Southern Housing response to the Public Bill Committee's call for evidence on the Planning and Infrastructure Bill

About Southern Housing

Southern Housing is one of the largest housing associations in the UK. We were formed through the merger of Optivo and Southern Housing Group in December 2022. We own and manage roughly 80,000, mostly affordable homes across London, the Midlands and the southeast of England. Southern Housing is a not-for-profit social landlord with charitable status regulated by the Regulator of Social Housing. The Regulator has recently awarded us its top grade (G1) for Governance. And its second highest (V2 & C2) grades for our performance against its Viability and Consumer standards.

We welcome the opportunity to supply evidence to the Public Bill Committee. We see the Planning and Infrastructure Bill as a key legislative milestone in catalysing the supply of new homes. Our evidence highlights the elements of the Bill we feel are especially positive, while also identifying areas where we feel further attention or revisions are needed. For clarity, we have put these in italics.

Part 1 – Infrastructure

- 1.1 We support amendments requiring National Policy Statements (NPSs) to be fully reviewed and updated every five years (clause 1), and those facilitating specific amendments to NPSs (clause 2). Combined, these amendments will allow NPSs to be better kept up to date. *We note, though, that Government will need to be sufficiently resourced to undertake reviews and make amendments.*

- 1.2 We support clause 3. Empowering the Secretary of State to direct that specific projects are not considered under the Development Consent Order (DCO) regime, but instead consented under another route will streamline the delivery of certain infrastructure projects. *It is important the Secretary of State makes a direction quickly to avoid unnecessary delays and defeating the objective of the amendment.*

- 1.3 We support changes to the consultation requirements for DCOs, including the form and content of consultation reports and the parties that need to be consulted as part of the pre-application process (clauses 4 and 5). As above, this is a welcome

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change in principle, but *timescales and resourcing will need to be adequate if the aims of the amendments are to be achieved.*

- 1.4 We support clause 8. Requiring all judicial reviews relating to DCOs or NPSs to proceed directly to an oral permission hearing and denying refused claims the right to appeal to the Court of Appeal will both be beneficial. These measures will speed up the delivery of infrastructure projects by offering greater certainty and allow projects to go ahead without delay.

Part 2 – Planning

- 2.1 We agree with the principle of enabling Local Planning Authorities (LPAs) to set their own fees (clause 44). *However, there is a risk of fees being set either too high or too low in some areas. Excessive fees would unfairly penalise developers looking to deliver new homes and slow delivery. Conversely, lower-than-optimum fees might encourage development, but may also leave LPAs insufficiently resourced to deal with the number of applications they receive. Therefore, we welcome the provision giving the Government the power to direct LPAs to change their fees if required. In our consultation response to Government's proposed changes to the NPPF last year, we said our preferred option was for Government to maintain a nationally-set default fee and give LPAs the option to set some or all fees locally. We argued this would offer developers a degree of certainty over the level of fees they are likely to incur, while giving LPAs the ability to vary fees to recover actual costs where national fees are demonstrably inadequate. To support these changes, we believe there should also be a requirement for LPAs to publish their fees and make it clear which version is current to ensure certainty regarding costs for the development industry*. We also welcome the fact that the fees will be ringfenced for planning services.

- 2.2 We welcome the requirement to introduce mandatory training for LPA members (clause 45). This will ensure elected councillors have a better understanding of the planning system before they can vote on applications at a planning committee.

- 2.3 We support the proposed National Scheme of Delegation (clause 46). Practice is variable across LPAs with some routinely delegating decisions to their officers, while others expect even small schemes, and those that have been approved previously, to go before the planning committee. This introduces an unwelcome degree of uncertainty into the planning process. Having a clear, nationally-applied threshold that directs most planning decisions to officers rather than councillors will create some much-needed consistency and predictability. *The details of the scheme will need to be carefully considered to maximise the number of delegated decisions and ensure the clause achieves its aims.*

- 2.4 We welcome the re-introduction of strategic planning in England (clause 47). *Clear guidance will be required on the process for forming Strategic Planning Authorities (SPA) and how this relates to proposals in the English Devolution White Paper*. *The requirement to review SPAs should be given a set timeframe rather than*

the current wording of "from time to time". We also welcome the SoSs' ability to intervene, as it will help SPAs remain in line with national policies.

Part 3 – Development and Nature Recovery

- 3.1 We support the proposed Environmental Delivery Plans (EDPs) (clauses 48 – 60) in principle. *Clear criteria for designating the features which qualify for protection will be needed as will information on how the Nature Restoration Levy will be calculated. We also note that Natural England will need to be sufficiently resourced to prepare EDPs.*

- 3.2 We welcome the Nature Restoration Levy (NRL) in principle (clause 61). A set levy will help provide greater certainty for developers when preparing new projects within relevant areas. *Whilst the flexibility to continue under the old system may be beneficial for some developments, we note that the Bill makes provision for Natural England to make the NRL compulsory under certain circumstances. Clear guidance will be required setting out when this can happen. Although we welcome the intention for viability to be a consideration as part of the rate setting process, it is important that current Community Infrastructure Levy (CIL) charges are considered when setting the charge or assessing viability*. We also welcome the ability to make appeals and that the NRL needs to be spent on measures relating to the environmental feature being protected only.

Part 4 – Development Corporations

- 4.1 We support the principle of standardisation and consolidation, as it will provide some certainty. *However, it is important to ensure that clear guidance is issued to support the provisions.*

Part 5 – Compulsory Purchase

- 5.1 We support the serving of electronic notices (clause 83), standardising the content of newspaper adverts (clause 84), the ability for an authority to confirm its own CPO (clause 86) and the general requirements of the other clauses. These changes are unlikely to have a direct impact on Southern Housing's day-to-day developments, but could speed up the CPO process, potentially unlocking large-scale residential development sites. This could provide an opportunity for housing associations like Southern Housing to either partner with other organisations or developers to deliver the project, or to acquire the completed affordable homes. The changes may therefore help deliver more affordable housing in a shorter timeframe.

Part 6 – Miscellaneous and General Provisions

- 6.1 We support the transitional arrangements (clause 96) in principle, but note these appear to be quite complicated. Further clarification would be welcome.