

2nd May 2017

Planning Policy Consultation Team
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Dear Sir or Madam,

Thank you for the opportunity to respond to the Government's consultation on the 'Housing White Paper: Fixing our broken housing market' (HWP).

We consider that there is a considerable amount of common ground between Richborough Estates and the Government; included within this common ground are a number of key matters including: the fact we are living in a housing crisis that needs tackling now; the delivery of more homes is a critical part of tackling this crisis; and that tackling it will only be done through a combination of radical reform and tough decisions being made.

About Richborough Estates

Richborough Estates is one of the UK's most successful strategic land promotion companies. We work on behalf of landowners, promoting land through the planning system to secure housing allocations and planning permissions for residential development. Following this, we then manage the sale of the site from the landowner to the housebuilder who then build out the site and deliver homes.

We are currently promoting approximately 20,000 dwellings on 76 sites through various stages of the planning process across the United Kingdom. Our aim is to leave a lasting legacy for the communities within which we work, through delivering much needed new housing and developments that deliver benefits for both new and existing residents.

Given the above, we consider that we are exceptionally well positioned to play a key role in helping the Government tackle the housing crisis expediently and look forward to future embracing future engagement on how this can best be achieved.

We append to our submission a document which summarises the land promotion business model and provides information that is relevant to a number of considerations in the HWP, particularly in relation to the delivery of housing. The information is supported by a number of case studies from Richborough Estates, which we hope will be of interest to you and will enforce our view that land promoters are playing, and should continue to play, a vital role in increasing housing delivery within the country.

The Housing White Paper response

As set out above, we consider that there are considerable areas of common ground between ourselves and the Government as we work together to tackle the housing crisis. Below, we reflect on a number of key questions set out in the Housing Paper and hope that these comments are useful as the Government progress new guidance, aimed at boosting the supply of housing, in the coming months.

Question 1 Do you agree with the proposals to:

a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?

It should first be stated that Richborough Estates is a supporter of the principle of a Plan-led system, provided that such a system plans positively to meet the housing needs of the country. We engage fully with emerging Plans at all levels that relate to our land interests and welcome the certainty in the medium-long term that aspirational Plans can provide for residents and the development industry alike.

In relation to the meeting of housing needs and significantly boosting the current levels of housing supply, the strategic policies that meet the aspirations of paragraph 156 are supported – particularly with the additional requirement regarding the delivery of the areas objectively assessed housing need (OAN).

However, we would also seek to take this opportunity to put forward some additional comments based on our experience of Plan-making in this country, that will hopefully assist further the delivery of the Government's aspirations set out in the HWP. These primarily relate to the requirements listed in paragraph 157 of the National Planning Policy Framework (NPPF), of which we would draw particular attention to:

- **Plan positively for development:** Part of the driver behind the need for the HWP is to tackle the number of Local Planning Authorities (LPAs) that are failing to meet their OAN. This is an issue that should be tackled through the proposed additional requirement to paragraph 156 of the NPPF as set out in the HWP. However, another area that directly relates to positive planning is the distinct lack of flexibility that is incorporated into most Plans. There are numerous examples where relatively new Local Plans have been rendered out-of-date at appeal as the trajectory has failed in the first 2 years of the Plan period; such circumstances can only serve to undermine the Plan-led system. However, if we are to tackle the housing crisis then the correct response is not to seek to nullify the ability of the development industry to tackle the housing land supply issues as they arise in such areas, but to increase the level of flexibility that is built into Plans – something which can only be done by allocating additional sites, either for delivery now or in the eventuality that the preferred strategy fails. This issue is particularly acute in Green Belt areas, within which the weight given to paragraph 85 of the NPPF and the amount of safeguarded land is often extremely limited. With very few exceptions, the vast majority of Plans in Green Belt areas are adopted with an absolute need to review the Green Belt again at the end of the Plan period as they identify little or no safeguarded land beyond any immediate Green Belt allocations. Tackling this issue should be a key aspiration of Local Plan reform.
- **Be drawn up over an appropriate time scale, preferably a 15-year time horizon:** whilst this was at one time a key test, we have in recent years witnessed a surge of Plans which often cover significantly less than the aspired time period; with some nearing 10 years. As above, we welcome the certainty that Plans can provide to residents and the development industry, however – particularly in the context of the proposed 5-year reviews – we consider that there should be a drive to make Plans look further forward and cover at least a 15-year time period; and
- **Be based on co-operation with neighbouring authorities:** the HWP sets out specific notes on the potential enhancements to the Duty to Co-operate (DtC); however, we are concerned that they do not go far enough and that tackling cross-boundary issues needs to remain at the forefront of Local Plan Examinations.

c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?

In the context of our response to Q1a, we are concerned about the apparent watering down of the test of soundness for Plans. Whilst we are fully supportive of the Government's aspiration to tackle the housing crisis, this should not be done at the expense of delivering the best, most sustainable outcomes for an area.

The proposed amended wording would lead to a situation where the development industry is no longer able to make the case to an Examining Inspector that, whilst the Council's strategy might be appropriate, there are more appropriate strategies available to meet the needs of an area. Such an outcome would be perverse in the context of maximising the social, economic and environmental benefits that are delivered by the planning

system. Consequently, we would strongly object to such a change, due to its lack of consistency with the Government's own wider aspirations for the Plan-led system.

Question 3 Do you agree with the proposals to:

a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?

Such an approach is considered to be sensible. However, it is important that the evidence base and Plans are clear in providing separation between general OAN and the housing needs of specific groups.

Furthermore, in identifying such needs it is important to reflect that whilst a level of group-specific housing can be seamlessly delivered alongside market housing (i.e. a proportion of lifetime homes), there should not be a blanket expectation that group-specific housing is delivered within market housing schemes. As often, for example with C2 units providing levels of care, it would not be beneficial to either the house builder, care provider or care receiver to mix such units within a market housing scheme.

b) from early 2018, use a standardised approach to assessing housing requirements as the baseline for five-year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?

We broadly support this approach, as it would clarify the position where LPAs have failed to progress an up-to-date Local Plan.

However, before we can fully endorse this approach then we need to have sight of the methodology, and welcome the opportunity to engage on that in the coming months. It is also important for us to understand under what circumstances LPAs could opt out of the standard methodology because this will heavily influence the success or failure of a standardised approach.

Question 4 Do you agree with the proposals to amend the presumption in favour of sustainable development so that:

b) it makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?

It is considered that such a suggestion is diametrically opposed to the overall ambition to simplify the Plan-led system. Given the intention to further empower the DtC, we consider that it would be much clearer for all parties if the requirement was that, 'identified needs must be accommodated unless there is a signed agreement with a separate LPA who will meet any unmet needs arising.'

If the HWP proposed wording is to be carried forwards, then it needs to be made clear what the 'strong reasons' that the Government refers to are. Given that it remains part of footnote 9 of the NPPF, there is every possibility that some LPAs will seek to utilise the presence of Green Belt as a 'strong reason' to justify not meeting their OAN; given the scale of this designation across vast swathes of the country, particularly in the south east, it would be extremely damaging to the chances of solving the housing crisis if LPAs were able to not meet their OAN on the basis of Green Belt alone.

c) the list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented as examples), with the addition of Ancient Woodland and aged or veteran trees?

We support the intention to alter footnote 9 so as it forms a closed list.

d) its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?

We support the proposed re-ordering of the presumption in favour of sustainable development.

Question 8 Do you agree with the proposals to amend the National Planning Policy Framework to:

b) encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?

We consider that the fifth bullet point of paragraph 17 of the NPPF is a critical element of the Core Planning principles, in particular the need to support thriving rural communities.

We are acutely aware that there is a general drive towards the delivery of new settlements and large-scale sites, which may well be required to deliver the boost to housing delivery that is required to deliver more homes and tackle the housing crisis.

However, it is of critical importance that the delivery of such sites is not at the expense of appropriate levels of rural growth to meet the needs of rural communities and ensure the ongoing sustainability of such settlements.

As such, any amendments to the NPPF that support sustainable levels of growth in all settlements would be welcomed.

Question 10 Do you agree with the proposals to amend the National Planning Policy Framework to make clear that:

a) authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?

Firstly, if this is considered to be the articulation of what is meant by ‘exceptional circumstances’ as included at paragraph 83 of the NPPF, then it would be helpful if this were clarified. This is as, we are already aware that, LPAs are treating the HWP-wording in this section as a strengthening rather than an articulation of current Green Belt policy contained in the NPPF.

In addition to this point, we are concerned that this wording elevates Green Belt policy beyond a level that is reasonable or conducive to the achievement of sustainable growth. As with any large-scale policy, particularly one that is grounded not in environmental protection but on the basis of preventing urban sprawl, the quality of land within the Green Belt varies hugely across LPAs and Housing Market Areas (HMAs).

We consider that the Government should be pushing LPAs to progress the strategy that, on the balance of a full range of considerations, best meets the social, economic and environmental aspirations and characteristics of their area.

Introducing the proposed wording in the NPPF could lead to LPAs only releasing Green Belt as a last resort; potentially leading to the release of land of higher landscape and ecological value and unsustainable patterns of growth – particularly in relation to commuting patterns.

b) where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?

As above, such an approach would only be fair and reasonable if Green Belt land was always of a higher environmental quality than non-Green Belt land; however, this is not the case. As such it is not understood on what basis this could be considered fair or reasonable as a blanket approach.

In addition, there is no evidence that suggests that Green Belt land is more economically viable to deliver than greenfield non-Green Belt land, and as such it is unclear how such provision would be justified on this basis.

Across much of the country, appropriate ecological mitigation is already secured through biodiversity offsetting schemes – which have the benefit of assessing the individual environmental quality of a site and providing enhancements with the local area. This is seen as a fairer and more robust approach.

In terms of accessibility, it is considered that Green Belt residential developments already deliver improved accessibility. Typically, Green Belt sites are in agricultural use with – at best – public access via footpaths. The development of these sites generally delivers open space and landscaped areas that allow people to access and enjoy these areas.

e) where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?

This suggestion is not supported. The release of Green Belt sites almost exclusively follows a period of pent up demand in an area, and Neighbourhood Plans are documents that can be relatively slow to progress.

If this approach was carried forwards, then even once the release of Green Belt was agreed in principle, developers would be left with a potentially significant period of further delay before they could deliver on site whilst the precise revised boundaries were agreed in a separate Plan.

Such delays would not be consistent with boosting the level of housing supply.

f) when carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously developed and/or which surrounds transport hubs?

It is considered that the redevelopment of previously developed Green Belt land is already prioritised by LPAs in meeting OAN, and we are comfortable with the continuation of this practice.

In terms of prioritising land around transport hubs however, we do have some concerns. Firstly, it is necessary to define 'transport hubs' if they are to be used to direct growth. Secondly, as above, we consider that this consideration would just be one of a number of factors considered by LPAs in arriving at the most appropriate strategy for their area. We consider that there is a danger that, if there is an over-simplification of the site allocation process to simply release land surrounding transport hubs, the planning system may not deliver the optimal strategy in terms of delivering social, environmental and economic benefits to an area.

Question 12 Do you agree with the proposals to amend the National Planning Policy Framework to:

a) indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?

We are supportive of this approach, although would strengthen it further by advocating that neighbourhood planning groups **must** be provided with a housing requirement figure where they are seeking to progress Neighbourhood Plans in the absence of an up-to-date Local Plan.

Such an approach would prevent the continuation of Neighbourhood Plans which are consistent only with an out-of-date Local Plan and do not plan for the future growth of an area.

We would welcome the opportunity to engage with any methodology proposed to provide such a figure at the neighbourhood-level.

Question 13 Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:

a) make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?

Any proposal in this regard should be clear that it is linked to the net developable area. It would be wrong if such a policy led to a reduction in the delivery of landscaping and open space on a site.

In our experience, the circumstances where an LPA has a shortage of development land are extremely rare - especially if LPAs have engaged the DtC robustly.

Furthermore, it needs to be clear that there are circumstances where lower density schemes are necessary in order to provide developments that are sensitive to the surrounding area and representative of the existing character of an area.

d) take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?

We agree that such policies and guidance should be considered in the context of existing provision, and find that pragmatic LPAs already embrace such opportunities.

Question 16 Do you agree that:

a) where local planning authorities wish to agree their housing land supply for a one year period, national policy should require those authorities to maintain a 10% buffer on their 5-year housing land supply?

We disagree wholeheartedly with the principle of freezing housing land supply for a 12-month period, and the dreadful impact that it could have on the Government's wish to tackle the housing crisis.

In our extensive experience, the only way to achieve proper scrutiny of housing land supply is through the collection of detailed evidence on individual sites and with the benefit of cross-examination from Counsel. There is significantly less scrutiny in the context of a Local Plan Examination – which is why, as referred to above, there are examples where trajectories that have been considered robust at a Local Plan Examination have failed during the infancy of the Plan.

Based on the relatively limited information available in the HWP, we anticipate that the process would be more akin to a Local Plan Examination as opposed to a Planning Appeal Inquiry.

Furthermore, such an approach is blind to the fact that the supply is a 'live' figure that can change rapidly. As such, the fixing of supply would lead to unfair and unsustainable outcomes. For example, if an LPA was found to have a supply of 5.02 years, and in the immediate aftermath a strategic site stalled, then the above approach would prevent the consideration of windfall sites with the benefit of the presumption in favour of sustainable development despite in reality there being a shortfall; whilst similarly, an LPA could be found to have a supply of 4.98 years and forced to consider sites in the context of the presumption in favour of sustainable development for a 12-month period regardless of what was consented during the monitoring period.

Finally, if – notwithstanding our above concerns - the Government chose to proceed with such an approach, it would be necessary to clarify how the proposed 10% buffer would work in relation to the existing 5% or 20% buffer that paragraph 49 of the NPPF requires currently.

b) the Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?

Please see our response to Q16a in relation to the principle of this issue.

In addition, we note that the Planning Inspectorate have suffered from resource issues in the recent past, which have impacted on the determination period of appeals and Examination of Local Plans. Given that there are over 300 LPAs in England, it is unclear how the Planning Inspectorate could feasibly plan for or deliver an assessment of a large number of these assessments (presumably all close to 1st April each year).

c) if so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?

We consider that a consideration of the robustness of the approach would totally fail to deliver the level of assessment required. As such, notwithstanding our objection to this principle of this approach, we would recommend that if it were to be done then the Planning Inspectorate would need to assess the supply figure itself.

Question 17 In taking forward the protection for neighbourhood plans as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:

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

Firstly, we note that the Government introduced the Written Ministerial Statement (WMS) on Neighbourhood Plans on 12th December 2016 without any consultation. The consultation on the HWP does not invite any views

about the WMS or the principle of such a policy, only to some suggested additions and amendments to it. It is partly because of that complete lack of consultation on the principle of the WMS and the policy test contained therein that Richborough Estates is a party to the Judicial Review of the WMS.

As per our response to Q12a, we are fully supportive of all Neighbourhood Plans being required to meet an area's share of local housing need, although we need to understand the methodology proposed.

b) that it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?

The new thresholds proposed in the Housing Delivery Test (HDT) are extremely low and seek to offer protection from the application of the presumption in favour of sustainable development even in the face of severe delivery problems. Such an approach will not solve the housing crisis in this country.

The proposed thresholds will exacerbate the issue, by attempting to stop sustainable windfall development from coming forward.

However, if a HDT is to be brought forward, then it would be sensible to link the protections proposed in the WMS to it.

c) should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?

In our view, the additional protection proposed in the WMS should only apply where allocations have been made in a positive Neighbourhood Plan.

Question 18 What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:

a) how the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;

We consider that, if the fee was suitably low – i.e. capped at £2,000 as per the HWP – then this would not put off appeals from smaller and medium sized firms.

However, we would also query whether – if the cost is to be at such a level – it would have a noticeable impact on Government finances. If it will not, and given that the ability to appeal is a fundamental principle of the planning system, then it may be more sensible to not introduce a charge.

b) the level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful

We are concerned that, depending on where the funding was to be directed, such an approach could act as a disincentive to allow appeals and undermine the impartiality of the Planning Inspectorate.

As such, we would suggest that either the fee is not refundable, or that any fee would be payable by the losing party.

Question 21 Do you agree that:

a) the planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?

This information is already collected by the vast majority of LPAs as part of their annual monitoring process in order to prepare a robust trajectory. As such, the benefit of such an approach would be limited and any estimates would be quickly reviewed following the decision.

In addition, it is extremely difficult question to answer accurately at the point of submitting an outline planning application; as it would not be known whether an appeal would be required or if there'd be any subsequent challenges that would delay the delivery, or the level of negotiation required on a Section 106 agreement.

Consequently, if the Government are keen to add this then we would recommend that it is incorporated only at the detailed stage, when the principles of a site have been established and there is a greater degree of certainty available to the applicant at the time of submission.

b) that developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?

This information is already collected by the vast majority of LPAs as part of their annual monitoring process in order to prepare a robust trajectory. As such, the benefit of such an approach would be limited and any estimates would be quickly reviewed following the decision.

For the reasons set out above in response to Q21a, we would suggest that such information was best gathered at the detailed application stage.

Question 22 Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?

This is a reasonable consideration for an LPA to have in determining an application, however, any assessment must be flexible enough to take account of changing circumstances (e.g. change of landowner or promoter) and must provide an applicant with an opportunity to explain the reasons for any historic non-implementation.

Question 23 We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.

We are uncertain that such an assessment would be robust or suitably take account of the nuances of different circumstances. In addition, it is unclear how such a test would be applied to a landowner applicant, a matter that would require further consideration.

However, we would have no concerns if such an approach were to be taken forward as we have an exceptionally strong track record of providing deliverable consents to housebuilders and thus making a significant contribution to housing delivery in this country.

Appended to our HWP response is a report which has been produced in conjunction with Lichfields. It sets out clearly, with examples, how we expeditiously and robustly progress sites through the development process and dispose of them to housebuilders quickly.

Question 24 If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?

If this test were introduced, then there would - as a general principle - be a need for LPAs to be pragmatic across a range of matters, and the nature of the applicant and whether they are a new business would form one of these matters.

However, as set out in our response to Q23, we have a strong track record of providing deliverable consents to housebuilders and thus would have no difficulty in demonstrating this to LPAs if required.

Question 25 What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.

We have agreed to such reduced time restrictions on our sites, and welcome the use of these to drive the early delivery of planning consents in appropriate circumstances. However, such an approach must be aligned to the Government's stated intention to achieve a reduction in the number of pre-commencement conditions.

In addition, based on our experience, we consider that it is of fundamental importance that legislation is introduced that would have the effect of pausing the countdown of the time period during the process of any legal challenges made against a decision.

There is a real danger already, but particularly if the time period for implementation is reduced, that a motivated party with sufficient funding can put in danger any consent through the various Court processes.

Question 28 Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:

a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?

The use of an up-to-date Plan figure is endorsed. In this regard, it would be helpful for the Government to clarify the circumstances in which a housing requirement is rendered out-of-date; which could sensibly be linked to a certain time period or the availability of updated evidence/projections.

Furthermore, we would use this opportunity to comment that in our view – and the view of all those within the development industry with whom we have engaged – that the trigger points suggested in the HDT are to be extremely low and will do little, if anything, to tackle the housing crisis.

b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?

Notwithstanding our fundamental concerns raised in response to Q28a, this would appear to be a sensible suggestion where no up-to-date Local Plan exists.

c) Net annual housing additions should be used to measure housing delivery?

Yes – it is difficult to comprehend what else delivery would be measured by. However, it should be clarified whether specialist housing should be counted within this figure.

Question 29 Do you agree that the consequences for underdelivery should be:

a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?

There is limited detail as to what any action plans would contain, and until this is known then it is difficult to know whether this is an appropriate response and would have any noticeable effect on increasing housing delivery.

The production of an action plan by a LPA should be a material consideration when determining planning applications and, if one is not produced within a prescribed time, then the presumption in favour of sustainable development should apply.

b) From November 2017, a 20% buffer on top of the requirement to maintain a five-year housing land supply where delivery falls below 85%?

It is unclear how such a buffer would interact with the existing buffer, as required for persistent under delivery in paragraph 49 of the NPPF, or if this is an attempt to clarify what is what will be adjudged to constitute persistent under delivery in the future. This issue should be clarified.

c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%?;

d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and

e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?

As set out in response to Q28a, the trigger points suggested in the HDT are considered to be extremely low and will do little, if anything, to tackle the housing crisis at the heart of the HWP. This is partly as the NPPF already implements the presumption in favour of sustainable development where a five-year supply cannot be demonstrated, and it is hard to imagine that an LPA delivering less than the targets proposed could realistically have a five-year housing land supply.

There appears to be no statistical evidence or justification for the targets set out in the proposed test. Indeed, we are concerned that the tests do not set a target of meeting all of the OAN. There is no reason why LPAs should not plan to meet its planned level of housing provision; indeed, the need to produce an Action Plan where delivery has fallen below 95% of the requirement suggests that a 100% target is both desirable and achievable.

We accept that the test is to be applied retrospectively for the first three years and thus the targets should be slightly staggered, however, we propose that, in order to get closer to meeting OAN, the thresholds are increased to 75% in 2018, 85% in 2019 and 95% in 2020. Failure to meet this level of delivery should result in the presumption in favour of sustainable development.

We would not wish to see this delivery test replace the need for local authorities to maintain a five-year housing land supply. Greater clarification should therefore be given to the relationship between the delivery test and the existing sanctions within the NPPF regarding the requirement to maintain an adequate five-year housing land supply. In effect this could result in a double presumption in favour of sustainable development.

We trust that the above is clear and helpful to the Government in progressing this matter. We look forward to continued engagement over the coming months.

Please do not hesitate to contact us should you wish to discuss any matters contained within this letter further.

Yours faithfully,



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Planning Director

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