


Agenda Item No:	6	
Committee:	Cabinet	
Date:	21 October 2020	
Report Title:	Housing Delivery Test Action Plan	

1 Purpose / Summary

For Cabinet to approve Fenland District Council's Housing Delivery Test (HDT) Action Plan

2 Key issues

- In Fenland, the total housing completions between 1 April 2016 and 31 March 2019 was 1,294 dwellings. The total new homes required during this period was 1,414 dwellings. This gives a HDT result of 92% for Fenland District Council. We were only 49 dwellings from achieving the 95% target
- National policy advises any Council that achieves less than 95% to prepare an Action Plan, which identifies actions to increase delivery in future years.
- The Draft HDT Action Plan (See Appendix 1) identifies possible reasons for under delivery and actions to improve this.
- The Action Plan notes that sufficient planning applications are granted and the FDC Five Year Land Supply identifies sufficient supply of land to meet housing targets.
- Some of the issues affecting the delivery of sites include lack of viability within the district and infrastructure.
- The Council is already implementing many actions which could help increase delivery of sites, such as preparing a new Local Plan, publishing a viability report and the set up a Local Authority Trading Company, Fenland Future Limited.
- The Council will continue to work with developers to bring forward strategic sites through pre application discussion and the preparation of Broad Concept Plans.
- It should be noted the Council has delivered a positive increase in the delivery of homes for 19/20 with 561 homes delivered which is in excess of the Council's housing target. The monitoring was completed later than usual therefore some homes built in 20/21 may have been counted however this will even out over the monitoring period.

3 Recommendations

- Cabinet to approve Fenland District Council's Housing Delivery Test Action Plan and the recommended actions to improve the deliverability of housing in the district.

Wards Affected	All
Forward Plan Reference	

Portfolio Holder(s)	Cllr Dee Laws, Portfolio Holder for Planning
Report Originator(s)	Gemma Wildman, Local Plan Manager Carol Pilson, Corporate Director
Contact Officer(s)	Gemma Wildman, Local Plan Manager Carol Pilson, Corporate Director
Background Paper(s)	Appendix 1 Housing Delivery Test Action Plan

4 Background / introduction

- 1.1 In 2018 central government introduced the Housing Delivery Test (HDT) as a way to hold Councils to account over the past delivery of new housing.
- 1.2 Each year central government calculates the HDT result for each local authority by dividing the number of new homes built in the past three financial years by the number of new homes required for the same period.
- 1.3 In Fenland, the total housing completions between 1 April 2016 and 31 March 2019 was 1,294. The total new homes required during this period was 1,414. This gives a HDT result of 92% for Fenland District Council.
- 1.4 National policy applies the following sanctions to local authorities where they do not meet HDT targets:
 - Less than 95% - prepare an Action Plan, which identifies actions to increase delivery in future years.
 - Less than 85% - Add a buffer of 20% (equivalent to one year's supply) to the five year land supply requirement.
 - Less than 45% - Local Plan policies involving the supply of housing are considered out of date, and therefore applications considered in accordance with the NPPF requirement for sustainable development.
- 1.5 Because the HDT result is below 95% this means that by August 2020 Fenland District Council is advised to publish an action plan setting out how the delivery of housing sites could be improved in the future.
- 1.6 However, it is worth noting that the HDT results show that the delivery rate is only 147 under the requirement for (100%) and 49 dwellings from achieving the 95% target.
- 1.7 At this stage, it is important to be aware of the proposed central government changes to the method used to calculate the Local Housing Need, which could result in a significant increase in the Local Plan housing requirement for Fenland. Any increase in the housing requirement will be challenging to the council, with many of the issues outside of the Council's control.

5 Considerations

- 5.1 A draft HDT Action plan was published in August 2020 (See Appendix 1).
- 5.2 The Action Plan assesses the possible causes for under delivery and explores ways to reduce the risk of further under delivery.
- 5.3 National policy sets out issues that could be considered by an action plan. These issues have been used as the basis for the assessment.
- 5.4 The analysis by the Council does not point to one specific reason why delivery has underperformed against the government targets in recent years.
- 5.5 The data shows that more than sufficient planning permissions are granted and determined within the government statutory time limits. The 2019 housing monitoring data shows unimplemented planning permissions provide sufficient supply of sites to meet the five year land supply requirements.
- 5.6 Many of the issues point towards market failure to deliver the growth targets. The latest monitoring data shows that over 3,000 homes are permitted and the vast majority are classed as minor development (under 10 dwellings), yet only around 400 dwellings per year are delivered. Therefore it is not a lack of planning consents by the Council or

available land which appears to be the issue, but rather a lack of investment and delivery by landowners and developers.

- 5.7 Some of the issues affecting the delivery of sites include lack of viability within the district. As part of the production of the new Local Plan, a viability report has been published. This will help provide a better understanding of viability issues and help in the negotiations of S106 agreements.
- 5.8 Although infrastructure provision has been identified as an issue there are currently no show stoppers that are preventing the delivery of permitted sites. However, more work is required with developers and infrastructure providers to deliver the larger scale sites and Broad Locations of Growth.
- 5.9 Work has already commenced on preparing a new Local Plan, which includes the identification of specific and deliverable sites, which will help improve certainty and confidence for the development industry going forward.

6 Effect on corporate objectives

- 6.1 The Fenland District Council Business Plan (2020/21) sets the corporate objectives. The following objectives are relevant to the delivery of housing growth in the district:
- Attract new business, jobs and opportunities whilst supporting our existing businesses in Fenland.
 - Promote and enable housing growth, economic growth and regeneration across Fenland
 - Promote and lobby for infrastructure improvements across the district
- 6.2 The Action Plan identifies ways to improve the future delivery of housing helping to meet the above objectives.
- 6.3 In January 2020 the Council established a Local Authority Trading Company (LATCo), Fenland Future Limited to support the delivery of the Council's growth agenda.

7 Conclusions

- 7.1 The HDT Action Plan identifies the following actions, some of which are already underway.
- New Local Plan - Work has already commenced on preparing a new Local Plan.
 - Local Authority Trading Company - In 2020 the council set up a trading company called Fenland Future Ltd. This company's aim is to accelerate the delivery and regeneration of key sites throughout the district.
 - Viability Report -In March 2020 the Council published a Viability Report prepared as part of the evidence base for the Local Plan. This will provide up to date information and knowledge about the local housing market and the finding can be used a material consideration in determining planning applications.
 - Strategic sites - the Council will continue to working with developers to bring forward sites through pre application discussion and the preparation of Broad Concept Plans.
 - Changes to planning system – The Council will ensure that account is taken of any future changes to the planning system and responded to consultations to address issues affecting the Fenland area.
- 7.2 Officers will monitor the delivery of the action plan.



Fenland District Council

Draft Housing Delivery Test

Action Plan

August 2020

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1. Background and summary of national policy

- 1.1. The National Planning Policy Framework (NPPF)(February 2019) introduces the Housing Delivery Test (HDT), the purpose of the HDT is to hold local authorities to account over the past delivery of new housing.
- 1.2. The HDT should not be confused with the 'Five Year Land Supply' (5YLS) test which is a separate national policy test relating to the future supply of housing. The Council publishes a separate report in relation to whether or not it passes the Five year land supply test.
- 1.3. The Ministry for Housing, Communities & Local Government (MHCLG) has calculated a HDT 'measurement' figure for every plan area in England. Typically the plan area is a district or borough boundary, but in areas with joint plans the plan area may be a collection of districts. To calculate the HDT measurement for each plan area, the number of new homes built in the past three financial years is divided by the number of new homes required in the same period. The HDT figure is expressed as a percentage.

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over three year period}}$$

- 1.4 For example, if the number of new homes built in a plan area is equal to the number of new homes required (over the past three years), the HDT measurement will be 100%. HDT results are published annually, every November.
- 1.5 The November 2018 HDT measurement (the first such measurement to be published) was delayed and only published by MHCLG in February 2019 and covers the financial years 2015/16, 2016/17 and 2017/18.
- 1.6 The next HDT results were due in November 2019. However, again these were delayed until February 2020 and covered the years 2016/17, 2017/18 and 2018/19.
- 1.7 The method for calculating the HDT is further explained in the [Housing Delivery Test measurement rulebook](#)¹ and the Housing Delivery Test: 2019 technical note².
18. The NPPF applies sanctions to local authorities where they perform poorly against the HDT. Table 1 sets out the sanctions which will apply where the HDT measurement falls below certain percentage thresholds. The sanctions reflect the performance of the area in delivering housing - the lower the HDT measurement, the greater the severity of the sanctions applied.

Table 1: Housing Delivery Test Sanctions

	HDT Measurement	Sanction
1	Less than 95%	The local authority should prepare an Action Plan which assesses the causes of under-delivery and identifies actions to increase delivery in future years.

¹ <https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>

² <https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

2	Less than 85%	Add a 'buffer' equivalent to one year's supply (20%) when performing the Five Year Land Supply calculation
3	a) From November 2018 - less than 25% b) From November 2019 - less than 45% c) From November 2020 - less than 75%	For applications involving the supply of housing, the Local Plan policies most important for determining the application will be considered out-of-date. In such circumstances, planning applications will be determined in accordance with the NPPF's 'presumption in favour of sustainable development'.

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2. The Fenland measurement and sanctions applied

- 2.1 The Housing Delivery Test results are published each year by MHCLG. The first [HDT](#) results were published in February 2019 and showed that over the previous three years (2015/16 to 2017/18) Fenland District Council had met the housing requirement and achieved 97%. Therefore no action was required.
- 2.2 The latest [HDT](#) results were published in February 2020. As summarised in Table 3 the results between 2016/17 and 2018/19 show that Fenland District Council's 2019 HDT measurement is 92%. **Because the HDT result is under 95% the Council is required to prepare an Action Plan.**

Table 2: HDT results 2019

Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2019 measurement	Housing Delivery Test: 2019 consequence
2016-17	2017-18	2018-19		2016-17	2017-18	2018-19			
453	439	521	1,414	421	469	403	1,294	92%	Action Plan

- 2.3 However, it is worth noting that the HDT results show that the delivery rate is only 147 dwellings under the requirement (100%) and **49** dwellings from achieving 95% target.
- 2.4 It is important that in future the HDT results do not drop below the 85% level as this will have significant impacts on the Five Year Land Supply as the Council would be required to provide a 20% buffer which would mean the Council may not be able to demonstrate a five year land supply, subject to changes set out in the Planning White Paper.
- 2.5 **This document forms the Housing Delivery Test Action Plan for Fenland District Council.**

3. National Requirements for an HDT Action Plan

3.1 National Policy and the National Planning Practice Guidance sets out requirements for preparing a HDT Action Plan

3.2 Paragraph 75 of the NPPF states that:

‘To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of underdelivery and identify actions to increase delivery in future years’.

3.2 The National Planning Practice Guidance³ (NPPG) explains what a HDT Action Plan is.

‘The action plan is produced by the local planning authority where delivery is below 95% of their housing requirement. It will identify the reasons for under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery’⁴.

3.3 The NPPG states that an Action Plan should be published within six months of the publication of the HDT results to ensure that the document is as useful as possible. For Fenland this means that an Action Plan should be published by **August 2020**

3.4 The NPPG goes on to set out some key elements of what an action plan should cover:

- *‘barriers to early commencement after planning permission is granted and whether such sites are delivered within permitted timescales;*
- *barriers to delivery on sites identified as part of the 5 year land supply (such as land banking, scheme viability, affordable housing requirements, pre-commencement conditions, lengthy section 106 negotiations, infrastructure and utilities provision, involvement of statutory consultees etc.);*
- *whether sufficient planning permissions are being granted and whether they are determined within statutory time limits;*
- *whether the mix of sites identified is proving effective in delivering at the anticipated rate.*
- *whether proactive pre-planning application discussions are taking place to speed up determination periods;*
- *the level of ongoing engagement with key stakeholders (for example, landowners, developers, utility providers and statutory consultees), to identify more land and encourage an increased pace of delivery;*
- *whether particular issues, such as infrastructure or transport, could be addressed at a strategic level - within the authority, but also with neighbouring and upper tier authorities where applicable’⁵.*

3.5 The NPPG also includes Actions that could be considered to help boost supply:

³ <https://www.gov.uk/guidance/housing-supply-and-delivery#housing-delivery-test--action-plans>

⁴ Paragraph: 047 Reference ID: 68-047-20190722

⁵ Paragraph: 050 Reference ID: 68-050-20190722

- *'revisiting the Strategic Housing Land Availability Assessment (SHLAA) / Housing and Economic Land Availability Assessment (HELAA) to identify sites potentially suitable and available for housing development that could increase delivery rates, including public sector land and brownfield land;*
- *working with developers on the phasing of sites, including whether sites can be subdivided;*
- *offering more pre-application discussions to ensure issues are addressed early;*
- *considering the use of Planning Performance Agreements;*
- *carrying out a new Call for Sites, as part of plan revision, to help identify deliverable sites;*
- *revising site allocation policies in the development plan, where they may act as a barrier to delivery, setting out new policies aimed at increasing delivery, or accelerating production of an emerging plan incorporating such policies;*
- *reviewing the impact of any existing Article 4 directions for change of use from non-residential uses to residential use;*
- *engaging regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed;*
- *establishing whether certain applications can be prioritised, conditions simplified or their discharge phased on approved sites, and standardised conditions reviewed;*
- *ensuring evidence on a particular site is informed by an understanding of viability;*
- *considering compulsory purchase powers to unlock suitable housing sites;*
- *using Brownfield Registers to grant permission in principle to previously developed land; and*
- *encouraging the development of small and medium-sized sites⁶.*

3.6 The above issues and possible actions have been used as the basis for questions in this HDT Action Plan as set out in Sections 5 and 6.

⁶ Paragraph: 051 Reference ID: 68-051-20190722

4. Fenland in context

Introduction

- 4.1 Fenland District Council is located within the county of Cambridgeshire and includes the four market towns of March, Wisbech, Chatteris and Whittlesey as well as around 30 villages. Fenland has a unique environmental character, with its flat, open landscapes, big skies and complex network of drainage channels and watercourses. Much of the land outside settlements is intensively farmed and due to the flat and low lying landscape, large areas of the district are located within the Environment Agencies defined Flood Zones and are at risk of flooding.
- 4.2 The Fenland District Council Business Plan (2020/21)⁷ sets the corporate objectives. The following objectives are relevant to the delivery of housing growth in the district:
- Attract new business, jobs and opportunities whilst supporting our existing businesses in Fenland.
 - Promote and enable housing growth, economic growth and regeneration across Fenland
 - Promote and lobby for infrastructure improvements across the district
- 4.3 The Fenland [Local Plan](#)⁸ was adopted in May 2014 it sets a requirement for 11,000 new homes between 2011 and 2031 (550 dwellings per year).
- 4.4 The following table shows the proposed split between different areas. This shows that the majority of growth is directed towards the Market Towns (89%) and 11% of the growth directed towards the rural areas.

Table 3 – Local Plan distribution of growth

	District Total	Wisbech	March	Chatteris	Whittlesey	Other Locations
Total Housing (Number)	11,000 (100%)	3,000 (27%)	4,200 (38%)	1,600 (15%)	1,000 (9%)	1,200 (11%)

- 4.5 The approach of the Local Plan was intended to be as flexible as possible to encourage growth and development within the district with a deliberate lack of allocated sites and 'red lines' for development defined.
- 4.6 Rather than identifying specific sites, the Local Plan indicates Broad Locations for Growth (BLG) around each of the Market Towns. Policy LP7 explains that these sites must be planned and implemented in a coordinated way, through an agreed overarching Broad Concept Plan (BCP). To date, progress has been made for the BCPs for East Wisbech, East Chatteris, and South Wisbech. Further details about BCPs can be viewed at: <https://www.fenland.gov.uk/BCP>.
- 4.7 In February 2019 the Council started preparing a new Local Plan for the district. Issues and Options Consultation was carried out in October 2019, including a call for site exercise. The [Local Development Scheme](#) sets out the latest timetable for production of the new Local Plan.

Annual Completion Rates

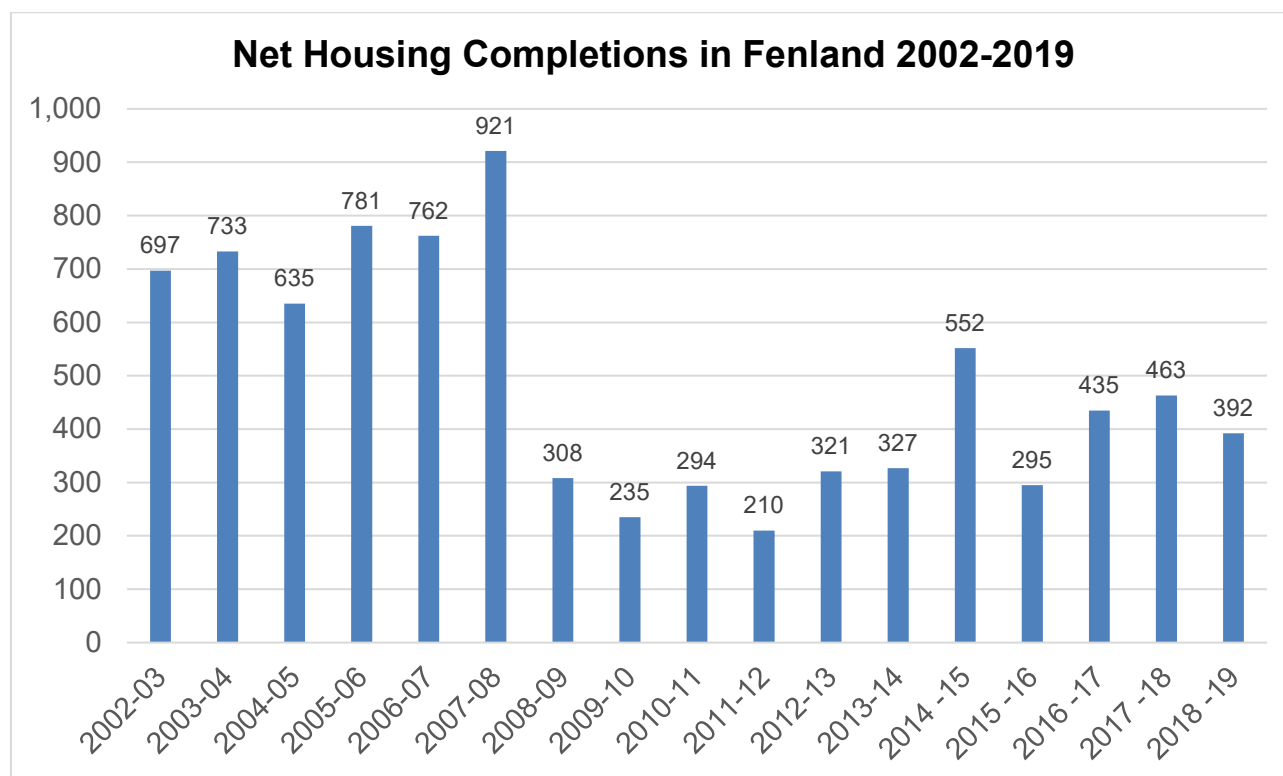
- 4.8 The Council's [Authorities Monitoring Report](#) 2019 (AMR), reports on the annual net completion rate and also sets out the historical completions per year between 1 April 2002 and 31 March 2019 (17 year period). The

⁷ https://www.fenland.gov.uk/media/14691/Business-Plan-201920/pdf/Business_Plan_2019_v2.pdf

⁸ https://www.fenland.gov.uk/media/12064/Fenland-Local-Plan---Adopted-2014/pdf/Fenland_Local_Plan-Adopted_2014.pdf

following graph summarises the completion rate for each year. This shows an average rate of 492 dwellings per year.

Figure 1.



(Source Fenland AMR 2019)

- 4.9 Figure 1 shows that during the period 2002 to 2008 the council consistently delivered a high level of net housing, with a peak of 921 dwellings in 2007/08, this is noticeably higher than period 2008 to 2019, following the financial crisis in 2008 and a nationally significant decrease in the building rate of new homes. Figure 1 shows a low of 210 dwellings in 2011/12.
- 4.10 Completions in 2014/15 increased to the highest level since 2007/08 just above the annual target although this has reduced since then. Between 2008 and 2019 the average delivery rate is 348 increasing to an average of 430 dwellings per year between 2016 and 2019 (the HDT period).
- 4.11 The following sections of this Action Plan look at possible reasons for the low levels of delivery and makes recommendations.

5 An analysis of under - delivery in Fenland

- 5.1 This section looks at possible reasons for under delivery in Fenland District. This section is based around the questions set out in the NPPG (and set out in section 3), but a useful starting point is the Planning Advisory Service (PAS) review carried out in August 2018, which highlights issues to be addressed to help improve the delivery of sites and meet growth targets and ambitions of the district.

PAS Review

- 5.2 In August 2018 the Planning Advisory Service (PAS) carried out a review of the Fenland District Council Planning Services. The [PAS review](#) identified a number of challenges facing the Council, that could be affecting the delivery of housing. The main issues raised were:
- Low property and land values
 - Absence of larger developers to invest in the area
 - Deliverability
 - Lack of transport infrastructure
 - Social and economic factors
- 5.3 In relation to the adopted Local Plan, the PAS review highlights potential areas for exploration with the current flexible approach and lack of sites and defined settlement boundaries. It concludes that there is a lack of certainty as to which sites can be developed, which may be preventing developers from putting in applications for fear of refusal.
- 5.4 The PAS review also highlighted the issues around viability and the complex market forces affecting Fenland. At paragraph 5.5 it states that:
- ‘Low property values in particular means that large scale development and the creation of more affordable housing is problematic as developers, especially larger developers, will seek greater return elsewhere where schemes are more viable’*
- 5.5 The review also highlighted issues around the delivery of infrastructure in Fenland and states ‘*delivery has also been difficult without public sector interventions with the absence of large developers to deliver the large allocations and with current viability issues’*.
- 5.6 The Council has already taken into account many of the issues raised above, including:
- Work commenced on a new Local Plan in 2019 including the identification of specific and deliverable sites.
 - Published a Viability Report in 2020 to gain a better understanding on the local market and which highlights development in Fenland should attract lower developer contributions than stated in the Local Plan.
 - As part of the Local Plan evidence base the Council are preparing an Infrastructure Delivery Plan (IDP)
 - In January 2020 the Council established a Local Authority Trading Company (LATCo) to support the delivery of the Council’s growth agenda.
 - Also, the Combined Authority have made a number of commitments to infrastructure improvements in Fenland.

Analysis of information as recommended by the NPPG

5.7 The following questions are based on the issues identified in the NPPG.

1. Are there any barriers to early commencement after planning permission is granted and whether such sites are delivered within permitted timescales?

5.8 There are no fundamental barriers to delivery once planning permission has been granted. There are examples of individual sites that have unique issues to be addressed, and there are issues with larger sites around S106 agreements which can result in some delays in the process.

2. Are there any barriers to delivery on sites identified as part of the five year land supply?

5.9 The latest monitoring data shows that at 1 April 2019 a total of **2,688** dwellings had the benefit of planning permission, of which a total of 342 dwellings were under construction.

5.10 The latest [Five Year Land Supply](#) report published in June 2019 shows that the Council can demonstrate **7.18** year of supply between 1 April 2019 and 31 March 2024. The following table shows a summary of deliverable sites.

Table 4 – Summary of Five Year Land Supply

Site Category	Five Year Supply					Total Five Year
	Year 1	Year 2	Year 3	Year 4	Year 5	
Dwellings with detailed planning, & outline permission on non-major sites	331	456	439	396	194	1,816
Dwellings with outline planning permission on major sites	30	118	144	149	140	581
Dwellings approved subject to S106 legal agreement	0	39	155	212	203	609
Strategic Allocations & Broad Locations for Growth in adopted Local Plan	0	30	140	270	330	770
Windfall allowance (LP4 Part B sites)	0	0	76	152	152	380
Total	361	643	954	1,179	1,019	4,156

(Source Fenland Five Year Land Supply July 2019)

5.11 National Policy at Annex 2 defines what is meant by a deliverable site:

‘Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

- 5.12 Appendix 2 of the Five Year Land Supply report provides a summary of all sites. For sites that fall within part b) of the definition the tables include comments that set out the justification for including the site in the five year supply.
- 5.13 The Council carefully considered all sites for deliverability, and only includes sites that are deliverable within the five year period. Therefore if a site is included in the five year supply by definition there should be no fundamental barriers to it being delivered.

3. Are sufficient planning permissions being granted and are they determined within statutory time limits?

- 5.14 Between 1 April 2015 and 31 March 2019 on average 800 dwellings have been granted planning permission each year. This is more than the 550 dwellings per year requirement. This shows economic confidence in the district.
- 5.15 The PAS review noted that improvements have been made and *‘the service is now performing to a good level in determining valid planning applications’*.
- 5.16 The following tables show that the Council has more than met the government targets for determining planning applications for residential development. It also shows in the last three years that for Major applications 100% have been approved within the 13 week timescales or arranged Extension of Time (EOT).

Table 5 - Major dwellings determined within 13 weeks or an agreed EOT

Date	Number of decisions	Numbers determined within 13 weeks or agreed EOT	Percentage
April 2015 to March 2016	18	14	77.78%
April 2016 to March 2017	18	16	88.89%
April 2017 to March 2018	15	15	100%
April 2018 to March 2019	23	23	100%
April 2019 to March 2020	28	28	100%

Table 6 - Minor dwellings determined within 8 weeks or an agreed EOT:

Date	Number of decisions	Numbers determined within 8 weeks or agreed EOT	Percentage
April 2015 to March 2016	212	174	82.08%
April 2016 to March 2017	250	221	88.40%
April 2017 to March 2018	308	283	91.88%
April 2018 to March 2019	265	247	93.21%
April 2019 to March 2020	251	241	96.02%

4. Are the mix of sites identified provided effective in delivering at the anticipated rate?

- 5.17 The following table shows the breakdown of committed sites (sites with planning permission) at 1 April 2019. The majority (44.2%) of sites are for single dwellings. With 84% of permission granted for sites under 10 dwellings and therefore classified as minor developments. Only nine of the committed sites are over 100 dwellings. Therefore the majority of sites meet the NPPF definition of deliverable.

Table 7 – Site size

Site Size (dwellings)	No of permissions at 1 April 2019	Percentage
1	185	44.2%
2 to 9	166	39.6%
10 to 49	49	11.7%
50 to 99	10	2.4%
100 to 499	9	2.1%
500 +	0	0%
Total	419	100%

- 5.18 The council has to be mindful of delivery, when identifying and allocating sites in the emerging Local Plan to ensure it will provide a wide range of site sizes the council is more likely to attract as wide a range of house builders as possible. By doing so, this will increase the prospects of delivery as soon as possible. The council needs all sizes of house builders to be attracted to the district, to boost delivery.
- 5.19 There is no evidence to suggest that the current mix of sites is providing ineffective in delivering the required rate.
- 5.20 It is widely accepted that large sites take longer to provide the first completed home than smaller sites, due to the greater level of upfront investment and infrastructure costs required. However, once completions

commence on large sites, generally speaking such sites can provide a steady supply of homes for many years to come at a higher rate of delivery.

5.21 Since the Fenland Local Plan was adopted in 2014, three BCPs have been approved and work is progressing towards planning applications, and good progress is being made on preparing a fourth BCP.

5.22 The latest monitoring data shows that since 1 April 2011 (the base date of the Local Plan), the majority of growth has taken place in the rural areas and on small scale sites.

5.23 Therefore the Council needs to work closely with developers to ensure that large scale sites can be delivered and to address any barriers or issues that are causing delays.

5. Are proactive pre-planning application discussions taking place to speed up determining periods?

5.24 Yes, the Council has clear and well used pre –application discussions in place.

6. What is the level of ongoing engagement with key stakeholders (for example, landowners, developers, utility providers and statutory consultees) to identify more land and encourage and increased pace of delivery.

5.25 The Council holds regular and well attended ‘developer forum’ meetings. These meetings allow developers to raise issues and for the Council and Councillors to gain a better understanding of issues or concerns that might affect delivery of sites.

5.26 In February 2019, work commenced on a new Local Plan for the district. The Issues and Options consultation was carried out in October 2019 and included a call for sites exercise. Over 200 sites were suggested.

5.27 The SHELAA report was published in February 2020 listing all sites submitted and the site assessment methodology. The Council has consulted key stakeholder such as the County Council, utility providers and other statutory consultees on the proposed sites.

5.28 As part of the process of preparing the new Local Plan the Council will continue to work with statutory consultees, as part of duty to co-operate and also site assessment process.

5.29 Development Management will continue to work with landowners promoting sites.

7. Could issues, such as infrastructure or transport for example, be addressed at a strategic level – within the authority, but also with neighbouring authorities?

5.30 As discussed under question 6, the Council will work with infrastructure providers and neighbouring authorities during the production of the new Local Plan as part of the duty to co-operate requirements. The Council therefore has an important role to help co-ordinate with these providers to ensure that the requirements of growth are fully understood, recognised and timely investment made.

5.31 Work has commenced on an Infrastructure Delivery Plan (IDP) to support the new Local Plan. The IDP will set out costed, phased and prioritised programmes of infrastructure to respond to economic and housing growth.

5.32 The strategic issues of highway capacity is being addressed at a strategic level with the Combined Authority (CA) and the County Council. For Fenland, the CA is currently progressing the following projects to address existing issues in the transport network and enable the delivery of growth:

- The re-opening of Wisbech’s rail station and rail line to March, providing rail services between Wisbech and Cambridge;

- The regeneration of March, Whittlesey and Manea stations;
- Improved east / west connectivity along the A47 through junction improvements and longer term aspirations to dual the route;
- Addressing existing constraints in the road network around the market towns, notably the package of highway improvements delivered through the Wisbech Access Strategy; the King's Dyke level crossing works at Whittlesey; and other junction improvements as well as the March Access Strategy.
- Implement strategies to deliver a modal shift to walking, cycling and public transport in the market towns; and
- Address barriers to transport in rural areas.

Other issues identified and conclusion

- 5.33 The analysis by the Council does not point to one specific reason why delivery has underperformed against the government targets in recent years.
- 5.34 As discussed above the PAS review in 2018 identified some matters, some of which are already being implemented, such as the need to prepare a new Local Plan and to identify specific and deliverable sites. This will help improve certainty and confidence for the development industry going forward.
- 5.35 The data shows that more than sufficient planning permissions are granted and determined within the government statutory time limits. The 2019 housing monitoring data shows unimplemented permissions provide sufficient supply of sites to meet the five year land supply requirements.
- 5.36 Many of the issues point towards market failure to deliver the growth targets. The latest monitoring data shows that over 3,000 homes are permitted and the vast majority are classed as minor development (under 10 dwellings), yet only around 400 dwellings per year are delivered. Therefore it is not a lack of consent or available land which appears to be the problem, but rather a lack of investment and delivery by land owners and developers.
- 5.37 Some of the issues affecting the delivery of sites include, lack of viability within the district. As part of the production of the new Local Plan, a viability report has been published. This will help provide a better understanding of viability issues and help in the negotiations of S106 agreements.
- 5.38 Although infrastructure provision has been identified as an issue there are currently no show stoppers that are preventing the delivery of permitted sites. However, more work is required with the developers and infrastructure providers to deliver the larger scale sites and Broad Locations of Growth.

6. Actions Proposed

6.1 As set out in section 3 the NPPG lists a number of possible actions, and these are listed below. In addition Section 7 identifies the possible actions that are specific to Fenland.

- 1 Revisiting the Strategic Housing Land Availability Assessment (SHLAA) / Housing and Economic Land Availability Assessment (HELAA) to identify sites potentially suitable and available for housing development that could increase delivery rates, including public sector land and brownfield land

6.2 Work commenced on a new Local Plan for Fenland in February 2019. An [Issues and Options](#) report was published for public consultation in October 2019. This included a call for sites exercise and local agents, developers and landowners were asked to submit sites for consideration as part of the Local Plan site assessment process. In total 291 new sites were submitted for consideration.

6.3 In February 2020 the Council published the [SHELAA report \(Stage 1\)](#)⁹ this listed all sites submitted to the Council as well as any sites identified in the adopted Local Plan (12 sites) or with planning permission at 1 April 2019 (122 sites). In total 425 sites were identified as available.

6.4 The SHELAA (Stage 1) report provides a simple summary of sites the Council understands to be available for development, and which it will be taking forward for assessment. The report also sets out the detailed site assessment methodology that will be used to assess each site and make recommendations for inclusion in the draft version of the Local Plan; this includes the availability and deliverability of sites.

6.5 However, at this stage the report includes no information on sites suitability for development or not. As such, the inclusion of a site in the report does not provide the site with any additional planning status or merit.

6.6 In August 2020 a second call for sites consultation was carried out. Any new sites suggested will be published in an updated SHELAA report and will be assessed against the detailed assessment criteria.

6.7 The Stage 2 SHELAA report will be published alongside the draft Local Plan, and will contain a summary of the findings of the site assessment process, drawing conclusions on a site's suitability for development. The SHELAA report will form an important evidence base for the emerging Local Plan.

- 2 Working with developers on the phasing of sites, including whether sites can be subdivided

6.8 The Council already works positively with developers and will continue to do so.

6.9 The adopted Local Plan states that identified sites need a Broad Concept Plan (BCP) to ensure the delivery of key infrastructure. This is to ensure that the identified growth areas are planned and implemented in a coordinated way, linking to the timely delivery of key infrastructure. The BCP will form a template that all

⁹ <https://www.fenland.gov.uk/article/14643>

future planning applications will be expected to conform to. To date three BCP have been approved by the Council.

6.10 Once a BCP has been approved, whether a site should come forward or could be sub-divided is an entirely commercial matter, and is not something the Council could require.

3. offering more pre-application discussions to ensure issues are addressed early;

6.12 The Council, runs a wide ranging and effective pre application service. As noted by the PAS review there has been significant improvements in the provision of pre-application advice.

4. considering the use of Planning Performance Agreements;

6.13 The Council continues to offer Planning Performance Agreements, though take up to date has been limited.

5. carrying out a new Call for Sites, as part of plan revision, to help identify deliverable sites;

6.14 As explained in Question 1 a call for sites exercise has been carried out as part of the production of the new Local Plan

6. Revising site allocation policies in the development plan, where they may act as a barrier to delivery, setting out new policies aimed at increasing delivery, or accelerating production of an emerging plan incorporating such policies;

6.15 As part of the new Local Plan, the Council is considering re-introducing settlement boundaries. Settlement boundaries were removed from the adopted Local Plan to allow flexibility and support growth.

6.16 This was a question raised at the Issues and Options consultation stage in October 2020 and received significant support from the development industry and local communities¹⁰.

7. Reviewing the impact of any existing Article 4 directions for change of use from non-residential uses to residential use;

6.17 The Council has no such Article 4 directions in place .

8. Engaging regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed;

6.18 When preparing the 2020 Five Year Land Supply report the council intends to engage with all known developers/agents of sites to ensure that the most up to date information is used. This will also help identify any issues with permitted sites coming forward. The Council proposes to use the developers forum as a way to promote this and to encourage responses.

9. Establishing whether certain applications can be prioritised, conditions simplified or their discharge phased on approved sites, and standardised conditions reviewed;

6.19 The Council's position is that all applications will be treated fairly and in a timely manner. The Council reviews the standard conditions used to ensure that the amount of pre commencement conditions are reduced to help speed up the process.

¹⁰ See [Key Issues Report](#) Feb 2020

10. Ensuring evidence on a particular site is informed by an understanding of viability;

- 6.20 Viability is an important consideration in Fenland, therefore the Council commissioned a viability assessment to inform the preparation of the emerging Local Plan. Viability testing is an important part of the plan-making process with national policy and guidance requiring Local Plans to be deliverable, whilst ensuring that maximum benefits in the public interest have been secured. Whole plan viability reports are a crucial part of the Local Plan evidence base. The outcomes of the viability report are used to assist in the preparation of planning policies and ensuring that a Local Plan is deliverable and viable.
- 6.21 The [Fenland Local Plan Viability Report](#) was published in March 2020, in summary the report concludes, that viability in Fenland is marginal and there is a clear north-south divide, with development in the northern part of the district (North of A47 Guyhirn roundabout) between 10% to 15% lower in terms of viability than the rest of the district. A 20% affordable housing requirement can be achieved in the south of the district, and none in the north; Other S106 requirements are limited with an estimated S106 contribution of around £2,000 per dwelling and that there is no scope to introduce Community Infrastructure Levy (CIL).
- 6.22 As discussed above, many planning applications are delayed during S106 negotiations, particularly in relation to affordable housing provision.
- 6.23 In June 2020 the Viability Report was presented to Planning Committee with the recommendation to note the outcomes of the report.
- 6.24 Whilst the Viability report cannot change or supersede policy in the Adopted Local Plan for Fenland, it is anticipated that a decision maker is likely to apply greater weight to the evidence set out the NPPF and Viability Report rather than the policy position set out in the 2014 Local Plan. The Council is unlikely to require the submission of separate viability evidence if the developer can rely on the Councils' Viability Report to provide the justification.

11. considering compulsory purchase powers to unlock suitable housing sites;

- 6.25 The Council believes CPO measures should be a measure of last resorts. The Council intends to work with developers to unlock sites and take advantage of alternative funding streams such as Combined Authority – particularly in relation to provision of affordable housing

12. Using Brownfield Registers to grant permission in principle to previously developed land

- 6.26 There is no clear evidence that taking this action would speed up delivery of sites, particularly in areas such as Fenland with very limited brownfield land. Granting permission in principle is a very resource intensive process for the council, with no means of recouping such costs. It is not therefore a practical option to pursue
- 6.27 Nene Water front is a large brownfield site, which is owned by the Council and is seen as a priority for future development.

13. Encouraging the development of small and medium-sized sites¹¹.

- 6.28 As discussed in section, in Fenland the majority of development is on small sites (under 50) rather than larger strategic sites.

¹¹ Paragraph: 051 Reference ID: 68-051-20190722

7. Actions

7.1 As discussed in section 6, many of the possible actions identified have already been taken into consideration and are being implemented. Particularly issues raised from the PAS review, including the need to prepare a new Local Plan

7.2 The following actions are already underway and will help to address the issues identified in section 5 and 6 of this report

- **New Local Plan** - Work has already commenced on preparing a new Local Plan.
- **Local Authority Trading Company** - In 2020 the council set up a trading company called Fenland Future Ltd. This company's aim is to accelerate the delivery and regeneration of key sites throughout the district.
- **Viability Report** -In March 2020 the Council published a Viability Report prepared as part of the evidence base for the Local Plan. This will provide up to date information and knowledge about the local housing market and the finding can be used a material consideration in determining planning applications.
- **Strategic sites** - the Council will continue to working with developers to bring forward sites through pre application discussion and the preparation of Broad Concept Plans.
- **Changes to planning system** – The Council will ensure that account is taken of any future changes to the planning system and responded to consultations to address issues affecting the Fenland area