

# DRAFT RESPONSE SERVICE

As part of the Rural Opportunities Bulletin, RSN will regularly provide concise potential responses to key current consultations. These are not intended to be definitive or to reflect the views of RSN and may include potentially opposing responses to reflect different views designed to assist individual organisations in compiling their own response. We do however recognise the pressure members are under and we hope this service will assist.

## **Building more homes on brownfield land – Department for Communities & Local Government consultation**

<https://www.gov.uk/government/consultations/building-more-homes-on-brownfield-land>

This consultation originates from measures announced in June 2014 to make it easier to build on brownfield land that is suitable for housing.

The consultation seeks views on the government's proposals for identifying suitable brownfield land and sharing data openly and transparently, and measuring progress towards the government's goal for local development orders granting permission for housing on brownfield land. Also, options to support authorities where additional action is needed in getting these permissions in place.

At the same time, the government has also launched an invitation to bid for funding to support local planning authorities who consult on and make local development orders on brownfield land.

This consultation closes on 11 March 2015.

**Consultation Question 1** – *Do you agree with our proposed definition of brownfield land suitable for new housing and the criteria that are applied to define land suitable for new housing?*

**Draft Response:** It is right that local planning authorities should be placed at the heart of this proposal. It is also right that a refined definition of brownfield land is required in order to take the proposal forward.

Deliverability is correctly identified as an important factor in this definition. However, the proposed wording is far too open-ended particularly in relation to the proposal to consider any site as brownfield where an owner is willing to see it developed for housing. This will create potential significant conflict with existing approved uses and land use policies/allocations in adopted local plans. It is suggested that 'deliverability' criteria should be specific to sites currently not in use or in significant under-use.

Freedom from constraint and capability of development are correctly identified as important considerations.

The proposed size threshold of sites capable of supporting 5 or more dwellings does not match the size threshold indicated in the accompanying bidding opportunity which identifies sites capable of accommodating at least 100 dwellings. This inconsistency should be rectified in some way. It seems unreasonable to offer an opportunity for local authorities with larger potential sites access to potential capacity funding but not make this available for those with sites of 99 or fewer dwellings. Either the available funding should be extended or the potential size threshold within this consultation raised.

**Consultation Question 2** – *Do you agree that local planning authorities should be transparent and publish the small subset of data at source and update it at least once a year, to a common standard and specification?*

**Draft Response:** Provision of a common standard is welcome and will provide clarity for local authorities on the information required. Transparency of a small subset of information as described is supported as part of local authorities wider community and stakeholder engagement and information provision strategies.

However, individual local authorities may wish to respond directly in relation to the ability to update this information annually. It is noted that the opportunity to bid for additional resources only relates to 2015/16 whereas the requirement to update information will be ongoing.

**Consultation Question 3** – *Do you have views on how this common standard and specification should be developed?*

**Draft Response:** It would be useful if the proposed common standard and specification is developed based on suggestions from the local planning authorities charged with implementing this proposal.

**Consultation Question 4** – *Do you agree that local planning authorities should review their baseline and progress regularly, at least annually, to ensure that information about permissions on suitable brownfield land is current, reflecting changes in the availability of suitable housing sites?*

**Draft Response:** Regular review is clearly sensible and required in the interests of maintaining relevant and up to date information. However, the capacity of local authorities has been severely reduced in recent years and this is likely to continue. The frequency of review, therefore, should clearly be linked to the capacity of local authorities to meet this requirement.

**Consultation Question 5** – *Do you think that the designation of under-performing planning authorities in the way suggested would provide an effective incentive to bringing forward planning permissions on brownfield land?*

**Draft Response:** No. Encouragement and support should be given to local planning authorities to meet the proposed requirement and target rather than assuming that sanctions are required. Only after any under-performance has been identified should there be a need to consider such measures.

**Consultation Question 6** – *Do you agree that:*

- a) *Authorities should be designated from 2020 if they have not met the 90% objective?*
- b) *Performance against the 90% objective should be calculated on the extent to which the brownfield land suitable for housing identified a year earlier is covered by local development orders?*

**Draft Response:** If designation is to take place then it is critical that local planning authorities are given the opportunity to put in place the required procedures. It is also sensible to provide the flexibility suggested in relation to sites which have become available close to the target date of 2020.

**Consultation Question 7** – *Do you agree that:*

- a) *Authorities should be assessed against an intermediate objective in 2017?*
- b) *Having local development orders in place on 50% of brownfield land identified as suitable for housing (and which does not already benefit from planning permission) in the preceding year is an appropriate intermediate objective?*

**Draft Response:** An intermediate objective in 2017 is only supported if it is not accompanied by potential designation or other sanction. This will provide a useful guide as to initial performance but a longer period will be necessary to ensure these processes are effectively put in place and the target achieved.

**Question 8** – *Do you agree that authorities should be designated from 2017 if they have failed to make sufficient progress against the intermediate objective?*

**Draft Response:** No. The alternative approach suggested of a published list and support in helping local authorities not on target to achieve the goal would be a far more productive and supportive approach. Lessons from other authorities and good practice sharing will be particularly useful in assisting local authorities in this position.

**Question 9 – Do you agree:**

- a) *With our proposed approach to identifying and confirming designations, including the consideration of whether exceptional circumstances apply?*
- b) *With our suggested approach to de-designating authorities from 2020?*
- c) *That the provisions for handling applications made to the Secretary of State should be the same as where an authority is designated under the existing performance measures?*

**Draft Response:** It is important that potential consideration of ‘exceptional circumstances’ remains available to avoid penalising a local authority for circumstances that have clearly been beyond their control.

In addition, rather than deciding now that designations would be considered annually from 2020, it would potentially be more useful to carry out a review of performance and operation of this proposal in 2020 to inform the approach from that time onwards.

**Question 10 – Do you:**

- a) *Think the policy-based approach would provide an effective incentive for authorities to put local development orders in place on suitable brownfield land?*
- b) *Agree with the proposed thresholds and dates at which this measure would take effect?*

**Draft Response:** Intermediate objectives from 2017 onwards should only be put in place to allow local authorities to gauge their progress towards the objective. It seems unreasonable to attach sanctions for any failure to reach such targets when progress will, inevitably, be affected by a variety of different factors in each case. Intermediate targets will provide a useful guide as to initial performance but a longer period will be necessary to ensure processes are effectively put in place and the 2020 target achieved. Support should be available to local authorities where this is needed to meet any identified shortfall.

The proposed ‘policy approach’ should not proceed as, if implemented, this could lead to a proliferation of unplanned development which does not meet local or strategic objectives and, potentially, conflict with other adopted policies.

**Question 11 – Do you agree that the measures proposed for failing to publish information on progress are proportionate and effective? If not, what alternative would you propose and why?**

**Draft Response:** The proposal to apply automatic penalties for failure to publish progress is not supported. At the very least, there should be provision for exceptional circumstances to be accepted as mitigation against any such failure, in line with other elements of the consultation proposals.

**Consultation Question 12 – Do you have any other suggestions for measures that could help to deliver local development orders on brownfield land suitable for new housing?**

**Draft Response:** The emphasis of this consultation document towards sanction and penalty is too great. There should be a clear route for support identified for any authorities which appear to be under target through government support for peer learning, mentoring and other avenues of support. In addition, there is a clear mismatch between the proposals in this document and the accompanying opportunity to bid. Additional potential funds to support local planning authorities to achieve the identified target are welcome but these should be extended proportionately to all authorities, regardless of size of brownfield site, and made available beyond the single year of 2015/16 to reflect

the ongoing work required to meet the target.