



CIH response to

DCLG consultation proposals for

Building more homes on brownfield land

March 2015

1. Introduction

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple – to provide housing professionals and their organisations with the advice, support and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world. Further information is available at: www.cih.org

2. General comments

CIH welcomes the opportunity to comment on the proposals put forward in the consultation paper. We agree that it is important to ensure that the use of brownfield land is maximised, where it is suitable for housing, and that this should be a key strategic approach in order to balance the demand for more homes, the pressures to protect green belt land, and the quality of local places.

The focus must be on brownfield land that is suitable, which should include consideration of how well the locality of that land ties in with the wider plans for a local area, and the connection with adequate facilities, transport links and plans for economic and employment growth and development.

The critical vehicle is the Local Plan; work to identify and establish local development orders on brownfield sites must be part of, and contribute to that bigger strategic planning framework. We are concerned that the proposals should support, not distract from, local planning authorities' delivery of this statutory strategic approach, at a time when resources within authorities are significantly stretched. That is the overarching context in which we have framed our responses to the specific questions below.

3. Consultation questions

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?

The current definition of brownfield land in the National Planning Policy Framework is broad. A more specific definition would be appropriate for these proposals, particularly where local authorities will be assessed in terms of their delivery towards the target of achieving local development orders. It is important that both local planning authorities and developers are clear on what will constitute brownfield land suitable for development for housing to enable effective working to increase delivery of new homes.

The proposed additional criteria – capable of development, free from constraint, capable of supporting five or more dwellings - are reasonable and clear. However, the deliverable criteria should be further defined so that it does not override or conflict with land use policies in adopted Local Plans and the strategic vision for the local area that it sets.

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

The policies and strategies to meet housing needs, and the evidence underpinning these, should be developed with strong community and stakeholder engagement. Making these easily accessible is part of that provision of local accountability. So the publication of the small subset of data as proposed should be part of, and integrated into, that broader process of developing Local Plans with their supporting evidence/ assessments.

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

We welcome the development of a common standard and specification which should be steered by local planning authorities; this will be necessary to deliver the additional functions that the consultation proposes which will be useful for authorities, including the duty to cooperate.

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

It is in the interests of local planning authorities and their communities that the information and data on which their Local Plans and strategies are based is regularly reviewed. However, the resources and capacity for some local authorities have been significantly stretched and will be for some time to come, so the frequency of review should be linked to capacity to meet this.

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 permission on brownfield land?

Building on the process of designation which local planning authorities already understand is a reasonable proposal. Should this be the approach adopted, it should be clearly tied to the overall ambition of increasing the number of homes - i.e that only applications relating to the delivery of five or more homes on suitable brownfield land should be capable of submission to the Secretary of State.

However, this should be within a clear framework of peer support, sharing share best practice and encouraging improvement, which current resources limits.

Question 6: Do you agree that:

- (a) Authorities should be designated from 2020 if they have not made 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?

We agree with a timescale that enables local planning authorities to put in place the necessary framework and procedures, and has some flexibility as suggested, in respect of sites that become available nearer to 2020. This will also enable local authorities to set this process within their timescale for Local Plan development/ review.

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 suitable for housing (and which does not already benefit from planning permission) in the preceding year is an appropriate intermediate objective?

Any intermediate date and objective should be only for the purpose of enabling local planning authorities to assess how well they are on track to deliver for 2020, and what steps they can take to achieve this.

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

As above, we do not think that sanctions and designation should be applied from the intermediate date. It should instead be used as an opportunity to plan for action that can help local planning authorities to improve and achieve the 2020 target.

Question 9: Do you agree:

- (a) With the proposed approach to identifying and confirming designations, including the consideration of whether exceptional circumstances apply?
- (b) With the suggested approach to de-designating 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?

There should be opportunity for local planning authorities to demonstrate exceptional circumstances where the failure to achieve the target is due to matters outside of their control. Regular review of designations will be necessary to maintain a focus on delivery; ideally there should be opportunity for local planning authorities to present evidence of improvement as they have addressed the issues.

If designation is the approach adopted, following the procedures that are already known and understood by local authorities is reasonable.

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?*

Taking a policy based approach may support local authorities to integrate the focus on housing delivery on brownfield land as part of their strategic planning approach. However, as with the designation approach, the interim dates and percentages should only be used to enable local planning authorities to assess how they are performing and put in place the actions for improvement before 2020.

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?

Again we believe that the interim date of 2017 should be used only for the purpose of guiding authorities in terms of action to deliver for 2020. Assessments and reviews of data and information published during the interim period should be used to clarify and set standards for what is expected of local planning authorities, and actions they need to take to comply in preparation for 2020.

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?

Both proposed approaches have benefits and disadvantages. The policy based route may enable local planning authorities to embed this as part of their strategic planning approach rather than distracting from that activity. If the designation route is used, local authorities are familiar with the process, and it has a 'track record' of improving overall performance. However, in both cases, CIH is concerned that the proposals are predominantly focused on the use of sanctions as an incentive to increase delivery, without clear opportunities for greater peer support and sharing of best practice, and with extra funding limited to those localities with large scale brownfield opportunities. We would prefer to see this introduced in a framework that supports local planning authorities to develop mechanisms to improve and reinforce a robust strategic local approach.

4. Contact

For any queries about this consultation response please contact:
Sarah Davis, Senior Policy and Practice Officer, sarah.davis@cih.org / 024 7685 1793.