than 10-15 dwellings.
7. It is important that the Affordable housing SPD takes these changes into account and offers advice and guidance to developers on how the council will calculate the 'vacant' building credit'. The section shown in Appendix 1 is proposed to be inserted into the SPD to provide such guidance. A further period of consultation, focused on those who responded previously but also notifying all those previously consulted, is necessary as the new section will incorporate new advice from the council.
8. Members are asked to note that the new section 4 of the Affordable housing SPD has been issued for a focused consultation for a period of 2 weeks to all those

who were notified previously. The consultation period commenced on the 19th January 2015 and will end on the 30th January 2015.

9. Comments and suggestions will be assessed and incorporated as appropriate into the final version of the document following the focused consultation. All responses to both the original and this focused consultation will then be reported back to a future meeting of this panel before being reported to Cabinet for adoption later this year.
10. In addition, the following supplementary planning documents and advice notes are being prepared and will be reported to members in due course:
 - Trees and landscape SPD;
 - Open space and play SPD; and
 - Heritage interpretation advice note.

B. Government consultations

11. The government's programme of reform to the planning system continues, with several new consultations either having finished recently or currently underway.

Right to Build

12. The council submitted a response to the government consultation on proposals for the 'Right to Build' which ended on 18th December (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366722/141023_Right_to_Build_Consultation_FINAL.pdf) . The government wants to increase housing supply and help more people achieve their aspirations of owning their own home. The creation of a new Right to Build is intended to give prospective custom builders and self-builders a right to a plot of land from their local council. The government intends to legislate for the Right in the next parliament taking into account the outcome of the consultation.
13. The council's response (which is an officer response) is set out in Appendix 2. While acknowledging that the Right to Build could have a role in contributing to housing supply, the response states that this is unlikely to be a significant contribution, given the niche nature of this market. The proposals are considered likely to be difficult to implement, and to place a significant administrative burden on local authorities which is out of proportion to the contribution that custom and self-build housing will make to supply.

Stepping onto the Property Ladder

14. On 15th December 2014 the government published a consultation entitled 'Stepping onto the property ladder. Enabling high quality Starter Homes for first time buyers – a consultation':
<https://www.gov.uk/government/consultations/stepping-onto-the-property-ladder>
15. The consultation period lasted until 9th February 2015 and 12 specific consultation questions are posed. In the document the government are proposing to:

- Introduce a new national Starter Homes exceptions site planning policy to enable starter homes to be built on under-used or unviable brownfield sites not currently identified for housing on public and private land;
- Ensure through either planning obligations or conditions that these newly built starter homes are only available to buy or occupy for young first time buyers and are sold at a minimum 20% discount below open market value;
- Remove the obligations on developers to fund section 106 affordable housing contributions, including any tariff-based contributions to general infrastructure pots, and exempt the Community Infrastructure Levy on Starter Homes to enable them to help deliver this discounted price;
- Champion the good design of Starter Homes through the creation of a Design Panel;
- Develop a register of first time buyers' interest in Starter Homes with the private sector to identify and stimulate demand; and
- Identify a cohort of vanguards to roll out the Starter Homes model across the country on both public and private land.

16. Its stated aim is "to enable 100,000 starter homes to be built over the next five years so that more young people can buy their own home".

17. For the purposes of consultation a policy has been prepared to give an indication of how the proposal would work. This will be refined in response to the consultation and reads as follows:

"Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of sites suitable for housing for first time buyers. In particular, they should look for opportunities to create Starter Homes exception sites on under-used or unviable industrial and commercial land that has not been identified for housing. Where applications for starter homes come forward on such sites, they should be approved unless the local planning authority can demonstrate that there are overriding considerations in relation to health, safety or infrastructure that cannot be mitigated.

Planning conditions or obligations should be attached to permissions for starter homes on Starter Homes exception sites, requiring that the homes are offered for sale at a minimum of 20% below normal market price, to people who have not previously been a home buyer, and who are below the age of 40 at the time of purchase. They should also prevent the re-sale of the properties at market value for a [five to fifteen year] period. In view of their contribution to meeting housing needs, Starter Homes exception sites should not be required to make contributions to affordable housing or be subject to the Community Infrastructure Levy. Starter Homes exception sites may include a small proportion of market homes, at the planning authority's discretion, where this is essential to secure the required level of discount for the starter homes on the site."

18. This latest consultation is one in a series of deregulatory changes to the planning system that have been brought forward to stimulate housing development. The impacts of the proposal are hard to predict on Norwich. Whilst measures to stimulate further residential development accessible to people who have previously not been able to afford to buy their own home are welcome, the

particular approach proposed sits very uncomfortably with the current “plan-led” planning system as set out in legislation and the National Planning Policy Framework and is not favoured for the following reasons (not in priority order):

(i) The proposals as described are potentially arbitrary and bureaucratic

19. The proposals are targeted at young (described as people in their 20s and 30s) first time buyers. It is not explained why it may be appropriate to deny those aged over 39 or below 20 the ability to purchase these homes nor why this may be legal in the light of age discrimination legislation. It is also not clear how couples would be dealt and whether one or both partners would need to meet any age requirement.
20. Furthermore any requirement for it to be limited to first time buyers appears arbitrary and hard to enforce. Why should someone who has previously owned a home (perhaps when in a previous relationship) be prevented from accessing this form of housing? If an individual chose to conceal that they had previously owned a home how would this be discovered? Local authorities currently do not hold this information about people.
21. Also it is not clear how “Starter Homes” will be allocated in the event of being over-subscribed and who will be responsible for this bearing in mind that the housebuilder presumably will not be able to increase the price of the units if they are oversubscribed. The proposals appear to have considerable prospects for creating additional bureaucracy and administrative burdens on local authorities. No mention is made in the consultation of new funding to assist.

(ii) The proposals may have an adverse impact on economic development

22. As currently described the range of land that could be considered for “Starter Homes” is relatively wide “under-used or unviable industrial and commercial land” (note the of “or” rather than “and”). No detail is given how either viability or under use may be assessed.
23. As part of the plan making process NPPF requires needs for employment land to be assessed, provision made and viability tested. Even once plans are in place paragraph 22 requires employment land allocations to be regularly reviewed and released for alternative uses “where there is no reasonable prospect” of it being used for employment purposes.
24. As it stands allocated commercial land which may be perfectly viable for commercial development could be developed for “Starter Homes”. In an area such as Norwich which has an up to date, recently adopted (and NPPF compliant) local plan which identifies sufficient employment land to meet identified needs this could, in theory, lead to the loss of viable employment land harming prospects for economic development. To some extent the proposals appear to be either an admission that this part of the NPPF is not working or a move away from the concept of the “plan-led” planning system embodied in the NPPF and legislation.
25. Furthermore, it is not clear what safeguards will be put in place to protect existing employment uses on employment land near to “Starter Homes”. The draft policy refers to starter homes being approved unless “there are overriding considerations in relation to health, safety or infrastructure that cannot be mitigated”. Limiting the

range of things that could be considered in determining applications suggests that a prior approval process (similar to that current used for office to residential change of use) may be being considered. This raises the prospect that “Starter Homes” may be able to be located in close proximity to existing industrial occupiers who through noise, dust, odour may impact on the residential amenity of nearby land. The proposals appear to lack any safeguards to prevent additional costs being placed on existing employers in these circumstances.

(iii)The proposals may lead to a poor standard of residential development

26. Section 5 of the consultation document refers to how good design of “Starter Homes” will be encouraged. It suggests that there will be a Design Advisory Panel which will work to ensure that new homes are well designed. Whatever the efficacy of this panel with regard to design there are some areas of employment land which are not ideal for residential development because of their location. In Norwich a number of areas of employment land are not well located in relation to public transport routes, local centres, schools etc. In practice there is little that can be done by design to improve development in inappropriate locations. The suitability of any location for residential development should clearly be considered as part of any approval process.

27. The proposals also run contrary to certain elements of government housing policy which seek to provide for mixed communities by providing a range of housing types in development locations. The “Starter Homes” proposals appear to seek to provide a single type of housing in a given location.

(iv)The proposals may have an impact on the general housing market

28. Currently starter homes are an important part of the general housing market. According to recent housing survey released by the Halifax¹ nationally there were 326,500 first time buyers in 2014. They amounted to 46% of all house purchasers made with a mortgage. The average age of first time buyers was 30. There appears to have been no consideration of what (if any) impact these proposals will have on the general housing market and whether it will lead to fewer homes targeted at the first time buyer being delivered on the open market. It also has to be questioned why the “Starter Home” product is proposed to be precluded from deliver on allocated housing sites.

(v)The proposals may increase pressures on infrastructure

29. “Starter Homes” are proposed to be exempt from the Community Infrastructure Levy but not section 106 requirements where applicable. This would appear to disadvantage areas (such as Norwich) which have wide ranging CIL charging schedules in place. Also it should be noted that because of the age limits on “Starter Homes” it is quite likely that with the passage of time there will be significant birth rates from those residents in the properties. Over time this could increase infrastructure pressures in the areas around “Starter Homes” most noticeably on nursery and education provision.

Proposed Response

¹ See <http://www.lloydsbankinggroup.com/Media/Press-Releases/2015/halifax/number-of-first-time-buyers-in-2014-at-highest-since-2007/>

30. In view of the above analysis it is suggested that no detailed response is provided to the detailed consultation questions posed. Rather it is suggested that, subject to the debate at Sustainable Development Panel, a letter is sent objecting to the principle of the proposals.
31. Furthermore it is proposed that in making this response a suggestion is made as to an alternative way in which the provision of starter homes may be promoted to encourage an increase in the supply of low cost market homes where this would meet local needs. This suggestion would involve a more modest change to the definition of affordable housing set out in the glossary to include "Starter Homes" (ie smaller properties being made available for sale to those without the means to buy homes on the open market, at least 20% below market value and with restrictions on preventing the sale on the open market for at least 10 years). This would allow local authorities to favourably consider the provision of such housing as part and parcel of general housing developments where such a product would go some way to meeting locally identified housing needs.

Sustainable Drainage Systems

32. After a number of years of discussion, the government has announced a U-turn on sustainable drainage policy which will mean that the city council, rather than the county council, will be responsible for the approval of sustainable drainage systems (SUDS) for all new housing schemes of more than 10 dwellings and for commercial and industrial developments.
33. The background to this is that under Schedule 3 of the 2010 Flood and Water Management Act, which had all party support nationally, the government committed to producing national standards for SUDS. It also established the requirement for separate drainage approval in addition to planning permission for **all new housing**, commercial and industrial developments, so that a single new dwelling would have to be built with sustainable drainage.
34. As part of this, the legislation established the requirement for Lead Local Flood Authorities (LLFAs), i.e. county councils in two tier administrative areas such as Norwich, to:
- be the SUDS Approval Body (SAB) for the drainage approvals;
 - adopt approved SUDS.
35. The stated intention was that having a single body responsible for SUDS, particularly for their adoption and maintenance, would address problems previously experienced in implementing SUDS.
36. In line with this legislative commitment, draft national standards were produced in June 2014.
37. However, in December 2014 government produced a policy statement which means that the remainder of schedule 3 is highly unlikely to be implemented as drafted, despite consultation showing that 70% of respondents, including Norwich City Council, supported retention of the Flood and Water Management Act arrangements. Government announced that:

- SUDS will now be a national requirement only for all new housing schemes of **more than 10 dwellings** and for commercial and industrial developments;
 - Separate drainage permissions will not be required;
 - From April 2015 SUDS approval will be dealt with by district councils as part a planning application;
 - Responsibility for adoption and maintenance of SUDS, to be secured by planning obligations or conditions, will now lie with developers, and ultimately the owner of the property.
38. Consultation is now taking place on making LLFAs such as Norfolk County Council a statutory consultee on the SUDS element of these planning applications.
39. This long term uncertainty has already had, and will continue to have, effects on the ability to effectively implement flood risk policy and on the resources associated with it. In anticipation of its role as the SUDS approval body, and as the lead local flood authority, Norfolk County Council has developed expertise on SUDS, which is a highly technical issue.
40. Given the fluid nature of national policy, Norwich City Council's recently adopted local plan flood risk policy DM5, taking account of detailed input from Norfolk County Council, was drafted to be sufficiently flexible to be adaptable to change. It requires SUDS, and other flood risk reduction measures as appropriate such as green roofs, on **all** developments in the critical drainage catchments which are most likely to contribute to surface water flooding. These catchments have been identified through specific government funded evidence studies and cover significant areas of the city. Due to the national changes, outside these areas, SUDS will now only apply to developments of 10 houses and more from April 2015.
41. Officers are in discussions with Norfolk County Council on the best way forward. The current view is that there will be a need for a Supplementary Planning Document to provide developers with detail on SUDS requirements. It is anticipated that Norfolk County Council, as lead local flood authority with expertise on SUDS, will play the lead role both in the production of this document and in providing guidance on specific planning applications.

C. Wensum strategy

42. The city council has recently embarked on production of a joint strategy for the River Wensum in Norwich, in partnership with key stakeholders. The aim of the strategy is to effectively manage the council's land ownership and other interests in the river Wensum and adjacent land, and to identify opportunities to enhance the river corridor for the long-term benefit of residents, visitors and the local economy and environment.
43. The River Wensum within the city council boundary is a key but under-utilised asset with the potential to contribute significantly to the city's regeneration. The council has sought to maximise the benefits of the Wensum for many years. It has developed planning policies to create, improve and maintain riverside walk alongside the Wensum in the city centre, and there are now many stretches of

river with public access where there were none before. Access has also been enhanced in recent years by delivery of new bridges including the Novi Sad Friendship Bridge (2001), Lady Julian Bridge (2009), and Jarrold Bridge (2011).

44. The river presents both challenges and opportunities to be addressed by the strategy. Despite the progress referred to above, much remains to be achieved in terms of access and signage to the river, and also in terms of encouraging greater use of the river which could be achieved by improved river infrastructure such as slipways, pontoons and canoe launches and signage in appropriate locations. Opportunities include the river's potential for contribution to the green infrastructure network and to biodiversity, its links with the strategic footpath network, its heritage infrastructure, and potential to increase its attractiveness for tourists and visitors.
45. A number of organisations (including the city council, the Broads Authority, Norfolk County Council, and the Environment Agency) have statutory responsibilities for different aspects of the river and its environs, with potentially conflicting priorities. There is an opportunity for more effective joint working on a range of river issues, including enforcement, mooring, and navigation.
46. The Wensum River Parkway Partnership (WRPP) was formed in 2009 in recognition of the fact that the potential of the river to contribute to social economic and physical regeneration has not been maximised. WRPP members include the Norwich Society, Norwich HEART, Norwich City Council, Norfolk County Council and the Broads Authority.
47. The city council resolved in July 2012 to promote enhancement of the river and to support the work of the WRPP. Subsequent to that the council commissioned an asset review in late 2013 to inform management of its assets and liabilities in relation to the river, with a view to this informing a wider strategy. This review has now concluded so the focus is now on developing a wider strategy for the river.
48. In summary, there is a strong case for a more integrated approach to management of the river corridor, more effective working with partner organisations, and development of an agreed approach to a range of river issues. The development of a joint vision and partnership working is considered more likely to lead to sustainable regeneration of the river and its environs over the longer term than a corporate strategy, and to more effective liaison between the authorities on river related issues. A partnership body is more likely to be an effective vehicle for prioritising and funding actions and bidding for funding opportunities where appropriate, and more capable of reconciling potentially conflicting priorities of stakeholders.
49. The strategy is led and project managed by the city council. Its partners comprise key bodies with statutory responsibilities for the river and its corridor including the Broads Authority and Norfolk County Council, along with the WRPP. The Greater Norwich Growth Board (GNGB) is also part of the partnership as the Wensum strategy will help deliver elements of the green infrastructure network set out in the Joint Core Strategy.
50. The strategy inception meeting took place in early December 2014 and focused primarily on its remit and scope. The next meeting will take place on 29th January and will focus on working up the strategy programme including consultation arrangements.

51. The strategy will cover access, planning , navigation, development opportunities , emergency planning / flooding, biodiversity, management issues, enhancement of leisure, heritage and tourism, heritage, health and safety, potential impact on local economy, and environmental issues (riverbank erosion, dredging), community related (ASB / impact of river activities on neighbouring properties).
52. Relevant members will be consulted during development of the strategy alongside other key stakeholders, and Sustainable Development Panel will be kept informed about progress at key stages. The intention is that the strategy will be adopted by each partner organisation once completed, so the adoption of the final strategy will need to be approved by Cabinet.

APPENDIX 1:

Proposed additional section 4 to be included in the Affordable Housing Supplementary Planning Document following changes to national planning policy

4. Changes in national legislation and implications for JCS policy 4

38. In 2014 the government consulted on a proposed change to the threshold for affordable housing contributions so that only developments of over 10 dwellings, or a 1,000 square metre gross floorspace, would be liable for affordable housing contributions through Section 106 agreements. The Government considers that this will aid the delivery of housing small-scale sites and brownfield land.

39. The results were published by the Department for Communities and Local Government (CLG) and a ministerial statement was issued on the 28th November 2014 introducing the new threshold for affordable housing contributions as set out above. In addition, a 'vacant building credit' can now be offered to developers to incentivise them to develop sites. This applies where existing vacant buildings are proposed to be brought back into lawful use or demolished and redeveloped. This does not apply to buildings which have been abandoned.

The consultation response document can be found here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381349/Planning_Contributions_Section106_planning_obligations_.pdf

The ministerial statement can be found here:
<http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf>

40. As a result of this national planning policy change some parts of adopted JCS policy 4 can no longer be applied. In particular, bullet point 1 (requiring 20% affordable housing provision on sites of 5-9 dwellings) can no longer be applied at all, and bullet point 2 (requiring 30% affordable housing provision on sites of 10-15 dwellings) can now only applies to sites of 11 to 15 dwellings.

Calculating the 'vacant building credit'

41. Where the 'vacant building credit' is applicable, it will be calculated in the following way:

- a. The affordable housing requirement will be calculated based on the number of units as outlined in bullet points 2 and 3 of JCS policy 4, ie for proposals of 11-15 dwellings 30% affordable housing will be required, for developments of 16 plus dwellings 33% affordable housing will be required.
- b. The existing vacant gross internal area (GIA) of any buildings proposed to be brought back into lawful use or demolished and redeveloped, will be deducted from the proposed residential GIA leaving the total increase in floorspace. **(Note: for wholly residential schemes this will be the total GIA of all dwellings, for mixed use schemes the GIA of the proposed residential elements only will be used. Where**

flatted development is proposed the GIA will include all communal and circulation areas).

- c. The average floorspace of the residential scheme will be calculated by dividing the total residential GIA by the total number of units proposed.
 - d. The increase in total floorspace will then be divided by the average residential floorspace to calculate how many dwellings could be provided on the increase in floorspace.
 - e. The required percentage of affordable housing will then be applied to the dwellings which are to be provided *only* on the increase in floorspace.
42. Once the affordable housing requirement has been calculated, all other parts of this SPD should then be applied to the affordable housing contribution.
43. For clarity, a worked example is shown below:
- a. In a scheme where 26 dwellings are proposed there is a requirement for 33% to be affordable. Equating to 9 affordable dwellings.
 - b. In this example, the GIA schedule on page 19 has been supplied with the application. This shows an existing vacant floorspace of 865sqm and a proposed residential floorspace of 1607.1sqm. This results in a net increase of floorspace of 742.1sqm.
 - c. The average floorspace of the proposed residential units is calculated at 61.8sqm. Therefore 12 dwellings can be provided on the net increase in floorspace ($742.1\text{sqm} / 61.8\text{sqm} = 12$).
 - d. Therefore, 4 affordable dwellings need to be provided (33% of the total dwellings (12) provided on the net floorspace increase).
44. If, after such a calculation has been made, development of the site is still not viable, the following sections of this SPD will apply.

Proposed housing		
Plot	Beds	GIA Sqm
1	1	46.2
2	1	46.2
3	2	70.2
4	2	64.2
5	2	64.2
6	2	64.2
7	2	64.2
8	1	45.2
9	1	46.2
10	1	46.2
11	2	70.2
12	2	64.2
13	2	64.2
14	2	64.2
15	2	64.2
16	1	45.2
17	1	46.1
18	3	83.2
19	2	70.2
20	2	64.2
21	2	64.2
22	2	64.2
23	2	64.2
24	1	45.2
25	3	84.3
26	3	92.3
Total GIA		1607.1
Average GIA		61.8

Existing vacant retail floorspace	
Unit No	GIA Sqm
Unit 1	565
Unit 2	300
Total GIA	865

APPENDIX 2

DCLG Right to Build consultation: response of Norwich City Council

Submitted by:

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General comments on the consultation proposals

I wish to make the following general comments which are not specifically addressed by the questions in the consultation form:

- The purpose of the Right to Build is to significantly increase housing supply, however the proposals appear unlikely to make a significant contribution for a number of years or at all. Custom and self-build is a niche market and likely to appeal to those who want to build an individual property or who want a particular location. Projects often do not add to the housing stock as they may involve demolition and re-build. There may be more potential for self-build for those who cannot afford mainstream housing, however, given the uncertain contribution self-build will make to housing supply some of the proposals in the consultation document seem onerous and greater flexibility would appear to be justified depending on local circumstances.
- The proposals involve setting up and maintaining a register which will place a great administrative burden on local authorities and add significantly to the 'red tape' which the government states that it wants to reduce. This again is potentially out of proportion to the contribution that custom and self-build housing will make to supply. Additionally other emerging proposals such as the current consultation 'Stepping onto the property ladder' will add further to the administrative burden being placed on local authorities.
- Some of the proposals in the Right to Build consultation appear to be difficult to implement. Before the details of the Right to Build are finalised it will be important to address how implementation can be assisted. Again greater flexibility seems justified.
- Overall it is acknowledged that self-build could have a role in contributing to housing supply but probably in a small way. Recent research² indicates that if self-build is to contribute in a more significant way to housing supply, models which

² University of York: 'Build it yourself? Understanding the changing landscape of UK self-build market, 2013. https://www.york.ac.uk/media/chp/documents/2013/Lloyds_A4%20report%20v2-final%20NEWno.2.pdf

encourage younger, less affluent households are required, with local authorities supporting self-build as a means of providing 'more affordable housing' for local people. This research also found that the chief barrier to self-build is availability of finance rather than access to land and planning permission.

Responses to specific questions

Q(1): If you are a prospective custom builder, would you be interested in using the new Right to Build? – no comment

Q(2): How can local planning authorities work together to enable the Right to Build to apply in London, National Parks and the Broads and areas with development corporations? – no comment

Q(3): What preferences should custom builders be able to express on the register? Are there any preferences which are essential for all local planning authorities to consider?

Custom builders should be able to express preference for size and type of dwelling (number of bedrooms). It would also be appropriate to state the size of plot required and also the type of self-build required (individual / group / developer led etc). The broad location should be specified although there needs to be discretion among local authorities about how this is expressed. In the case of a wholly urban authority with limited potential for site locations, it may not be appropriate to give an applicant a choice of locations within the area.

It would also be appropriate for the application form to seek financial information about the applicant such as whether they have money saved for a deposit, the maximum anticipated amount they could afford for purchase, whether they would have to sell another property to proceed with the project, etc.

Q(4): To what extent should a local planning authority be expected to meet these essential preferences?

There needs to be flexibility about how far local authorities can be expected to meet essential preferences, as local circumstances will vary (availability of suitable land etc). There should be no requirement for councils to meet preferences as long as this can be justified. The application form should state that, whilst councils will make efforts to meet preferences, this cannot be guaranteed.

Q(5): Are these the right eligibility criteria for the register? What are the practicalities for local planning authorities in assessing against these criteria?

The criteria for eligibility seem to be appropriate. However it is possible that the questions about local links would enable people to apply in more than one local authority area, so it may be helpful to ask applicants to state that they are applying in one local authority area only.

Q(6): Do you agree that local planning authorities should have the discretion to apply a local connection test and, if so, why?

Yes, it is appropriate that local authorities have discretion to apply a local connection test to ensure that increased supply of self-build housing meets local housing needs.

Q(7): In what ways do you think a prospective custom builder should be able to demonstrate that they have a local connection, for example through residency or a family connection?

The proposed local connection criteria are vague, would be difficult to verify and, given that employment within the area would determine a local connection, would create additional demand in cities and larger urban areas. It would be fairer, consistent and more transparent to use the existing allocations policies of individual local authorities which, since the Localism Act, are specifically designed to address local housing issues. This would also cover any issues in regard to members of the armed forces.

Q(8): How long do you think a prospective custom builder needs to be resident in an area before they satisfy the local connection test? Should temporary periods outside the area be permitted?

See response to Q7 above.

Q(9): How do you think family should be defined for the purposes of establishing a local connection?

Definition of family: Regulation 7 of the EEA regulations provides that the following persons are treated as the family members of another person (with certain exceptions for students – see below): (a) the spouse of the person (b) the civil partner of the person (c) a direct descendant of the person, or of the person's spouse or civil partner, who is under the age of 21 (d) a direct descendant of the person, or of the person's spouse or civil partner, who is over 21 and dependent on the person, or the spouse or civil partner (e) an ascendant relative of the person, or of the person's spouse or civil partner, who is dependent on the person or the spouse or civil partner (f) a person who is an extended family member and is treated as a family member by virtue of regulation 7(3) of the EEA regulations

Q(10): Do you agree that members of the armed forces should be exempt from any local connection criteria? Are there any other groups we should exempt from this requirement where it applies?

It seems appropriate to exempt members of the armed forces – see response to Q7 above.

Q(11): Are the proposed criteria for removing a person from the register appropriate? What are the practicalities facing local planning authorities?

Another potential ground for removal could be if the applicant was found to have falsified information on the application form.

Q(12): Do you agree with the proposals on transparency?

Agree these proposals seem reasonable.

Q(13): How should local planning authorities publicise the register?

Use of council website and social media are appropriate; also could registers potentially be publicised through the national Self Build Register.

Q(14): Do you agree that there is sufficiently robust planning policy and supporting guidance framework in place to promote custom build?

The NPPF and NPPG provide a robust planning framework to promote custom and self-build.

Q(15): If not, what more would you like to see?

N/A

Q(16): Should local planning authorities have discretion in which approaches they use? Are there alternative approaches which should be considered?

Yes local planning authorities should have discretion about the approaches they use to encourage self-build, potentially including making land available for self-builders (depending on availability of suitable sites) and using planning agreements to include self-build within new developments.

Q(17): What tools and support will local planning authorities need to develop these approaches?

No comment

Q(18): Do you agree that water and energy services should be provided as a minimum? Should telecommunications access be required?

This will depend upon the requirements of the self-builders registered. This would be the minimum required for a 'serviced plot' and it would make sense to do all of the services including telecommunications at the same time.

Q(19): Are there circumstances when a local planning authority should not be required to service the plot?

See response to Q18

Q(20): How could we expand or change these principles to ensure we provide a fair national framework?

There should be more flexibility to reflect the level of demand and supply of plots. Pricing of land should also reflect the level of cost required to provide a serviced plot .e.g land remediation could be a significant cost in some parts compared to others.

Q(21): Is three the right number of minimum offers a local planning authority should be asked to make before they can consider the requirement to be met?

The number of offers should be at the discretion of the local authority taking into account local demand and local supply circumstances.

Q(22): Is two and half years the right time period in which authorities should reasonably be expected to make three reasonable offers in?

No, whilst local authorities should make every effort to deliver sites within a reasonable time period from the initial registering of interest, there should be flexibility built into this process as delivery within a set timescale may not be able to be guaranteed depending on local circumstances.

Q(23): Should there be an appeals mechanism to enable custom builders to challenge the plot price?

The appeals process can be onerous and time-consuming and the process therefore needs to be as simple as possible. It would be preferable for any review of a decision to be carried out by a manager and, if the client is not satisfied, this should then be dealt with through the corporate complaints processes.

Q(24): If you wanted to access a plot through the Right what approaches do you think would be appropriate and in what circumstances?

No comment.

Q(25): If you were an authority administering the Right which approaches do you think would work for you?

No comment.

Q(26): Will these approaches (including a combination of approaches) work? What other approaches are there?

These approaches seem reasonable and should be explored by local authorities.

Q(27): What support or changes local authorities would need to enable them to purchase and prepare land?

Access to short term funding to cover the costs of purchasing and preparing the land for sale. Streamlined compulsory purchase powers may assist with bringing forward some sites.

Q(28): Do you agree that in some circumstances local planning authorities will need to look at bringing forward land in the wider housing market area? Are there other approaches we could consider?

Cross boundary working may be necessary and should be identified in SHMAs.

Q(29): Do you foresee any challenges with authorities securing the expertise needed to support them in delivering plots for self builders

The main challenges are the resources required to service the Right to Build - professional, administrative and financial. This is likely to place a significant burden on local authorities and it is important that this is proportionate to the likely increased supply coming from self-build housing.

Q(30): How should the register reflect the requirements of those who are eligible for affordable housing?

The register should allow for flexibility in the definition of self-build to include 'self finish' shared ownership dwellings where the shell of the building is provided with applicants then able to complete the build from second fix onward earning some 'sweat equity' in the process.

Q(31): What tools do local planning authorities and registered providers need to enable them to bring forward custom build affordable housing?

Funding for training for applicants to learn the skills required to take on such projects.

Q(32): How can we design the Right to enable registered providers play a greater role in bringing forward more custom build affordable housing?

Allow RPs to register their interest in such projects.

Q(33): Should individuals who want to register for a group custom build apply to register as an individual stating their preference to group custom build, or should the group be able to register as one entity?

No preference, but see Q34.

Q(34): If a single entity is capable of making an expression of interest for a group custom build should each individual within that group satisfy the eligibility criteria or would a proportion of the membership (say 75%) be sufficient?

All individuals within a group application should meet the eligibility criteria.

Q(35): Do you support the principle of allowing Community Land Trusts to register individuals and state their preference for group custom build?

There is no difference between a CLT and any other group registering – see Q33 & Q34.

Q(36): Should local planning authorities have the power to charge fees on a cost contribution basis for the register?

Yes, local authorities should have the power to charge fees, but would favour this being on a cost recovery basis dependent on the financial circumstances of the applicant. If the latter is not justified then charges should be on a cost contribution basis.

Q(37): What practical support should be available to local planning authorities?

Forum for sharing information on projects, training / conferences for authorities, flexibility in implementation to reflect the differing starting positions of LAs.