Mr Michael Gove

Department for Levelling Up,

Housing and Communities

2 Marsham Street

London

SW1P 4DF

30th October 2021

Dear Mr Gove

**Re: The Five Year Housing (Land) Supply Rule**

I am writing to ask if you would render null and void the five-year housing land supply rule (5y HLS) in the National Planning Policy Framework (NPPF). Under this rule, unless it can be demonstrated that developers will build-out the target number of homes set by the council over the ensuing 5 years, the council loses its planning powers.

The vast majority of people misunderstand this rule. It is often abbreviated in common parlance to 5y *land* supply, whereas it in fact means 5y *housing* supply. The NPPF (Para 74) says: “…planning authorities should identify…deliverable sites [for] a **minimum of five years’ worth of housing** against their housing requirement” *(my emphasis)*.

Provided a Council has an up-to-date Local Plan, passed as sound and deliverable by an Inspector, and provided it is not unreasonably withholding planning permissions, then *by definition*, sufficient sites would have been allocated to meet the council’s housing targets. But if developers build more slowly, there is nothing councils can do about it.

Development might stall for all sorts of reasons: the market might slow, and developers sensibly slow their build-out rate; they do not want to be left with homes they cannot sell, nor will they build to cause the market-price to drop. (And nor would anybody wish to see a housing crash). Sometimes, they stall willingly, as it can be in their interests to ‘land-bank’.

Even if developers wished to build faster, in many areas they simply could not: building rates are set that have never before been accomplished. We have (and have had) insufficient skilled workers and materials to meet the very high housing-targets.

Citizens suffer from the 5y HLS rule. It penalises their council for setting ambitious housing targets, and results in housing in the very places that are *not* in the local development plan.

***South Oxfordshire Example***

South Oxfordshire District Council’s (SODC’s) plan, passed as sound and deliverable by the Inspector only 10-months ago, has extremely high targets: 23,500 homes (2011-2035). It allocates land for 32,000, a huge buffer. The new administration at the Council sought to reduce the target in Oct 2019, by withdrawing the plan from examination.

Mr Jenrick stepped in to prevent this, insisting the plan be taken through to adoption. At that point in time, the Council had a 10y HLS against a 14,000 target dictated by the Standard Method. In Dec 2020, SODC (with many abstentions) adopted the plan, under threat that it would be handed over to the County were SODC to turn it down.

Within months, the first planning appeal was won by developers to build in an Area of Outstanding Natural Beauty at Sonning Common. That Inspector accepted the developer’s assessment of a mere 4.21y HLS (ie there were spades in the ground for only 4,600, not the requisite 5,500 homes). Hot-on-its-heels has come approval for a development taking out an Ancient Forest in Didcot. Green Fields at West Hagbourne are next in developers’ sights.

All this, despite the NPPF (Para 75) saying: “A five year supply…can be demonstrated…in a recently adopted plan….considered by the Secretary of State”, apparently protecting us until 31 Oct 2021. However, this guarantee requires a *secondary* approval process running parallel to the Local Plan inspection, which was not undergone.

We seem to lose out every-which-way. It seems unlikely that 1100 homes per year in South Oxfordshire could *ever* be build, and each year of under-delivery increases the backlog to be made up for in subsequent years. Essentially, *all the rest of our land* is up-for-grabs.

***Cross-party LGA agreement***

Yesterday, James Jamieson (LGA Chair) agreed with me at the Independent Group Annual Conference, that it is wrong for councils to be given the responsibility for the failure of firms to deliver homes, without the powers to influence this.

James suggests that councils be judged on whether they have provided 5-years’ worth of planning permissions, but in my view, councils still have no control even over that, as developers are not in a hurry to seek the permissions on land allocated to them.

Mr Gove, we would be delighted to show you around at a site-visit, so that you can see the problem first-hand. It would be wonderful to meet!

Yours sincerely

Sue Roberts (DPhil Oxon) *Chair of Directors, Bioabundance Community Interest Company*

 *and SODC Councillor for Wallingford; Phone: 07913 896 874*

cc James Jamieson (Chair, Local Government Association)

 Marianne Overton (Leader of the Independent Group, LGA