

# England planning news

AUGUST 2017



## Headline news

### Updates on DCLG consultation on councils assessing local housing requirements and planning fees increase

In his speech to the Local Government Association's (LGA) annual conference on 4 July, Communities Secretary Sajid Javid spoke on wide-ranging planning matters (see below for more details).

Particularly on the awaited DCLG consultation on local plan-related changes that was due in July, that was 'as we promised in the *Housing White Paper*', he explained:

'Our aim is simple: to ensure these plans begin life as they should, with an honest, objective assessment of how much housing is required. That means a much more frank, open discussion with local residents and communities. It also requires a new approach. One that is straightforward, so everyone can understand the process. One that is transparent, so decisions are not hidden behind complexity or bureaucracy. And one that is consistent, so every community, from the biggest city to the smallest hamlet, can be confident their council is assessing housing need properly and fairly.'

The latest *Planning Update Newsletter* from DCLG to Chief Planners (published on 31 July) provides additional details of, and

revised timescales for, the consultation and other awaited updates.

The newsletter states that DCLG intends to publish the consultation regarding 'a new way for councils to assess their local housing need' and 'what constitutes a

reasonable justification for deviating from the standard methodology' 'when Parliament returns in September [i.e. 5-14 September]'. The newsletter also states that if a plan is submitted for examination 'on or before 31 March 2018' the local planning authority (LPA) will be able to progress with that plan 'using the existing methodology for calculating local housing need, as set out in current guidance', but where the plan is subsequently withdrawn or found unsound, it is proposed that the new plan would be based on the new standardised method. Also, if an existing up-to-date plan (i.e. less than five years old) is in place then there will be no need to make any changes until the next review or update of the existing plan. Data on each LPA's most recent assessment of need, and where there is an adopted plan in place the number of homes currently being planned for, for every English planning authority, will be published alongside the consultation.

Furthermore, the letter also provides few (awaited) updates regarding the announced planning application fees increase, which was initially due in July. According to the letter, '[a]ll planning authorities have accepted the 20 per cent fee increase', and the Government is bringing forward 'the necessary regulations in the autumn which, subject to Parliamentary scrutiny, will apply the increase'.

Finally, the Chief Planner's letter also covers advice for LPAs in relation to the re-cladding of a building, as well as PPG updates and Neighbourhood Planning Act's commencement regulations (covered in the following pages). ■

## QUOTE OF THE MONTH



Planning decision-making is far from being a mechanical or quasi-mathematical activity. It is essentially a flexible process, not rigid or formulaic.

Lord Justice Lindblom giving judgement in *Barwood Strategic Land II LLP v (1) East Staffordshire Borough Council (2) Secretary of State for Communities & Local Government (2017)*

## THE LICHFIELDS PERSPECTIVE

Measures for addressing the housing crisis remain centre stage in both plan making, and decision taking on applications. But progressing change is not proving easy – Brexit is taking up a huge amount of Government resources. The Grenfell Tower disaster is also exerting wider influence – leading to a focus on the development sector engaging better with communities, as well as providing well-designed, truly affordable homes.

Margaret Baddeley, Planning director

## CONTACT US

Margaret Baddeley  
margaret.baddeley@lichfields.uk  
T: 020 7837 4477

Jennie Baker  
jennie.baker@lichfields.uk  
T: 020 7837 4477

Giorgio Wetzi  
giorgio.wetzi@lichfields.uk  
T: 020 7837 4477

LICHFIELDS

### Disclaimer

This publication has been written in general terms and cannot be relied on to cover specific situations. We recommend that you obtain professional advice before acting or refraining from acting on any of the contents of this publication. Lichfields accepts no duty of care or liability for any loss occasioned to any person acting or refraining from acting as a result of any material in this publication. Lichfields is the trading name of Nathaniel Lichfield & Partners Limited. Registered in England, no.2778116. Registered office: 14 Regent's Wharf, All Saints Street, London N1 9RL © Nathaniel Lichfield & Partners Ltd 2017. All rights reserved.

## Law

### Secondary Legislation

#### Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017

The first Regulations commencing a series of provisions in the Neighbourhood Planning Act 2017 were laid on 18 July and are already in force.

The Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017 mean that the Secretary of State (SoS) can now go ahead and make another set of regulations on what kind of conditions may or may not be imposed on a grant of planning permission. Regulations can be made now too, governing the circumstances when the agreement of an applicant has to be obtained in advance and when it does not, to the terms of a pre-commencement condition.

As indirectly referred to by the Communities Secretary in his 4 July speech, the key plan-making provision now in force is in s12 of the Act; it means that the SoS can go ahead and make the new Regulations that will prescribe the detail of how often a local planning authority (LPA) must review its local development documents (LDDs) – including local plans – and whether or not revision ensues.

Also, s1 of the Act is now in force so that a LPA has to have regard to a 'post-examination', unmade neighbourhood plan as a material consideration in the determination of planning applications. With s3 now in force too, it is the case that just prior to a draft neighbourhood plan being made after succeeding at referendum, the Plan forms part of the development plan – a subtle but potentially significant change to application determination. For further details about the provisions that are now in force, please see Lichfields' news story (and related blog updates) and/ or the Regulations' explanatory notes.

#### Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2017

When the Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2017 come into force on 7 August 2017, notice will need to be given by a code operator to the LPA, in respect of specified apparatus and circumstances, where currently the requirement applies to the installation, alteration or replacement of electronic communications apparatus generally.

### Draft Legislation

#### Government publishes Bill to transpose EU laws after Brexit

On 13 July, the so-called 'Great Reform Bill' – intended to transpose EU legislation into UK law following Britain's departure from the European Union (EU) – was introduced to Parliament and had its First Reading in the House of Commons.

A factsheet published alongside the European Union (Withdrawal) Bill explains how it would end the supremacy of EU law in UK law and would convert EU law as it stands at the moment of exit into domestic law. This would be including EU environmental regulations.

Although environmentalists are reported as fearing that writing existing EU regulations into UK law could result in a weakening of environmental protections, it is also reported how experts believe that the Government will be too preoccupied with the technicalities of Brexit to attempt significant change.

The Government's factsheet states: 'By returning power to the UK, we will have a unique opportunity to design a set of policies that drive environmental improvement, tailored to the needs of our country that has a powerful and permanent impact, and deliver on our commitment to leave the environment in a better state than we inherited it.'

Explanatory notes accompanying the Bill give an indication of the process involved: '...the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require an

environmental impact assessment of certain applications for planning permission. They refer to 'other EEA States' in a number of places, mainly in the context of development likely to have significant transboundary environmental effects. A correction amending the references to 'other EEA States' to 'EEA States', would allow the requirement on transboundary consultation to continue to function on exit as it does now, reflecting the fact that the UK will have left the EEA. This would enable an important piece of environmental protection law to continue to operate effectively.'

#### Proposed amendments to High Speed 1 safeguarding directions

The Department for Transport is carrying out a consultation regarding a review of the High Speed 1 (HS1) safeguarding directions originally issued in 1990 and 1994, and updated in 1996.

The proposed changes include halving the number of surface safeguarded areas, and for all HS1 safeguarded areas in the administrative areas of Dover District Council, London Borough of Hammersmith and Fulham, Sevenoaks District Council and Thanet District Council to be removed.

According to the consultation, HS1 Ltd. has already carried out 'some informal consultation with the local authorities which may be affected'.

The consultation runs until 13 August 2017.

### In the courts

#### Inspector unfairly applied 10% 'lapse rate' to housing supply

An outline planning permission for up to 57 residential units, granted on appeal in Spencers Wood, Wokingham, has been quashed following a successful judicial review claim.

Amongst other matters, the Inspector unlawfully applied a 'lapse rate' that the Council did not have the opportunity to respond to, or form arguments against, because it could reasonably conclude that a potential lapse rate was not an issue it needed to address ►►

at the appeal inquiry.

According to the judgement in *Wokingham BC v Secretary of State and Cooper Estates Strategic Land Limited* it was 'common ground that the Inspector never mentioned at the Inquiry the possibility that he might apply a 'lapse rate' of any description or for any purpose' (para. 50).

In determining the appeal, the Inspector had adjusted and reduced the Council's estimated five year housing land supply, and then reduced it further by applying a 10% 'lapse rate', which was the main focus of Wokingham Council's application for judicial review. The judgement explains that the lapse rate:

'...represents the proportion of the number of dwellings in the supply of specific deliverable sites that will not be provided within the five-year period. It may be applied whether or not any site to which the rate is applied has permission and whether or not the reason why the dwellings are not provided on it is that planning permission for its development has lapsed.'

The 'unfair' application of a 10% 'lapse rate' meant that the Council could not demonstrate a five year supply of deliverable housing, and thus the adjustment could not be considered immaterial or marginal, but instead led to the Council suffering material prejudice.

Mr John Howell QC, sitting as Deputy High Court judge, held:

'If an Inspector considers that an adjustment is one that ought to be, or might be, considered by him even if no party is advocating it, it is not unreasonable for the parties to expect him or her to indicate that to them. In the context of a focussed Inquiry fairness requires an Inspector to do so. In my judgment the fact that a party may have told an Inspector that he or she is entitled to make a particular adjustment to the assessments that are the subject of the appeal, but without suggesting that the Inspector should do so, does not alter that conclusion. Far from such conduct advancing the focussed nature of a planning inquiry, it undermines it. The other party will not know, if the Inspector says nothing, whether or not it is something that it needs to address in evidence and submission. In this case the matter is aggravated by the manner in which the

possibility of making an adjustment for a "lapse rate" emerged.'

## Appeal Court upholds ruling on presumption in favour of sustainable development

With reference to an appeal granting planning permission for 150 new homes on a greenfield site adjacent to Burton upon Trent, the Court of Appeal has upheld a High Court ruling (*Barwood Strategic Land LLP v East Staffordshire Borough Council and Secretary of State for Communities and Local Government*), outlining the scope of the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development (para. 14) with regard to proposals in conflict with an up-to-date local plan.

The Inspector had allowed the appeal, having decided that although the proposal was not in accordance with the development plan (hence NPPF para. 14 was not engaged), this was outweighed by other material considerations, such as the need for affordable housing and a boost to the employment and the local economy.

The Council had challenged the decision and succeeded in the High Court. The Court of Appeal then once again had to decide if the Inspector had acted unlawfully as a result of misunderstanding the correct application of the NPPF's presumption in favour. It was held that his decision was erroneous as it was based on a view that the NPPF contained a general 'presumption in favour of sustainable development', which could be set against the statutory presumption in favour of the development plan in s38(6) of the Planning and Compulsory Purchase Act 2004. It does not: the presumption in favour of sustainable development in plan-making and decision-taking is only in para. 14 and cannot be a material consideration, if para. 14 is not engaged.

## St Albans fails to overturn duty to cooperate verdict

St Albans City and District Council has not succeeded in the High Court, in seeking to overturn an Inspector's conclusion that the authority had not met its duty to cooperate requirements in

preparing its draft local plan.

It was held that the Inspector had been 'neither irrational nor unlawful in his approach', in terms of engaging with or taking into account the housing and employment issues which were engaged in the plan making process when addressing the duty to cooperate. He also had not erred in his approach to the relationship between the Dacorum Core Strategy and the St Albans Plan. Nor was the Inspector's conclusion on soundness either 'irrational or arrived at by failing to take into account a material consideration'. Lastly, there was nothing in law requiring the Inspector to identify strategic issues, as contended by the Council.

## Policy

### New national guidance

### PPG updates include explanation of requirements of 2017 EIA Regulations

DCLG updated the national Planning Practice Guidance (PPG) on 28 July, to explain the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that came into force on 16 May this year (see *Lichfields' May 2017 Planning News* for details).

Amongst the very considerable changes to the EIA-related guidance, of particular interest is the new paragraph in the PPG on 'who is responsible for preparing the Environmental Statement'. In addition to stating that the applicant is responsible for its preparation, the following has now been added, to reflect the 2017 Regulations' rules on competency:

'In order to ensure the completeness and quality of the Environmental Statement, the applicant must ensure that it is prepared by competent experts and that it is accompanied by a statement from the developer outlining the relevant expertise, or qualifications of such experts, sufficient to demonstrate that this is the case.' In addition, the PPG now explains how if a scoping opinion has been obtained, an environmental statement must be ►►

'based' on the most recent version, '...so far as the proposed development remains materially the same as the proposed development which was subject to the opinion or direction'. This is a significant change from the previous PPG guidance and is to reflect the new Regulation 18(4)9a).

Many other PPG revisions have also just been published (on 28 July); they principally cover detailed development management procedures and reflect recent changes in planning law.

## DCLG guidance on brownfield land register preparation

Together with new planning practice guidance regarding the brownfield register and permission in principle, DCLG published 'Brownfield Land Registers Data Standard: Preparing and publishing a register' on 28 July.

The data standard is intended to enable LPAs to meet the Government's obligation (in regulation 18(2) of the Town and Country Planning (Brownfield Land Register) Regulations 2017) to provide information in a particular format in preparing and publishing the registers that have to be completed by the end of the year.

## Statements of Government policy

### Communities Secretary speaks on wide-ranging planning issues

Also in his speech to the Local Government Association's (LGA) annual conference on 4 July, Communities Secretary Sajid Javid spoke on wide-ranging planning matters.

Turning to the subject of housing need, the SoS pointed out:

'There's a serious shortage of decent, affordable housing in this country. It's not the fault of any one government or party – we all carry some of the blame. Since the 1970s – under Wilson, Callaghan, Thatcher, Major, Blair, Brown, Cameron and now May – we've supplied an average of 160,000 new homes each year. That's far below what's needed [...]

And it's in housing that we see most starkly the problems of inequality in this country. [...]

The simple fact is that to put this right we need to build more homes that people want to live in, in places people want to live. Between 225,000 and 275,000 of them every year, according to independent estimates.'

Turning to planning and first of all to plan-making, the SoS commented on the awaited, new DCLG consultation on councils assessing local housing requirements, by continuing:

'So we need to rethink the entire process of development and, as ever, that starts with planning. Years after local plans were introduced, some councils still haven't produced one. Others produced a plan when the policy was first introduced, but haven't touched it since and are left with a dusty document that's hopelessly out-of-date and irrelevant to the real needs of their communities. And then there are those councils that have an up-to-date plan, but have failed to be honest about the level of housing they need in their area. It's not good enough.'

As an indirect reference to new Regulations (see page 1) that allow further rules to be made that will mean the SoS can prescribe plan review periods, he went on to say:

'And it's not enough that plans start honest; they need to stay that way. So we'll also insist they are reviewed at least every 5 years. I'm under no illusion that these plans will require courage to both conceive and execute. There will be tough decisions, difficult conversations. But that is what political leadership is about.

[...] the last thing I want to do is to add unnecessary burdens to local government. Yes I want these plans to be more honest, and yes I want the local debates and challenges to be taken head on. But I also want these plans to be simpler, faster, and cheaper to produce. That's exactly what the consultation will propose.'

In the context of stalled housing sites, and making reference to the Housing Infrastructure Fund prospectus published on 4 July, Javid simply said:

'It's an invitation to bid for a share of £2.3 billion that has been set aside to pay for the infrastructure we need alongside new homes.'

Speaking lastly of 'housing deals' and support for LPAs in meeting demand, the SoS referred to the role of design and innovation:

'I know in some places you may need extra support to deliver ambitious proposals to meet your housing demand. Well if you're prepared to do what it takes to meet that demand and deliver genuinely additional housing, then I will consider all tools at my disposal to support you in that. But only if you're ambitious enough. By ambitious I mean greater collaboration with neighbouring areas. A more strategic approach to decisions on housing and infrastructure. More innovation and high quality design in new homes. And an eye for creating the right conditions for new investment. I want to strike some housing deals with a small number of places, so if you are one of those ambitious councils, you know where to find me.'

### Increasing housing supply

In a House of Commons debate on 13 July on 'the supply of homes and affordable homes to buy', Housing and Planning Minister Alok Sharma endorsed the Housing White Paper, by saying 'it is a rather good piece of work'. He went on to say:

'I was not involved in it, but it makes clear that there is no silver bullet, while acknowledging that for decades we have not built enough houses in the United Kingdom. I agree that every credible analysis says that we need to build between 225,000 and 275,000 homes a year to keep up with demand [...]

I hope colleagues will acknowledge that it is not just a question of individual Governments; successive Governments have tried but not succeeded in getting the house building market going. We have seen some progress: in 2015-16, some 190,000 homes were delivered, but I fully acknowledge that there is a lot more to do.'

The Minister then summarised how 'the failures at every point in the system' need to be addressed, with Government measures to date being:

1. The October 2016 launch of the Home Building Fund, to provide £1 billion of short-term loan funding for small builders, custom builders and innovators 'to help diversify the house building market'. It also provides £2 billion of 'incredibly important' long term loan funding for infrastructure - ►►

the Fund is intended to 'unlock up to 200,000 homes, with an emphasis on brownfield developments';

2. Neighbourhood planning, whereby 'local communities are willing to take more housing'. According to the Minister, in the areas where such plans have been adopted, 'an average of 10% more housing has been accepted than was the case under the plans of the local authority';
3. The 4 July-launched '£2.3 billion Housing Infrastructure Fund to make sure that infrastructure is put in first';
4. 'Direct action' taken to release public sector land for development - since 2011, land has been released or identified to be released 'with the capacity for almost a quarter of a million homes'. The Accelerated Construction Programme is to 'ensure that those homes are built quickly on surplus public sector land'; it '...will also encourage new entrants to the market to deliver more homes overall';
5. As set out in the Housing White Paper, the intention to consult on 'a new standardised approach to provide a transparent and consistent basis for the preparation of local plans, which is more realistic about the current and future housing pressures in each place and is consistent with the modern industrial strategy that we have set out';
6. Housing White Paper proposals to improve build-out rates;
7. 'taking action' to help first-time buyers - helping "more than 400,000 households buy property through schemes such as Help to Buy and Right to Buy, and 80% of those we have helped through Help to Buy have been first-time buyers' - the number of first-time buyers is now 'at a nine-year high';
8. Shared ownership, allowing purchasers to buy a minimum 25% share in a new-build home (with the income cap on shared ownership in England also having been raised); and
9. Support for housing associations building more affordable homes, through the £7.1 billion Affordable Homes Fund.

In conclusion, the Minister referred back to the Grenfell Tower fire (perhaps surprisingly) in the wider but existing context of social housing and estate

regeneration:

'...it is more important than ever to reflect on our approach to existing social housing. That is why we are focusing on supporting housing associations and local authorities with their plans to regenerate existing housing estates. The estate regeneration national strategy and funding package was launched in December 2016 and more than 100 estates are already receiving funding.'

### Commons debate on neighbourhood planning

Housing and Planning Minister Alok Sharma participated in a neighbourhood planning debate in the House of Commons on 4 July, in which he responded to questions - mostly moved by John Howell MP - on the weight and importance of neighbourhood plans.

The Minister specified:

'[...] the Neighbourhood Planning Act 2017 [...] will further strengthen the position. It will ensure that neighbourhood plans have full effect straight after a successful referendum. [...] I can confirm that I have asked my officials to prepare the necessary orders to start this provision [i.e. s3 of the NPA] as soon as possible.'

The Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017 have since come into force (see page 1).

Sharma also commented on the relationship between local and neighbourhood plans, and repeated the SoS' same day reference to the DCLG consultation on assessing housing requirements:

'The best protection against unplanned development is to get a local plan in place. The best local plans are those where the local authority has engaged proactively with the local community. A local plan provides certainty for communities, developers and neighbourhood planning groups. It also removes the pressure on neighbourhood planning groups to fill the vacuum created by the failure of LPAs to keep their local plans up to date. As my hon. Friend the Member for Henley knows, the Housing White Paper sought views on what changes are needed to ensure that all forms of plan making are appropriate and proportionate. We will

consider how we can further speed up the neighbourhood plan process so that communities get the plans they want in place as quickly as possible.

My hon. Friend touched on the wider recommendations of the local plans expert group, to which we responded alongside the housing White Paper. He made a strong case for the introduction of a standard methodology to assess housing requirements. My right hon. Friend the SoS for CLG confirmed earlier today in his speech to the LGA in Birmingham that a consultation will set out further details later this month on our proposals for a new way for councils to assess their local housing requirements.'

### Recladding of tall buildings: DCLG advice

DCLG has written to all building control bodies in England highlighting key Building Regulations' requirements when cladding work on high rise buildings over 18 metres tall is undertaken. This has followed advice from the Independent Expert Advisory Panel, whose members were particularly concerned that further risks were not created in any new works undertaken by building owners.

Related to this, in response to a written question regarding whether the SoS has plans to bring forward amendments to improve safety standards in planning regulations, the Housing and Planning Minister replied:

'Building control and the planning system are separate regimes and new development often requires approval under both. In the light of the Grenfell Tower fire, the Prime Minister has made clear the need to look at wider issues.'

### Guidance

#### Advice on designing healthier places

Public Health England published Spatial Planning for Health: an evidence resource for planning and designing healthier places on 6 July.

The document was commissioned to provide an overview of evidence on the impacts of the built and natural environments on health. Its purpose is 'to inform action and policy'. ►►

Improving the quality of housing and providing better access to the natural environment are amongst the key measures that planners should pursue to help improve public health, on the basis of the evidence presented.

## Draft policy

### DCLG Chief Planner's update on working on revised NPPF: 'towards back end of the year'

While speaking at the Country Land and Business Association's rural housing summit on 5 July, Chief Planner Steve Quartermain is reported as having announced – somewhat ambiguously – that 'towards the back end of the year, we will be working on a revised NPPF'. The revisions would apparently cover 'half a dozen' written ministerial statements made since the NPPF was published in 2012; he added that the 'scope' of the revisions had not yet been finalised.

## Government reports

### Housing demands 'have de-prioritised climate change in planning system'

The most recent Committee on Climate Change (CCC) Report to Parliament sets out the CCC's assessment of UK actions to reduce greenhouse gas emissions and to prepare for the impacts of climate change.

The Government's independent advisory body concludes that climate change has been 'de-prioritised' in the planning system, partly due to pressure to boost the delivery of new homes.

The Committee says that otherwise, good progress has been made to date in cutting greenhouse gas emissions but 'continued progress depends on significant new measures'.

### Local councillors will have limited capacity for overview and scrutiny of combined authorities

A new report published by the National Audit Office on 6 July, entitled 'Progress in setting up combined authorities' concludes that for them to deliver real progress:

'...and not just be another 'curiosity of history' like other regional structures before them, they will need to demonstrate in an accountable and transparent way that they are able to drive economic growth, contribute to public sector reform and help to deliver improved outcomes in their areas.'

The report goes on to recommend to DCLG that the Department continues to support the combined authorities, and in particular that it reviews 'periodically' all of the frameworks and guidance put in place for combined authorities and other bodies with joint responsibilities, 'to ensure that accountability for the delivery of services is clear to stakeholders in local communities'.

### Brexit concerns for built environment sector

The All Party Parliamentary Group for Excellence in the Built Environment published a new report on 14 July which concludes that Brexit could be 'disastrous' for the delivery of new homes and infrastructure.

To avert this crisis, 'Building on Brexit' recommends:

'Government stabilises the existing workforce by announcing existing EU migrant workers are able to remain in the UK and then putting in place transitional arrangements for a period of time so that access to foreign workers does not fall off a cliff edge.'

### 'Mixed' PINS casework performance

On 14 July, the Planning Inspectorate (PINS) reported that its casework performance had been 'mixed' in 2016/17, with some areas showing a 'marked improvement' and others where there was 'still some work to be done'.

The Annual Report and Accounts 2016/17 show that the Inspectorate's performance on larger, more complex appeals - those requiring hearings and non-bespoke inquiries - has worsened, while on written representation cases it has improved.

### Financial payments unlikely to reduce opposition to new homes

According to a July 2015 research report that has only just been published (on 19 July) by DCLG, a large majority of the public would not be swayed in favour of the building of new homes in their area by the offer of a direct financial payment.

'Attitudinal research on financial payments to reduce opposition to new homes' was carried out by the University of Sheffield, Opinion Research Services & Hannah Hickman Consulting, on behalf of the then Government, having been commissioned to inform the Government's approach to piloting a development benefits initiative.

Prime Minister Theresa May expressed support for the development benefits model in 2016 and it is reported that at the time, the Prime Minister's office said that ministers were looking at extending the same principle to the community infrastructure levy.

Key findings referred to in the report from householder interviews are that:

- 'A limited proportion of those interviewed (10%) felt that a direct financial payment would or might reduce their opposition to housing development; 6% said it would, 4% said maybe. The large majority (84%) felt that the payment would not influence their views on housing development or their likelihood to engage in some form of direct or indirect opposition to it.
- Those whose attitudes or behaviour might be influenced by a direct payment tended to be at the weaker end of the opposition spectrum.
- There was strong principled resistance to the idea of a financial payment amongst many households. Financial payments were associated with 'bribes' by 46% of respondents. There were also concerns by households that such payments could lead to a reduced developer contribution, especially as pressure on infrastructure and services was often the main reason for opposition to housing development. '

### Government response to the Farmer Review

The Government published its response to the Farmer Review ('Modernise ►►

or die: The Farmer Review of the UK construction labour model') on 19 July.

The response to the report endorses most of its findings, apart from a recommendation that there should be a charge levied on clients who refuse to invest in skills and innovation, as this 'could risk damaging developer confidence and increasing costs, at least in the short term'.

## Other news

### Minister promises 23,000 homes in new towns

It has been confirmed in a House of Commons debate by DCLG Junior Minister Jake Berry MP that the Government intends to deliver 23,000 new homes in new towns over the course of this Parliament.

The Junior Minister said:

'In Bicester, we have already had 1,000 starts. In Ebbsfleet, 350 properties have been completed. In Northants garden community, Kettering, Corby and Wellingborough, 650 homes have been built and in Aylesbury Vale there are 2,500 starts, showing that this Government are absolutely determined to deliver our promise to build more than 23,000 homes in new towns.'

The new homes form part of the Government's wider Manifesto commitment to deliver 1.5 million units by 2022.

DCLG's interest in the refurbishment of the new towns' central areas was also referred to by Mr Berry, in the following terms:

'In addition, the development style of many new towns, which during the '60s and '70s was the height of modernity, especially in our town centres, can look outdated and often does not provide the modern shopping experience that consumers demand today. Telford and other new towns have risen to the challenge and in 2016 the Government signed a unique land deal with Telford in which they committed £44.5 million from land sales to reinvest in Telford's infrastructure. At the same time, we will deliver 2,800 new homes and create 8,500 jobs. Telford has been successful in several rounds of growth deal funding to improve its infrastructure, to build a new bus station—linking to the comments

on buses—and to invest in skills. The growth deal for Telford is precisely the sort of forward-looking approach that we would welcome from all new towns up and down the country and could be progressed through the housing deal flagged in the recent White Paper.'

The debate was led by Conservative MP for Telford, Lucy Allan; she used it to announce the potential creation of a new all-party parliamentary group on new towns, which other MPs supported.

### Ministerial answers to House of Commons planning-related questions

Communities Secretary Sajid Javid and Housing and Planning Minister Alok Sharma have answered a wide-range of planning-related parliamentary questions in the House of Commons in recent weeks, relating to:

1. the Grenfell Tower fire;
2. the relative proportions of the Home Building Fund allocated to property developers in each region since October 2016, and;
3. the proportion allocated to property developers in the same period; and
4. the proportion of successful Home Building Fund applications submitted by builders delivering less than 100 units per year since the Fund's introduction;
5. housebuilding;
6. City Deals in Scotland;
7. local authorities' financial support; and
8. social rented homes.

Other written answers of interest that were given in the last week of Parliament before the summer recess included confirmation that the Government currently has no plans to introduce restrictions on overseas ownership of new homes in London, or elsewhere in the country. In an answer regarding empty homes, the Housing and Planning Minister stated:

'The number of homes vacant for more than six months is now at its lowest level since records began, with over 116,000 long term empty properties brought back in to use since 2009.'

In response to Tottenham MP David Lammy asking what assessment DCLG had made of the affordability of affordable homes available at up to 80% of market rent for people on low and middle incomes, the Minister said that when

setting affordable rent, landlords must consider the local market conditions to ensure 'fit' with local circumstances, and that in London, for example, affordable rent is around 60% of market rates. He also stated that 240,000 affordable homes for rent had been built since 2010.

In response to another affordable housing-related question, the Minister said that the number of new homes for social rent had declined since 2010 because the Government was building homes for 'Affordable Rent', which 'require less subsidy, meaning more homes can be built for every pound spent'.

### Controlling Migration Fund grants announced

The first grants from the Controlling Migration Fund (CMF), totalling £15 million, have been announced by Communities Secretary Sajid Javid.

The grants to local councils are intended to help ease the pressures on local services such as housing, schooling and health services resulting from recent migration.

According to the announcement:

'Councils receiving these grants have developed specific plans to ease local pressures arising from migration and at the same time deliver overall benefits to their wider communities.'

### Clive Betts MP re-elected as chair of House of Commons CLG Committee

Clive Betts MP has been elected as Chair of the House of Commons CLG Select Committee for the 2017 Parliament. According to the Committee, the election of Betts, Labour MP for Sheffield South East, followed a secret ballot on 12 July that was open to all members of the House of Commons.

### Historic England's revised pre-app charging regime

Since the beginning of July, revised charges for the Historic England (HE) pre-application advisory regime have been in place.

Instead of receiving up to 15 hours free pre-application advice before continuing on a charged-for cost recovery basis, HE now offers one 'round' of advice ►►

free, that takes the form of a site visit and single letter.

The intention for pre-existing negotiations is to give one more round of free advice, unless the project has already reached the 15 hour mark in which case HE would proceed on a charged-for basis.

### **Industrial Strategy White Paper expected this autumn**

Parliamentary Under SoS at the Department for Business, Energy and Industrial Strategy, Lord Prior of Brampton, has revealed (when responding to a parliamentary question by Lord Haskel on the progress of the Strategy) that 'following extensive consultation (on the Industrial Strategy Green Paper), we intend to publish a White Paper in the autumn'.

### **'D is for Digital' at DCMS**

The Department for Culture, Media and Sport (DCMS) is now to be known as the Department for Digital, Culture, Media and Sport, to acknowledge the way the Department's remit has evolved.

The Department will continue to be referred to as DCMS in all communications.

### **Shadow housing ministers**

Jeremy Corbyn has confirmed Melanie Onn and Tony Lloyd as new shadow ministers with responsibility for housing, with Roberta Blackman-Woods now holding an international development brief.

John Healey had already been reconfirmed as shadow SoS for Housing, with Andrew Gwynne being shadow SoS for CLG and Co-National Campaign Coordinator.

### **Parliamentary briefing papers**

The House of Commons Library has published briefing papers regarding:

1. proposals to extend the Right to Buy to assured tenants of housing associations on a voluntary basis;
2. new garden cities, towns and village;
3. General election 2017: full results and analysis;
4. Planning reform proposals;
5. Change of use; and
6. Urban green infrastructure and ecosystem services. ■