**CONSULTATION RESPONSE FORM**

**Call for evidence on housing delivery through the planning system**

This ‘Call for Evidence’ is seeking your views on how to improve the delivery of Local Development Plan (LDP) housing requirements, including looking at the interrelationship with the measuring of the housing land supply needed to meet these requirements.

If you have any queries on this consultation, please email:

planconsultations-j@gov.wales or telephone 03000 253882 or 03000 256802.

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| **General Data Protection Regulation (GDPR)** |
| The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government’s standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.You should also be aware of our responsibilities under Freedom of Information legislationIf your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.Your rightsUnder the data protection legislation, you have the right:* to be informed of the personal data holds about you and to access it
* to require us to rectify inaccuracies in that data
* to (in certain circumstances) object to or restrict processing
* for (in certain circumstances) your data to be ‘erased’
* to (in certain circumstances) data portability
* to lodge a complaint with the Information Commissioner’s Office (ICO) who is our independent regulator for data protection.
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For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner’s Office are:

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

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| **Call for evidence on housing delivery through the planning system** |
| **Date:**  |
| **Name**  | James Davies |
| **Organisation**  | Planning Aid Wales |
| **Preferred contact details** **(Email address, phone number or address)**  | james@planningaidwales.org.uk |
| **Type***(please select one from the following)* | Business | [ ]  |
|  | Local Planning Authority | [ ]  |
|  | Local Planning Authority Councillor responding in a personal capacity | [ ]  |
|  | Government Agency / Other Public Sector (including Community / Town Councils) | [ ]  |
|  | Professional Body / Interest Group | [ ]  |
|  | Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations) | [x]  |
|  | Other groups not listed above | [ ]  |
|  | Responding in a private capacity | [ ]  |

**Housing Requirement**

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| **Q1** | How should a deliverable housing requirement be calculated for inclusion in a development plan? Please provide relevant examples. |
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| **Comments** |
| 1. The use of national and regional demographic statistics.
2. Use of Community Councils to provide local needs assessments of housing within their own communities. This also provides an opportunity for early engagement with such communities.
3. Input from local housing groups and organisations to identify specific needs such as housing for the elderly, those with special needs or affordable housing.
4. Greater emphasis on and assistance with preparing Place Plans, particularly as part of the statutory development plan system.
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**LDPs and housing delivery**

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| **Q2** | How can we ensure development plan housing requirements are delivered?  |
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| **Comments** |
| 1. Early interaction with communities, large developers, agents and small-scale housebuilders. Policy teams to undertake early discussions to engage these key players in the LDP process early on – to ensure both parties know what is expected of them.
2. Engagement with developers and communities on the LDP process – many smaller housebuilders / individual house builders do not have a clear understanding of the LDP process and LPA requirements to deliver sites within an allocated time frame. Developers see land as an asset and are often not acting for community benefit. Developers need to be aware of the aspirations of the community in terms of providing affordable homes.
3. LDP needs to be realistic regarding existing sites e.g. Industrial / retail / commercial – if these sites have been historically classed as commercial / industrial for example, do they need to be re-visited within the LDP? Would mix-use be acceptable to allow an element of housing? Would the local community prefer housing over an industrial use for example? Such questions could be raised early in the process – perhaps using Place Plans. Some sites could be considered for de-allocation to allow for housing.
4. Onus on Developers to provide evidence at the early stages of the LDP process – do not provide a site with only a red line around it when submitting candidate sites to the LPA. Developers / land owners need to demonstrate that the site is suitable for development and such development is deliverable.
5. Have the Developers had early discussions with CTCs – consultation at an appropriate time might help ensure that more sites are supported by communities before they proceed to the candidate site stage of the LDP. Should LPAs be requesting that consultation with CTCs be undertaken prior to submission as a candidate site?
6. A more stringent Development Management process in terms of applications being extended beyond the five years originally permitted. Some permissions are continually extended and land not delivered for housing (Developers ‘sitting on land’ for a variety of reasons). More stringent rules on what constitutes ‘commencement’ would be beneficial.
7. Early engagement with communities – producing Place Plans to ensure that the communities wishes are known by local land owners and Developers. This should save time at the planning stages and may ensure that permissions that would otherwise have been held up are less contentious / decided earlier.
8. Should LPAs consider imposing conditions that development must begin within a timescale shorter than the relevant default period? (*this is mentioned in NPPF)*
9. Place Plans should be encouraged by LPAs - local community “right to plan” to assist with the LDP process.
10. Should encourage a front-loaded system via early involvement of communities re the size, type and tenure of housing needed for different groups in the community – to inform the LDP process early on.
11. S106 discussions usually take place early on, with results reflected in the Committee report. It would help to build public trust if subsequent changes to S106 were subject to public scrutiny.
12. Use of Community Council to look at local sites. Rather than solely looking at large sites, greater recognition of small to medium sites within towns and villages. These are likely to have less difficult land ownership issues and may also be delivered quicker due to scale.
13. Prepare brownfield land register which is reviewed annually.
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| **Q3** | What evidence is necessary to demonstrate the deliverability of sites which make up the housing requirement? |
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| **Comments** |
| 1. LPAs need to pass the onus of evidence to landowners / housebuilders to ensure that all site checks have been undertaken prior to submission as a candidate site e.g. Ecology reports / land contamination reports / flood consequence assessments / viability reports/ highway assessments. LPAs through the LDP need to assess this evidence with statutory bodies (e.g. NRW) to ensure that any land put forward in plans is ready to be developed. Without the evidence of deliverability, land should not be included within a LDP.
2. Landowners want their land allocated for financial gain – and do not necessarily wish to undertake viability / deliverability reports – this somehow needs to form part of the LDP process.
3. Local communities are best placed to give advice on land within their areas (historical evidence) how the land drains, does it flood, important flora or fauna – early interaction with communities to assess the suitability of sites will ensure those without constraints are put forward within the development plan for delivery. Developers should work with their local communities early on to obtain such advice – could this be through Place Plans?
4. Development Briefs prepared by LPAs will assist in bringing small to medium sized sites forward.
5. More information required at candidate site stage of LDP regarding viability and not just deliverability.
6. Better understanding by Planning Officers of the economic drivers – better training / share of best practice – closer working with house building industry.
7. Clear identification of land ownership issues in submissions i.e. how many owners, possibly seek some form of agreement in principle from all owners before a site is allocated.
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**Monitoring development plans and housing land supply**

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| **Q4** | How should housing land supply be monitored in relation to delivering the housing requirement set out in an adopted development plan? |
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| **Comments** |
| 1. Better links between LPA Policy Teams and Development Management teams – they often work in isolation.
2. Engagement with Community and Town Councils – monitoring what is happening on the ground. More powers / training to CTCs to undertake monitoring.
3. Annual monitoring reports to include breakdown of housing types as well as completions.
4. Include a ‘buffer’ of additional sites to cover shortfalls.
5. Introduce a time limit on identified sites so that if not developed in a certain period they could be replaced by an alternative site.
6. The above should provide greater certainty for the communities living near to potential development sites.
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| **Q5** | What action should follow if a planning authority does not have an up-to-date development plan and/or a housing land supply? |
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| **Comments** |
| 1. Any action should recognise the fact that LPA budgets for Planning have halved over the last 8 years and that strategic planning capacity has suffered as a result. A system of putting the LPA into “Special Measures” such as in the education / health system – a ‘call in’ by Welsh Government and an action plan drawn up could help to ensure delivery is supported. In any case, LPAs should be encouraged to work with other authorities to assist them to produce the plan by sharing Planning Officer skills across LPAs.
2. Community-led housing given greater weight i.e. if a community supports a proposal there could be a presumption in favour.
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**Is there any other related evidence that you think we should consider?**

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| **Q6** | If you would like to submit any other information related to the issues raised in this consultation, please do so here. |
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| **Comments** |
| 1. On 23rd January 2018, Planning Aid Wales delivered a networking seminar entitled ‘Community-Led Housing: Opportunities and Innovation’. The event was attended by 47 delegates from Community and Town Councils, community groups, local planning authorities, the housing sector and the development industry. PAW has enclosed a document summarising the outputs and discussion at the event for consideration as evidence for this consultation.
2. As a principle, PAW would advocate greater emphasis on community-led housing as one mechanism for the delivery of housing. In planning terms, this would require:
3. Emphasis on community-led housing within the national planning policy framework.
4. Emphasis on clear support for appropriate community-led schemes within Local Development Plan Policies and / or Supplementary Planning Guidance and an emphasis on community-led housing as a potential topic for inclusion within Place Plans.
5. Development and dissemination of guidance and best practice on community-led housing.
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**How to respond**

Please submit your comments by **10 October 2018**, in any of the following ways:

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| **Email** | **Post** |
| Please complete the consultation form and send it to: planconsultations-j@gov.wales[Please include **Call for Evidence on Housing Delivery** in the subject line] | Please complete the consultation form and send it to:Call for Evidence on Housing DeliveryPlanning DirectorateWelsh GovernmentCathays ParkCardiffCF10 3NQ |

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| **Additional information** |
| If you have any queries about this consultation, please: Email: planconsultations-j@gov.walesTelephone: 03000 253882 or 03000 256802 |