

Planning Reform: Supporting the high street and increasing the delivery of new homes

Consultation response pro forma

Thank you for responding to the consultation. Online responses via Survey Monkey at <https://www.surveymonkey.co.uk/r/PlanCon18> are particularly welcomed. If you are responding by email or in writing, please reply using this pro forma, which should be read alongside the consultation document at <https://www.gov.uk/government/consultations/planning-reform-supporting-the-high-street-and-increasing-the-delivery-of-new-homes>. You are able to expand the comments box should you need more space. Required fields are indicated with an asterix(*). You may respond to one or more of the respective parts of the consultation.

The consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office. Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes. The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Further information is included at Annex A and a full privacy notice is included at Annex B.

The completed pro forma should be returned to:
planningconsultation2018@communities.gov.uk

Or posted to:

Planning Consultation
Planning Development Management Division
Ministry of Housing, Communities and Local Government
3rd floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

The consultation runs from 29 October 2018 and closes at 23.45 on 14 January 2019

Your details

First name*	The Compulsory Purchase Association
Family name (surname)*	

Title	
Address	4a Woodside Business Park Whitley Wood Lane
City/Town*	Reading
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Telephone Number	0118 987 3345
Email Address*	cpa@compulsorypurchaseassociation.org

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation.*

Other (please specify)

If you selected other, please state the type of organisation

The Compulsory Purchase Association (CPA) is a not for profit member organisation that promotes best and effective practice in delivering land for infrastructure, housing and regeneration. We are only responding to Part 4 of the consultation.

Please provide the name of the organisation (if applicable)

The Compulsory Purchase Association

Part 4. New town development corporations: Draft compulsory purchase guidance

Question 4.1: Do you have any comments on the draft text at Annex D of the consultation document?

Yes

(1) The Compulsory Purchase Association welcome the proposed consultation and the draft guidance which fills a gap in the existing compulsory purchase guidance. Overall we felt the principles in the draft guidance to be appropriate acknowledging that there needs to be flexibility in how New Town Development Corporation's exercise their compulsory purchase powers. (2) As noted in paragraph 5 of the draft guidance "a New Town Development Corporation's ownership of land early in the development process may assist with the proper planning for, infrastructure provision in and sustainable development of, a new town – in pursuit of its statutory objects under sections 4(1), (1A) and (1B) of the 1981 Act. New town development corporation ownership of land may also help to stimulate confidence that the new town will proceed, help to secure infrastructure investment, and thereby promote development". The purpose of the New Town Development Corporations is to create a holistic/comprehensively planned sustainable environment which provides all the necessary infrastructure for the new community, whilst capturing any uplift in land values. The reference in the guidance to early land ownership in paragraph 5 could, therefore be stated more strongly acknowledging that this is likely to be essential. (3) Equally, in the case of a traditional New Town, (such as Peterborough) the scale of the scheme was such that numerous CPOs were issued over a considerable period of time, as and when details of particular parts of the New Town had been worked up. The key issue there was the Designation of the New Town, which effectively safe-guarded the whole of the Designated Area (extending to several square miles), which allowed for the acquisition by agreement or CPO of specific schemes which could be worked up in some detail before the individual CPO was issued. Although we envisage that most of the New Town settlements will be on a significantly smaller scale (and hence our comments at point (2) more could also be made of this approach in the guidance (4) We note that the guidance is silent on what needs to be shown in terms of funding and deliverability. It could, however, be sensible to have guidance. As acknowledged by paragraph 7 given their scale, new towns are likely to be developed over an extended period of time, during which market conditions may change. In this context, the Secretary of State recognises that it will not always be possible or desirable for new town development corporations to have fully worked up, and secured approval for, detailed development proposals prior to proceeding with a compulsory purchase order".

This could go on to acknowledge that in turn the means of delivery and how the development is to be funded is unlikely to have been fully worked up. (5) The use of the word "sometimes" in the second paragraph of paragraph 5 and in paragraph 6 should be removed as this suggests that there may be occasions where it is not appropriate to initiate the compulsory purchase process in parallel with negotiations or to acquire land where there are no specific development proposals in place. For the reasons stated there is likely to need to be early use of compulsory purchase powers and the use of "sometimes" undermines this. (6) We felt that paragraph 9 which deals with other proposals for use of the land by existing owners potentially unhelpful and provides a form of objection for those even with only small scale development opportunities within the area of the New Town Development Corporation. The test of whether the alternative proposals are likely to be taken forward is not just about the planning position but also the experience of the land owner. Moreover it may be difficult to refuse planning permission for the alternative development particularly if the New Town Development Corporation's proposals are at an early stage. The alternative proposals may also not necessarily conflict with those of the New Town Development Corporation or this may be hard to judge where there are no specific development proposals. The alternative proposals may, however, affect the ability to secure the sustainable and comprehensive development of the area and to achieve certainty of deliverability. Whilst this may be covered by the third bullet point in paragraph 9 more could be made of these specific considerations. If paragraph 9 is to remain, the considerations of the Secretary of State should be expanded to include: (i) The experience of the land owners promoting alternative development specifically in regard to their track record on the delivery of housing (ii) an express reference to the need for Secretary of State to consider the effect of the alternative proposals on the oversight authority and development corporation's ability to meet their statutory obligations in regard to stewardship (for example through reference to these in the final bullet point); (iii) Consideration of the effect on the ability of the oversight authority to fulfil its obligations (e.g. if consent for an alternative proposal should prevent a comprehensively planned garden community coming forward). We would be happy to elaborate or discuss our comments further should that be of assistance.

Public sector equality duty

Question 4.2: Do you have any views about the implications of the proposed guidance on people with protected characteristics as defined in the Equality Act 2010?

No

What evidence do you have on these matters?

Click here to enter text.

Is there anything that could be done to mitigate any impact identified?

Click here to enter text.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex B.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Privacy notice

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest, i.e. a consultation.

3. With whom we will be sharing your personal data

Your personal data will not be shared with any organisation outside of MHCLG.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

- 6.** The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.
- 7.** Your personal data will not be used for any automated decision making.
- 8.** Your personal data will moved from Survey Monkey 6 months from the date the consultation closes and stored in a secure government IT system.