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Richborough Estates

Founded in 2003, and with offices in Birmingham and London, Richborough Estates is a privately owned land promotion company operating nationally. We work in partnership with landowners, councils and stakeholders to secure residential planning permission on suitable sites, which can then be sold to a development partner. We are a founding member of the Land Promoters & Developers Federation.

The landowners we work with include private individuals, companies, charities, trusts and estates departments at public sector bodies, including councils. The sites we promote range in size, but are typically 150 to 300 homes.

We are keen to work with all stakeholders. Our collaborative work and approach bring benefits to many of the main parties involved including the local community. Local planning authorities can rely on our technical expertise and experience as we demonstrate sites are acceptable in planning terms and can deliver local policy aspirations and local benefits.

We are strong advocates of a plan-led system and are committed to promoting land for residential development by engaging actively with local authorities, parish councils and other neighbourhood forums through local and neighbourhood plans. We currently have around 100 active projects across the country and if all of these sites come forward they would contribute around 25,000 new homes and would play a significant role in ensuring a continued supply of new homes across England and Wales.

We work with a range of housebuilders, all offering different housing products. The housebuilders who have built out our sites include Barratt, Barwood, Bellway, Bovis, Cala, Cameron, David Wilson, Elan, Kier, Lioncourt, Miller, Mulberry and William Davis.

We welcome the opportunity to comment on the Government's proposals for changes to the current planning system in England. We are pleased to see that the proposals include

the continued endorsement to meet at least 300,000 new homes each year. Indeed, the new standard method looks to 337,000 dwellings, albeit we do not yet know what the impact will be on this once the constrained figures emerge.

Question One

Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

We welcome the introduction of housing stock into the standard method (SM) calculation because this gives more stability to what is currently an erratic process due to the reliance on household projections.

From the very start of the introduction of the current SM we have had grave concerns over the fact that by using projections the system perpetuates a downwards spiral of lower and lower housing requirements in local authorities which start at a low base.

This has been particularly acute in our company's North Region. As any example, some five years ago the Greater Manchester Authorities made the bold step of going for growth and proposing some Green Belt release alongside urban regeneration to satisfy their growth agenda. This was seen by the development industry has a positive response to years of moratoriums across numerous authorities and a return to building family homes in locations where people actually want to live. Since then, however, we have seen a watering down of this bold strategy through projections lowering the housing requirements, albeit we recognise that this was not solely down to the SM and the introduction of a mayoral system and local politics also played their part.

We now find ourselves with a suggested new SM that, in part, we were promised would re-balance the inequitable north-south result of the current method. The Government's proposals for a new SM have, though, once again failed the north of England and turning back to the Greater Manchester example, those authorities cumulatively will see a drop of around 335 dwellings per annum. We are already hearing rumours that the next version of the Greater Manchester Strategic Framework is going to 'cull' further Green Belt sites due to

the new SM – we are a very long way away from those heady days of that bold vision for delivering new family homes.

Question 1 asks whether it is appropriate to use whichever is the higher of the level of 0.5% of housing stock in each local authority area or the latest household projections averaged over a 10-year period. The question for us is really whether 0.5% is high enough in the first place and we address this in the next question.

Question Two

In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

We have seen a number of percentage figures suggested. The consultation paper considers 0.5% represents a basic level of increase in all areas without putting a disproportionate emphasis on existing stock levels. We believe 0.5% is not high enough.

Our views on this are partly influenced by our concerns over the use of projections. We therefore consider a greater emphasis should be placed on existing stock

Comparing the current SM to that proposed (which of course is an unconstrained figure) there are drops across the north – York down 29%, Liverpool down 29%, Manchester down 37% Bradford down 29%, Calderdale 27%, Leeds 13%, Sheffield 18%, Warrington 17%; although it is not just a northern issue. Clearly 0.5% does not help these authorities and actually across the north, the new SM would mean less housing than recent delivery rates.

We have already seen how the 2018 household projections were completely ineffectual within the current SM. This needs to be avoided in the future.

We believe that the baseline housing stock figure should be at least a ¼ percent higher at 0.75%.

In Question 1 we referred to re-balancing; but we do not mean shifting development from the south to the north, rather bringing the north up to the south's level. One departure from this is London because the level of growth resulting from the new SM appears to be unrealistic and well above recent delivery rates. A direct re-balance between London and

the north could therefore be considered because the capacity in London is not there to deliver the new SM, and thus from the start the desire to achieve 300,000 homes would be threatened.

Question Three

Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

We have no particular comment on this approach but if this is implemented then it must result in a noteworthy target.

We are of the view that one thing missing from the adjustments to the baseline is an economic element. Those authorities that wish to grow beyond the SM derived figure should be allowed to evidence this ambition. Potentially it could be incorporated into the model but a better approach would be to address this as part of the local plan preparation and examination as it would be local authority specific.

Question Four

Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

It is essential to look at longer term affordability changes. We welcome the use of affordability to target new housing development in those areas where there is the double whammy of high house prices and high demand.

Question Five

Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

An issue with the proposed SM is that by removing the affordability growth cap some areas are being given unachievable targets. Where there are such targets the numbers should be redistributed elsewhere and not lost.

Conversely, there could be opportunities to focus more development in those areas where there is (i) acute affordability and (ii) also the ability to go above and beyond what the present proposals for the SM would allow. Consideration should be given as to how the model could accommodate this.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Question Six

Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Question Seven

Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

We are concerned about the length of time being proposed because history tells us that transitional arrangements for changes to the planning system can often mean some local authorities delaying matters or speeding up processes depending on what suits them.

Rather than 6 months (referenced in Question 6) a shorter time should be given to local authorities to submit their plan. Regarding Regulation 19 plans, if a local authority has not yet published it then their emerging plan should be updated first to take account of the new SM.

We are especially concerned that poorly prepared plans will be submitted to meet these cut off deadlines but inspectors should not tolerate them and allow them to be rectified within the examination process. Any obviously badly prepared plans should be rejected by an inspector in advance of any time wasted on an examination.

Question Eight

The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

- i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.
- ii) Negotiation between a local authority and developer.
- iii) Other (please specify)

It seems there is typographical error in the question because the proposals are not for on-site and off-site but one or the other.

This aside, firstly, it is vital that First Homes are considered as part of the overall affordable housing requirement and not in addition to it. If it were in addition then the majority of housing schemes would immediately become unviable.

The Government had previously suggested alternative percentages but at 25% we do not consider this level to be prohibitive.

In terms of the remaining 75%, clearly there will still be a requirement for other affordable tenures outside of First Homes. These tenures should be the subject of negotiation between a local authority and developer, likely informed by evidence at the time and the usual viability considerations.

With regards to current exemptions from delivery of affordable home ownership products:

Question Nine

Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to this First Homes requirement?

Question Ten

Are any existing exemptions not required? If not, please set out which exemptions and why.

Question Eleven

Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

It is appropriate for First Homes to be exempt from CIL. We are not aware there are any existing exemptions that should not apply, nor believe at this stage that further exemptions are needed.

Question Twelve

Do you agree with the proposed approach to transitional arrangements set out above?

The Government is proposing a 6-month transition prior to First Homes being introduced into Plans (for those at the submission stage) but we do not consider that length of time is needed.

However, we do support the fact that applications being prepared at the time of the new policy being enacted should not be unnecessarily unpicked to accommodate First Homes if significant preparation work has already been undertaken.

Question Thirteen

Do you agree with the proposed approach to different levels of discount?

We support the 30% discount suggested for First Homes.

What we do not support, though, is the ability of local authorities to unilaterally decide to increase this to 40% or 50% without support from the developer. It is not evident whether the Government intends a higher discount to apply across the local plan area or to individual sites but nevertheless the reason why we do not support this is because it would result in uncertainty.

If local authorities want to use greater discounts they should do this via shared ownership where less burden would fall on the developer to fund what would be a very significant discount.

Question Fourteen

Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Yes, we have no concerns over this approach.

Question Fifteen

Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

We welcome the approach of removing the site threshold in the NPPF that limits them to no more than 1 hectare but keeps the requirement that these sites should be proportionate to the size of a settlement.

Question Sixteen

Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Yes, we agree.

Question Seventeen

Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

Whilst smaller sites are not a significant element of our portfolio, as a business we are supporters of SME housebuilders in the market; indeed some of our development partners are SMEs.

We have no reason to object to the threshold being raised for a temporary period but any changes the Government puts in place must prevent local authorities seeking to 'catch up' their affordable housing quota by introducing higher affordable demands on larger sites;

and it must prevent any local authority who does not support the initiative from timing out applications through artificially frustrating their progress to beyond the time-limited period.

Question Eighteen

What is the appropriate level of small sites threshold?

- i) Up to 40 homes**
- ii) Up to 50 homes**
- iii) Other (please specify)**

Our view is that the threshold should be 50 dwellings. We consider this number of dwellings provides an appropriate balance between viability and the reduction in affordable homes.

Question Nineteen

Do you agree with the proposed approach to the site size threshold?

At the present time the site threshold is areas of less than 0.5 hectares. The Government proposed to up-scale this in the same proportion as the increase in homes. This seems a sensible approach and we have no objection to it.

Question Twenty

Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

We do not believe a period of 18 months will have any meaningful impact because it is unlikely a site could be taken from a standing start i.e. the commencement of preparing technical work such as ecology surveying or drainage schemes, and be ready for development within that 18-month period.

Ecology is probably a good example of how the 18-month period is not sufficient because if the measure was introduced in say December, the seasonable ability to survey for ecology might mean you would not have the full results for a further 10 months, significantly eating into the time-limited period.

A better approach would be to introduce a longer period so as to allow the full benefit of this measure to be achieved in a way the Government envisage.

Question Twenty One

Do you agree with the proposed approach to minimising threshold effects?

The approach seeking so prevent applicants circumnavigating the initiative by bringing forward larger sites in phases seems sensible.

Question Twenty Two

Do you agree with the Government's proposed approach to setting thresholds in rural areas?

Paragraph 82 immediately preceding this question refers to *designated rural areas* such as National Parks and Areas of Outstanding Natural Beauty, whereas the question just refers to rural areas. Clearly there is a major difference between the two.

The initiative must apply to general rural areas; there is little point in it otherwise. For designated rural areas, whilst we would support local planning authorities being able to set a lower threshold in National Parks, we would not necessarily support this in Areas of Outstanding Natural Beauty because in some circumstances authorities do need to allocate land within these areas as they have no other genuine sustainable options.

Question Twenty Three

Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

There are a number of ways of helping SME builders, most of which arguably lie outside the planning system e.g. the tax system.

However, we do believe that some of the changes in the 'White Paper: Planning for the Future' will be helpful to SMEs, such as removing some of the local plan requirements like sustainability appraisals.

We by no means agree with everything in the White Paper but some of the suggestions that remove some of the more laborious and expensive engagements in the local plan process will no doubt help SMEs.

Question Twenty Four**Do you agree that the new Permission in Principle should remove the restriction on major development (up to a limit of 150 dwellings)?**

Due to fact that a significant amount of work needs to be undertaken once a Permission in Principle (PiP) is granted, it is not a route to permission that is currently particularly interesting to Richborough as a business because in reality a PiP in itself means very little in terms of establishing a site that is shovel ready and attractive to a housebuilder.

It seems to us that obtaining a PiP will have little impact on the timescales to achieve a full permission and, due to the lack of any technical work needed to support its granting, there is no guarantee that a site with a PiP is technically able to deliver development. Indeed, there is a danger that without technical work underpinning a larger site, applying for a PiP could actually result in a refusal and a site having an adverse planning history.

Strategic land promoters such as ourselves provide housebuilders with a significant proportion of the land they require. We take on the risk of delivering sites through the planning system removing a lot of that risk (and expenditure) from the housebuilders. Under the Government's proposed changes to the planning system in the White Paper, the emphasis is on local plan allocations. At the moment, as a business, it is difficult to see how a PiP provides any more real certainty than an allocation in establishing the principle of development. Many housebuilders want more certainty than an allocation and we would expect them to take the same approach with a technically untested PiP.

Overall, we are not convinced that PiPs with no supporting evidence are of much value.

Question Twenty Five

Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

If the PiP threshold is extended and the commercial element is relaxed then it will be important for the Government to define what is meant by PiPs needing to be housing-led. This is to avoid existing residential areas suddenly being faced with undesirable commercial development on a large scale granted by a PiP.

Question Twenty Six

Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

As explained in our answer to Question 24, our view is that PiPs in their current form add little to the process of taking sites without planning permission and actually building homes on them. It might quickly establish the principle but that means little without being able to show it is technically achievable. If they remain unchanged we do not see them as having much in the way of value to the development industry.

Question Twenty Seven

Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Development is already controversial. We agree that a height parameter should be introduced to prevent conflict in areas where, for example, tall buildings are proposed in a low-rise neighbourhood.

Question Twenty Eight

Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should locally planning authorities be:

- i) required to publish a notice in a local newspaper?
- ii) subject to a general requirement to publicise the application or

iii) both?

iv) disagree

If you disagree, please state your reasons.

The way applications of all kinds are published needs reviewing. It is apparent that the Government wishes to see better use of online publicity but for many older people the use of newspapers and site notices is still important. In fact with the COVID restrictions and more people walking or running around their local areas, it is likely that far more planning application site notices on lamp posts have been read in the last 6 months than would ever normally happen. PiPs should therefore be subject to (iii).

Question Twenty Nine

Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

As we do not envisage using PiPs extensively unless they become of more value by better establishing some technical aspects from the start, we have no particular views on this.

Question Thirty

What level of flat fee do you consider appropriate, and why?

Please see above.

Question Thirty One

Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If not why?

Yes but with the caveat that any previously-developed site is not automatically deemed as being part of a local authority's housing land supply without evidence that it is deliverable.

Question Thirty Two

What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

We would envisage the National Planning Policy Framework and Planning Practice Guidance providing the main advice on PiPs. The latter in particular will be important in explain how they work but it must also be clear on their limitations so any user of the planning system is not under any misunderstanding as to what they will get if a PiP is granted.

Question Thirty Three

What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

As noted above, we are not convinced that PiPs in their current form with no supporting evidence are of any particular benefit; and therefore we do not envisage extensive use of them without the concept being amended.

Paragraph 120 of the consultation document suggests that once a PiP is in place medium-sized developers should find it easier to obtain finance. We are not convinced this is the case because under the current regime a PiP is no proof that a financially viable scheme on a PiP site is actually achievable.

Question Thirty Four

To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

We have set out our position on this in our previous answers. From a Richborough Estates perspective, PiPs are not an attractive proposition at the moment, simply because we do not see them advancing the real status of a site in terms of it actually delivery development. There are so many technical unknowns after a PiP has been granted that we do not see the use of PiPs being of any significant benefit to speeding up the planning system; and from our point of view giving confidence to a housebuilder to purchase a PiP site.

Question Thirty Five

In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty? If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

We do not envisage any.

Closing Comments

Richborough Estates welcome the fact that the Government is looking at the planning system and recognises the need to build many more homes. Whilst we do not agree with everything the Government is proposing and do not necessarily agree that wholesale change at a time when local government re-organisation is also being considered is the right thing to do, because of the massive uncertainty this will potentially bring; we do welcome the conversation that is currently taking place.

One matter that is missing from that conversation, though, is the diminished power of the presumption in favour of sustainable development and the application of the tilted balance in the latest iteration of the NPPF.

The references now to policies which are *most important for determining the application* being out-of-date rather than *relevant policies* being out of date; and against Footnote 6 (previously 9) where it talks about a *clear reason for refusing* development when previously it referred to development just being *restricted* all set the bar higher than before.

A further watering down of the presumption came when the 3-year threshold was introduced for housing land supply where there is a made neighbourhood plan which satisfies the four NPPF requirements. Clearly demonstrating a 3-year supply of deliverable sites is an easier hurdle for local planning authorities than for 5 years.

It is expected that the NPPF will need to be revised again to take account of changes to the current system. As part of these changes the tilted balance and the presumption should be strengthened so that it better reflects the original 2012 NPPF.

Aside from our views on specific changes, we are certainly of the opinion that whatever revisions are eventually made to the planning system these must be supported by increased financial support for local planning authorities because without doubt some of the current delays in the system can be attributed to lack of financial resources.