

Local Development Guide Review
Economic Growth and Strategic Planning
Gloucestershire County Council
1st Floor Block 4
Shire Hall
Westgate Street
Gloucester
GL1 2TP
For the attention of Sandra Donaldson

SENT BY E-MAIL ONLY TO
localdeveloperguideconsultation@gloucestershire.gov.uk

14th May 2020

Dear Sir / Madam

GLOUCESTERSHIRE LOCAL DEVELOPER GUIDE CONSULTATION

The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

Further to your e-mail sent to info@hbf.co.uk on 1st May 2020, the HBF wish to raise a number of concerns.

The consultation period of only four weeks between 4th – 29th May 2020 is very short especially during this unprecedented time of Covid-19 lockdown. Moreover, the four-week period of consultation is shortened further by the inclusion of two Bank Holidays in May. Many in-house planning teams employed by housebuilding companies and planners working for planning consultancies are furloughed and therefore unable to work and respond to this consultation. A full and fair consultation should provide interested parties with adequate time for consideration and response. The County Council should be conducting a full and fair consultation on the Local Developer Guide, if it is to be used as material evidence to justify future developer contributions sought from planning applications across Gloucestershire. It is the HBF's opinion that this consultation should have been postponed until after Covid-19 restrictions are lifted or released for consultation with an extended deadline (much greater than four weeks) for receipt of responses.

The HBF are aware that its Members raised concerns about the lack of transparency in the County Council's previous consultation on its Draft Gloucestershire School Places Strategy 2018- 2023, which ended on 21st



November 2018. In that consultation, the County Council proposed increasing the assumed pupil yields across Gloucestershire. At the time, HBF Members did not believe that the Pupil Product Ratio Report (PPRR) was based on an appropriate number and diversity of sites reflecting the mix and types of dwellings across the County or in individual housing sub-markets. The County Council's methodology significantly inflated the predicted pupil yields. This previous concern emphasises the need for the current consultation on the Gloucestershire Local Developer Guide to be full and fair especially given that HBF Members continue to consider that the identified ratios are overly high by comparison to other comparators and take no account of the fact that a proportion of pupils resident in new developments already attend local schools.

It is noted that the County Council is proposing that financial contributions are sought by both Community Infrastructure Levy (CIL) and Section 106 obligations. In Gloucestershire, all Local Planning Authorities (LPA) except Forest of Dean District Council have adopted CILs. The County Council acknowledge that there should be no situation where a developer is paying CIL and S106 for the same specific element of infrastructure in relation to the same development (see para 44 of Local Developer Guide) however the County Council has not set out any safeguards to prevent the potential risk of such "double dipping". During the examination of currently adopted Local Plans and CILs, it was understood that financial contributions towards education were to be paid for via CIL.

Aspirational infrastructure (pre-school childcare, primary & secondary schools, special schools, adult social care, library service, archives service, health, fire & rescue services, SUDs, waste & recycling facilities, transport and broadband) may be sought by service providers but any planning obligation sought must pass three tests :-

- necessary to make development acceptable in planning terms ;
- directly related to the development ; and
- fairly and reasonably related in scale and kind to the development.

The County Council also assumes that viability assessments will be carried out on a site by site basis at planning applications stage (see para 45 of Local Developer Guide). The 2019 National Planning Policy Framework (NPPF) determines that contributions sought from developers will be set out in Local Plan policies and viability tested at plan-making rather than planning application stage. The cumulative impact on viability of contributions sought in the Local Developer Guide have not been fully tested at Local Plan examinations held in Gloucestershire therefore the viability and deliverability of allocated housing sites may be jeopardised.

The County Council acknowledge the inadequacies of the Local Developer Guide due to its lack of succinctness and cohesiveness (see page 1 "Next Steps" para of Local Developers Guide). It is also unclear if the document was prepared in liaison with the six Gloucestershire LPAs. The admission that the Local Developer Guide is not wholly fit for purpose and will be subject to

immediate review is incongruous with the County Council's intention that the Guide should be treated as a material consideration in the determination of planning applications (see page 1 "Foreword" para of Local Developers Guide). If the Local Developer Guide is only an interim policy statement because the Gloucestershire LPAs intent to work collaboratively on an improved, co-authored version of the Local Developer Guide by Spring 2021, it is the HBF's opinion that the Local Developers Guide should be considered to have only limited weight. Indeed, it is questionable whether there is any necessity to issue an interim policy statement during the current Covid-19 pandemic. By Spring 2021, the properly reviewed and co-ordinated document will be able to incorporate any revisions to CIL / S106 obligations introduced by the Government in response to the Covid-19 crisis.

In conclusion, the HBF request that this current consultation is re-considered by the County Council and such re-consideration addresses the HBF's concerns as set out above.

Yours faithfully
for and on behalf of **HBF**



Susan E Green MRTPI
Planning Manager – Local Plans