

Technical Consultation on Implementing Measures to Improve Build Out Transparency

Question 1) Do you agree that the build out reporting measures should apply to developments which involve the building of new dwellings (including mixed use development)?

Yes, we are in agreement. It is entirely appropriate that these measures apply to developments involving new dwellings, including mixed-use schemes, as they represent a significant portion of planned housing delivery.

Question 2) Are there any other types of residential development that the build out measures should apply to? If yes, please give your reasons.

Yes, we believe that the measures should also apply to specialist housing for older people, including care homes and extra care schemes. These types of development are vital in meeting the needs of an ageing population, and they contribute meaningfully to overall housing supply. Excluding them could risk undermining efforts to ensure equity for older residents.

We would also contend that build out measures should also apply to restricted age properties.

Question 3) Do you agree with the proposed threshold of 50 dwellings for the build out measures to apply to?

We would respectfully suggest a lower threshold. Aligning with the definition of major development in the National Planning Policy Framework (10 or more dwellings) would ensure consistency with existing policy and better reflect the scale of many local developments. Particularly, the NPPF uses the major / minor threshold to categorise whether sites fall into a certain category for the purposes of assessing housing land supply.

The council would also suggest that it would be useful to be able to record and report on site delivery under 50 houses given that HM Government identifies this as a key criterion to getting houses built.

We also have concerns that if the proposed threshold is set at 50 dwellings, developers may, in certain circumstances, keep below this limit to avoid the reporting measures.

Question 4) Do you think a higher threshold should be set for development progress reports and the power to decline to determine applications? If so what should this threshold be?

No, we would not support a higher threshold. A lower threshold, consistent with our answer to Q3, would ensure that a broader range of sites are covered, particularly in smaller communities where modest developments can still have a significant impact.

Question 5) Do you agree that this information should be covered in the build out statements?

Yes, we agree. The information proposed is essential for transparency and accountability in the delivery of housing.

Question 6) Do you have any further comments on the build out statement?

It is important that the expected delivery rates form part of the consideration of the planning application. When dealing with speculative planning applications claiming that an authority cannot demonstrate a sufficient housing land supply, the government should consider allowing local planning authorities to attach planning conditions requiring housing delivery within the 5 year period. Where a council or Planning Inspector permits sites on the basis of a land supply shortfall, there should be serious, significant consequences when developers fail to provide a site that can help plug that shortfall.

Question 7) Do you agree that this information should be covered in commencement notices?

Yes, we support this proposal. Ensuring that relevant information is provided in a timely manner is crucial to effective monitoring. The council does have one concern in relation to this proposal, namely how will this work if a site is sold on and the key information is no longer applicable.

Question 8) Do you agree with setting a 2 month period after the reporting period ends to submit the development progress reports?

We feel that a two-month window is excessive. A one-month period, or ideally two weeks, would be sufficient and would allow local planning authorities to maintain momentum in publishing authority monitoring reports and housing land supply statements.

Question 9) Which option for the reporting period for development progress reports do you agree with?

We support the use of the financial year (1 April to 31 March) as the standard reporting period. This aligns with most existing planning and monitoring cycles.

Question 10) We recognise the information in development progress reports may be useful for LPAs to calculate 5 year land supply (5YLS), are there any impacts with the reporting periods proposed and the interaction with 5YLS?

To avoid delays in updating five-year housing land supply figures, a shorter reporting window—ideally one month—should be used. Guidance on how this data integrates with existing housing land supply methodology should also be updated.

Question 11) Do you agree with the proposals for how the completion date is specified for the purposes of development progress reports?

We have no specific comments on this question.

Question 12) Do you agree with the proposals about who submits the development progress report?

Yes, we do. We would, however, like to ensure that if the site is sold on any requirements sit with the land and not the individual.

Question 13) Do you agree with the information it is proposed development progress reports will cover?

Yes, we believe the range of information suggested is appropriate.

Question 14) Is there any other information you think development progress reports should cover?

No, we do not propose additional requirements at this time.

Question 15) Do you have any views on how a joint approach to submitting a commencement notice could be facilitated on sites where multiple developers are involved?

Yes, we have found that where one lead or 'master' developer submits information on behalf of others on a site, it greatly streamlines the process. Encouraging this kind of collaboration would reduce the reporting burden on both developers and planning authorities.

Question 16) Do you agree with making provisions in the regulations that would enable a joint submission of the development progress report where multiple developers are involved?

Yes, we are supportive of this approach.

Question 17) Do you agree that this information should be covered in development progress reports where a joint approach is taken?

Yes, we agree.

Question 18) Do you have any views on what information other than in build out statements and development progress reports LPAs should have regard to when considering whether the carrying out of the earlier development has been unreasonably slow?

It is important that any relevant mitigating factors that apply to the development industry, would also feed through into LPA land supply targets. For example, it would not be appropriate for site promoters to justify poor delivery on market conditions or macro economic factors, while LPAs are held to the same housing targets for their 5-year land supply.

Question 19) Do you have any comments on the scope of the guidance?

The principle of this approach will be helpful for LPAs; however, we would want to ensure this does not generate additional bureaucracy. It is likely to require more work/officer time in terms of checking the documents, reviewing and assessing them and having to visit the site to check development has started.

Question 20) Do you have any views on the implications of the proposals in this consultation for you, the environment or the group or business you represent, and on anyone with a relevant protected characteristic?

Yes, we believe that excluding specialist housing such as extra care or supported living from these proposals could inadvertently disadvantage older people or those with particular needs.