



Hart District Council
Harlington Way
Fleet, Hampshire
GU51 4AE

Telephone: 01252 622122
www.hart.gov.uk
DX:32632 FLEET

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To the Ministry of Housing, Communities and Local Government

Proposed reforms to the Planning System including the National Planning Policy Framework and Standard Methodology for Housing Numbers

Thank you for consulting on the proposed planning reforms published 30 July 2024. Hart District Council's detailed response to many of the specific questions posed is attached. This letter highlights the Council's key messages.

Hart District Council is pleased to see some clarity about the proposed reforms to the Planning system. Since the original announcement that the previous government made in 2020 about the proposed planning reforms the industry has been in a state of flux waiting for clarity.

We welcome clarity about the standard methodology for housing numbers, and we look forward to seeing the National Development Management Policies. We also welcome the proposed increase in planning application fees, it should be a cost neutral service and not put financial pressure on the other Council Taxpayers in the District.

While a number of the 'directions of travel' are supported, it is the detail of the reforms which will mean whether they are a success, or whether they would lead to unintended consequences.

The scale of the challenge and timescales

We of course were aware of your commitment in your Manifesto to deliver 1.5 million new homes in England over the next 5 years. The key challenge is that the numbers do not relate to homes allocated in a Local Plan, nor sites with planning permission, but with homes completed. It is the development industry who ultimately decide on build out rates, which are affected by a range of matters such as mortgage rates and the cost of living. Meanwhile there is a high risk that local authorities would not be able to demonstrate a 5 years' housing land supply, and their communities would suffer with planning by appeal, and unplanned sites being granted planning permission in potentially unsustainable locations. And despite that, the sites may not be built out quickly.

In Hart we have an up-to-date Local Plan which was adopted in 2020, where the land supply was deliberately front loaded, and there has already been a significant over supply.

Our concern is the speed at which you seek to implement this scale of growth is unrealistic and contrary to the plan-led system.

There isn't sufficient capacity within the system as a whole to deliver these numbers so quickly; to prepare and examine the local plans, to prepare and determine the planning applications, or to actually build the homes and supporting infrastructure.

A step-change like this requires an increase in capacity across many industries, professions, and organisations, and to plan for that change in the right way through proper strategic and local planning.

Furthermore, something needs to be done to deliver the thousands of homes that already have planning permission, to address 'land-banking', and to make sure developers don't deliberately delay or slow down delivery - something we have seen in Hart recently.

We can see nothing in your proposals or ministerial statements that will impact the current housing delivery rates, which are based on the profit expectation of developer shareholders rather than the needs of the country or its residents. A government sponsored and led social rented building programme needs to be actioned to impact the housing crisis in a timely manner.

Transitional arrangements

There is a complete lack of transitional arrangements for authorities in Hart's position which have an up-to-date local plan less than five years old. Under the proposed NPPF we will lose our five-year supply at a stroke on 30 April 2025 (five years after our current local plan was adopted).

In recent years Hart has done everything asked of it and more in terms of the delivery of new homes:

- we adopted our Hart Local Plan 2032 in 2020,
- we are meeting Hart's previous housing needs in full plus unmet housing need from an adjoining authority,
- we have maintained a land supply significantly over 5 years ever since local plan adoption, and
- we have delivered strong surpluses over recent years with a 'front-loaded' housing trajectory to boost supply and address housing needs.

For Hart, the housing requirement would change from 423 homes per annum to 734 per annum on 1 May 2025. This is an increase in completions of 311 homes per annum

The Levelling Up and Regeneration Act (LURA) proposed a more streamlined approach to the development of local plans, indicating that a local plan should be prepared and adopted in 30 months (2.5 years). However, the secondary legislation to implement this change has not been published.

Even if the Council started work on a new local plan on 1 January 2025, it would not be adopted until July 2027. And sites allocated in that plan would need planning

permission and the homes completed before July 2029 to meet the commitment in your manifesto.

We therefore now face the prospect of speculative development on greenfield sites and planning by appeal. We won't have time to put a new local plan in place to address the new housing numbers. We won't even be able to count past surplus completions when calculating housing land supply. This cannot be right. Planning authorities should be rewarded for early strong delivery, not penalised. Otherwise, what incentive is there to boost delivery early in the plan?

We need protection from unplanned development while we put a local plan in place. The absence of transitional arrangements for authorities in our position contradicts the basic principle of a plan-led system which is at the heart of the NPPF.

We will need to prepare a new local plan under the new 'streamlined' process, but that won't be in place until summer/autumn 2025 at the earliest. We therefore request that authorities not currently preparing a plan (because their current one is less than five years old or has otherwise been found to be up to date through a review) are given at least five years from the date of the new NPPF to adopt a local plan. In the meantime, we should be able to measure five-year supply against our local plan housing requirement.

Affordable homes

We have always supported the delivery of affordable homes well integrated into new development as an essential part of the delivery of mixed and balanced communities. We strongly support the shift in emphasis towards social rented homes. Hart has already stated in its Corporate Plan the same intention, and we are currently preparing an Affordable Housing Supplementary Planning Document to deliver on that commitment.

We also support the proposed removal of the 'prescriptive approach to affordable home ownership products and the removal of the First Homes requirement, allowing more flexibility to match local policies to local housing needs.

However, there remain some issues to fix regarding the delivery of affordable homes. In particular, the lack of grant funding for affordable homes on Section 106 sites will undermine the objective to deliver more social rent homes on sites where viability is marginal.

Another issue is that Registered Providers are sometimes unwilling to take on properties secured through planning obligations. We request a dialogue between the Government, Homes England, local planning authorities and Registered Providers on how to overcome current barriers to the delivery of affordable homes.

Place Making

We believe that with the proposed increase in housing numbers that the emphasis needs to be on Place Making. It is about building communities both now and for future generations and is not simply a tick box exercise about houses on a spreadsheet.

There is a real risk that with the focus being on the speed of delivery of the proposed housing numbers that this would drive decisions, and some of the mistakes in the past may be replicated.

It is important that Place Making is made a key golden thread throughout the planning reforms. It is key that the right types of homes are delivered, in sustainable places, supported by the right infrastructure, looking at the needs of the communities both today and future generations.

Strategic planning and housing numbers

We support the move towards new strategic planning arrangements over the term of this Parliament. The duty to cooperate is inefficient, problematic, and is no substitute for proper strategic planning.

In the meantime, we urge you to revisit the housing numbers so that the major urban areas take more growth, relieving pressure on more rural areas. Cities and other large urban centres have better public transport and more infrastructure and facilities. There is also more scope for higher densities and brownfield regeneration. We therefore request that the 'urban uplift' is re-instated, and that the affordability adjustment within the standard method is reduced.

Some matters are best considered on a strategic / sub regional basis. A good example is the need to logistics and warehousing. While we acknowledge the need to support the economy, there is a need for proper coordination to avoid the risk of speculative applications for major sites alongside junctions of motorways.

Green Belt

Green Belt policy was established in the early 1960s and was a policy response to the various challenges at that time. The development needs were very different 60 years ago. Over the years the desire to protect the green belt has been given greater political priority than more important intrinsic matters such as landscape quality, flood plain, and biodiversity. In recent years the protection of green belt has led to some perverse planning decisions, and in some cases development in unsustainable locations.

We strongly support the approach that development needs should be addressed within the planning authority area, even if this requires more development within the Green Belt or an alteration to Green Belt boundaries. Otherwise, development that is needed within a Green Belt authority area is displaced beyond the Green Belt. Given the scale of growth required across all areas this will result in unacceptable additional pressures for those authorities like Hart which are just beyond the Green Belt. It is also more sustainable in terms of travel to address the needs of an area within that area.

However, for this policy to operate as intended it is necessary for the NPPF to be clear that Green Belt authorities should first seek to meet their needs within their areas (including within the Green Belt) *before* approaching neighbouring authorities. At present the NPPF still states that for exceptional circumstances to apply, Green Belt authorities should first approach their neighbouring authorities. We urge you to make that change.

Thames Basin Heaths Special Protection Area

Hart and several other local authorities are affected by the Thames Basin Heaths Special Protection Area.

The policy to protect the SPA avoids any net increase in homes within 400m of the SPA and requires expensive and land-hungry mitigation for new homes within 5km (sometimes 7km) from the SPA. This approach runs counter to your objectives to meet housing needs where they arise and to boost the delivery of social rented homes.

The high costs associated with Suitable Alternative Natural Greenspace (SANG), and Strategic Access Management and Monitoring (SAMM) reduce the level of affordable housing and infrastructure contributions that are viable. In Hart District, SANG payments, depending on the size of home, are between roughly £10,000 and £30,000, and SAMM payments are roughly £1,000 per home. These costs undermine the objective to deliver more affordable homes, particularly social rented homes which are the most challenging to secure in terms of viability.

Within 400m of the SPA, there is an 'exclusion zone' where no residential development at all is permitted, even on brownfield sites. Sometimes brownfield sites are left as derelict or underused eyesores in otherwise perfectly viable areas.

In some places it is even becoming impractical or impossible to provide SANG within the required distance of development, especially in the larger urban areas. This is a real barrier to meeting needs within the planning authority area and for the regeneration of urban areas.

The SPA policy of avoidance and mitigation was introduced via the Regional Spatial Strategy for the South East published back in 2009 (Policy NBE9). Fifteen years on a proper review of that policy is due, especially given the drive to meet needs in full where there arise, and to deliver more social rented homes. We therefore urge the Government to review the Thames Basin Heaths SPA mitigation measures required for residential development.

Climate change

Finally, we urge the Government to do everything it can to strengthen national planning policy and related areas such as building regulations to address climate change. Hart declared a climate emergency in 2021 including targets to become a carbon-neutral authority by 2035 and a carbon-neutral district by 2040. No doubt most or all authorities have similar targets and face similar challenges. More national guidance is needed on how planning can contribute to meeting these targets.

Yours faithfully



pp Daniel Hawes, Planning Policy and Economic Development Manager

On behalf of Councillor Alan Oliver, Portfolio Holder for Planning Policy and Development Management