

Changes to the current planning system

Consultation on changes to planning policy and regulations

Response by Breckland District Council

October 1 2020

Breckland Council welcomes the opportunity to respond to the Changes to the Current Planning System consultation

The standard method for assessing housing numbers in strategic plans

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is *whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period*?

The existing housing stock in a local authority area is not an indicator of future household growth, and so it is considered this is an imperfect measure for future housing needs.

The method does not necessarily direct housing growth to areas of economic growth and infrastructure investment areas which are best able to deliver higher levels of housing. Linked to this the method makes no account of the relationship between housing and jobs. This separation of consideration of both issues will lead to homes being built in the wrong areas far from employment opportunities and lead to unsustainable forms of development, an issue of particular concern for Breckland. Analysis¹ by the Local government Association shows that housing need will rise by around 20% in the large urban authorities under the new method, and by almost 60% in the most rural authorities in England. It is difficult to support a method which, with no real justification, directs housing growth away from urban areas to rural areas, and which does not reflect the government aim of densifying urban areas and supporting brownfield-first development.

Breckland Council objects to the proposed approach of central government imposing growth on a local area and on local communities as this approach appears to be in direct conflict with the Government's own concept of localism. If, as proposed, the amount of development required for Breckland is decided by central government, The Government should be ultimately responsible for it and any concerns on perceived over-development by communities would correctly be directed at central government. The Council notes that the proposed numbers are binding on local authorities and would therefore seek to understand what processes are in place to check the validity of housing numbers and what is available to the Council to appeal against and present a case disputing the numbers and proposing alternatives?

When considering the proposed new housing requirements there appears to be a strong push for more housing in rural districts. Not only is there a proposed increase in Breckland of 75% but also increases in Broadland of 31%, South Norfolk up 112%, and North Norfolk up 83%. This contrasts with the urban districts in Norfolk of Norwich City, up only 5%, Great Yarmouth down 11%, and King's Lynn down 18%. This appears to be in direct conflict with the Government's mantra of achieving sustainable forms of development. Breckland in particular has a lack of electricity supply, sewerage facilities, poor broadband and mobile coverage, restricted school places and dental provision.

In the case of Breckland the housing requirement number increases by 73% (up from 612 to 1,070 houses per year). Breckland has never delivered 1,070 dwellings in any single year (even when it could not demonstrate a 5 year supply of housing land). This is despite sufficient planning permissions being granted and reflects the size of the market within Breckland as well as house builders seeking to restrict supply to maintain values.

There is no empirical evidence to justify the 75% increase for Breckland. A significant number of households would need to move in to Breckland each year over and above established trends. This level of increase is simply not a credible prediction and much less so a credible policy response when it comes to planning for housing provision.

It is very difficult to see there being enough people in the country that would want or be compelled to move to Breckland to fill this number of houses – this is specifically so given the scale of development that the figures generate for many other local authorities in Norfolk as a whole (43% increase across the County) and districts with similar characteristics and in similar locations to Breckland

Delivery at the proposed rate from year 1 will require a significant change, and relaxation, in the current development strategy including a major emphasis on smaller to medium sized sites. The new annual housing growth for Breckland would be 1,070 per annum. Over a 10 year period this would equate to 10,700 dwellings (subject to the Delivery Test) to be incorporated into growth and renewal areas within the district. Delivery of 1,070 dwellings from Year 1 would require a significant amount of small and medium sites to be identified. This will need to be balanced with the sustainability issues facing rural parishes in respect of access to public transport, schools, health provision and general amenities.

The free market development model encourages restricted development to maintain highest value. The Council disagrees with Government claims that it is the Planning process and associated costs that present the major challenge to development. The key factor is the availability of land, in sustainable locations and at reasonable cost that has the potential to meet the infrastructure needs and to deliver affordable housing. The Government should consider giving greater powers to local authorities covering more extensive use of compulsory purchase of land to ensure sustainable forms of development and the delivery of higher levels of affordable housing to meet local needs. This 'stick' would ensure greater co-operation from landowners and developers in delivering appropriate forms of new development where it is needed and not just where landowners consider that it should be located.

Breckland Council questions the ability of the local housing market to support this 75% increase in housing delivery and would like evidence that the local economy and infrastructure exists to support such an increase. More information is required on how the housing numbers were calculated and how they took into consideration local constraints and wider market considerations. In particular what, if any, assumptions were made in calculating the housing numbers with particular reference to the current pandemic and the inevitable downturn to the economy as well as any implications of Brexit.

Many factors should be considered when deciding where to locate growth including local need, local constraints, capacity of local infrastructure. Breckland Council considers that the proposed simplistic algorithm cannot reasonably be applied to the whole of England where

there are many local differences and variations. Any methodology for determining housing numbers should be based on authoritative data, on projected future population levels with predicted household formation rates attached to these. These figures must not automatically be binding and there must be local discretion built into the system so that local communities and local planning authorities, should they choose and they can evidence, can consider whether they wish to amend proposed levels of provision to reflect such factors as:

- local affordability of housing (whether for rent or purchase);
- potential aspirations for job growth or regeneration;
- the availability of local infrastructure including water and power;
- local environmental constraints, including protection of high quality agricultural land or
- potential partnership working with others to determine housing distribution across one or more local authority areas.

This approach therefore negates the need or idea for a 0.5% increase. The 0.5% of housing stock figure simply means that areas that have seen substantial growth in the past will see high levels of growth in the future. There is no logic or strategy behind this approach.

- A formulaic approach which fundamentally locates growth where growth has previously occurred is fundamentally flawed.

A review of overall numbers indicates that many other parts of southern England, in particular, also see extremely high levels of housing. These are in contrast to parts of northern England where much more modest growth is envisaged through the standard method despite these areas forming the “northern powerhouse” that the government has been keen to encourage and promote.

Breckland Council is very concerned that the proposals fail to address the issue of land-banking of housing consents by developers. A Council can allocate and approve applications but there is no certainty over delivery. A private housebuilder will only build out viable sites where there is a profit to be made. The Local Government Association claim that 2,564,600 units were granted planning permission since 2009/2010 but only 1,530,680 have been built (Planning and Construction News 2020). In Breckland there are currently permissions for over 14,000 new dwellings that are yet to be implemented.

The Council would like to see strong measures in place to ensure consented sites are delivered. Simplifying the process and imposing unrealistically high housing targets does not automatically mean delivery will increase, even if the Council embraces the figures in new local plans and permissions.

New numbers are to be published annually and presumably these could go up or down. The Council seeks clarification on how these changing numbers will be encompassed into the plan making process to provide clarity and certainty for local communities and developers alike.

If the Government persists in applying this flawed algorithm then Breckland considers that as a minimum the following changes should be made:

- The inclusion of high quality agricultural land (Grades 1 and 2) in those areas to be automatically protected (alongside Green Belt and AONB). The protection of high quality land is fundamental to supporting the local and national economy especially in light of the recent pandemic and Brexit.
- Any increases in the housing figures should be capped or at least phased into the planning process. It would be unreasonable for the Government to expect Breckland to

deliver a 75% increase in housing from Year 1. The Government should either set a cap of 25% over the existing agreed figure (612 dwellings) or phase the expected increase over a 4 year period raising the requirement by 25% a year. This approach would allow the local authority the time it needs to plan properly for the massive increase and would also allow for the full requirement to meet the Government's target by 2024.

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

The 0.5% figure, alongside the choice of the other factors included in the proposed algorithm appears to be arbitrary and is not justified on any sound logic. It could be suggested that it has been chosen to simply ensure that the Government's own aspiration of 300,000 dwelling completions is met.

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

The application of this ratio is flawed and is of particular concern to Breckland and other similar rural Districts. The housing requirement algorithm is flawed because it uses median values but does not take any account standard deviation and it uses completely arbitrary constants such as 0.25, without justification. Workplace pay in Breckland is relatively low, but many in Breckland out-commute to Norwich, Cambridge and even London where salaries are significantly higher than the Breckland average. If this was taken into account it could dramatically reduce the affordability element

- The whole concept underpinning the affordability ratio is that house prices will fall if there is an increase in the supply of housing. This is fine in theory, but when the developers have no incentive to bring forward their existing permissions, except when the price is right, it leaves control of the market to developers.

- The relationship between house prices and income levels is one factor to take into account in understanding the affordability of housing and the possible impacts of building more homes. There should be a wider assessment of measures that inform house prices and specific attention should be given to Government actions and interventions that could be relevant in establishing a more equitable housing market. Building more houses is likely to have a far smaller impact on houses prices than other interventions the Government could undertake.

- The affordability aspect of the revised standard method will not lead to a true picture of housing requirement in a deprived rural setting where the demographic is being changed by migration from other more affluent areas of the country.

- The simplistic approach of just looking at the relationship between houses prices and earnings fails to address the level of real need (or even desire) for housing in any locality. There can be lots of places where prices are high but there is not necessarily a high demand or requirement for homes for those unable to afford prevailing market prices. It can also be the mix of housing types, commutable access to places with high paying jobs or just that they are nice places to live that determine, in a market situation, the cost of housing. The onus should rest on real evidence being used to determine how many people cannot afford market housing (for rent or purchase) in any locality and the emphasis should be placed on then finding the best targeted solutions to actually meet their needs.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

In answering Question 2 information is provided on the issues of suitability and the formulas used to adjust housing numbers overall to arrive at appropriate numbers. In summary the formulas used by Government in generating housing requirements lead to some absurd conclusions, this indicates that the approach is clearly flawed.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

Affordability can be one relevant factor that can be used to inform housing numbers. But its application, and the way it features in any equation, must be sense checked against the robustness and reasonableness of any outcomes generated. If, as used at present, it generates absurd outcomes then it is either being mishandled or is inappropriate (or probably both).

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

The consultation materials only refer to transitional arrangements for authorities whose local plan is already in production and has reached one of the Regulation 19 consultation stages. Further transitional arrangements should be made in relation to the application of the housing delivery test so that Breckland and other authorities that have seen an increase in their standard method need figure are not penalised at least in the short term for not meeting a need figure that they had no prior knowledge of and no ability to plan for (See the Capping proposal under Q1).

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate? If not, please explain why. Are there particular circumstances which need to be catered for?

See Q6 response.

Delivering First Homes

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

- i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.**
- ii) Negotiation between a local authority and developer.**
- iii) Other (please specify)**

We consider that option 1 would be the most appropriate option. However, the council is also of the view that First Home requirements should be determined locally, based on an assessment of evidenced up to date need and local conditions in relation to viability. There is a concern that a blanket approach to a First Homes requirement could be at odds with the concepts of 'Localism' and planning based on assessments of 'Objectively Assessed Need'. Local need is an assessment of the number and type of homes needed in our district which is strategically undertaken through strategic housing market assessments.

The 25% requirement could have a potential detrimental impact on the delivery of affordable housing for rent and other affordable home ownership tenures and the other key infrastructure that is required for new housing. Breckland Local Plan sets out a tenure split of 70/30 for affordable rented and intermediate home ownership and the 25% requirement would leave only a 5% split for alternative low cost home ownership products. This planning gain will be diverted away from alternative low cost home ownership products which may be better suited to facilitating access to home ownership locally. However, in order to ensure the product delivered locally is the right product to help households into home ownership, the council is of the view that any national requirement should include locally flexibility for the requirement to include other low cost home ownership products such as Shared Ownership.

The use of low cost or discounted market housing as an acceptable affordable housing product has fallen in and out of favour with successive governments since the 1990's. It remains a relatively small part of overall affordable housing delivery, with the Government estimating that only 1,000 discounted market sale housing properties are built each year.

Whilst the principle of initiatives that seek to increase access to the housing market by first time buyers in their local area is to be welcomed, it is important to remember that true affordable, open market, and mid-market tenure products all serve to build and promote sustainable communities, and any drive for delivery has to be balanced with a strategic approach to proper mixed and balanced community building.

The proposed route of implementation could have significant ramifications. If local authorities look to preserve the different types of rented affordable housing delivered through developer contributions this could mean that shared ownership homes get removed from the tenure mix. If that does happen, what impact will this have on the viability of development as a heavily discounted First Home is unlikely to equate to the value a Registered Provider would typically

pay for a shared ownership home. This could have implications on cash-flow as a Registered Provider would typically pay a lump sum up front to a developer for the shared ownership homes, but this can't happen with First Homes where the developer will sell direct to the customer.

Currently, Breckland require 30% intermediate housing (includes shared ownership, shared equity) and 70% affordable rented housing (includes social rent where RP gets funding). The 25% requirement for First Homes would reduce the amount of shared ownership homes being delivered – so would be 25% First Homes and 5% shared ownership. Shared ownership is our preferred intermediate product as this allows between 25%-75% discount. Analysis suggests that the requirement to provide First Homes with a minimum discount of 30% is likely only to support households who already have their needs met by the open market (second hand housing market). Local workers in Breckland are mainly employed in the lower paid agricultural, horticultural, food manufacturing and logistical industries, which means that the average income levels are below the national average, where the average median pay for all workers in the district is £21,762 which is 11.7% lower than the national average and acts as a further barrier to homeownership, and the local private rented market. A local household would need to save £7875 for a 5% deposit for a First Home, compared to £2825 for a 5% deposit for a Shared Ownership home with an initial share purchase of 25%.

There is also a concern that First Homes are targeted at first time buyers whereas, in Breckland, there are more shared ownership applications from people getting divorced or downsizing and not first time buyers. Consideration will need to be given as to how this would be monitored, and priority waived for first time buyers.

Breckland is a largely rural area. A significant amount of new housing is delivered on smaller sites, particularly in the rural areas. Raising the threshold as proposed would significantly reduce the delivery of affordable housing in these rural areas. It can also be difficult for a council to evidence that a site is being artificially sub-divided in an attempt to circumvent the threshold for the delivery of affordable housing. Any guidance will need to be clear and unambiguous.

The council considers that Local Authorities are not in a position financially or resource wise for the administration of First Homes at initial point of sale or in perpetuity. The administrative burden of managing First Homes, which the government indicates would fall to the Local Authority are much greater than managing ordinary developer contributions. Workstreams that would need to be considered and on which further information is sought include managing the restrictive covenant, controlling the local connection restrictions, assessing income restrictions, managing any void periods and other further administrative work which the local authority is currently not resourced to cover.:

We suggest that the Help to Buy agents, mortgage lenders and conveyancing solicitors would be better placed to manage this process.

The loss of shared ownership provision through developer contributions is likely to increase the demand for affordable and market rented housing, as the majority of households purchasing this product are not able to raise the deposits required or mortgage finance for 70% of the market value. The demand for affordable rented housing locally is high, and it is anticipated that the demand for this will only increase, once the eviction ban is lifted and other economic stimulus packages are wound down, such as the furlough scheme. Given the impact Covid19 has had on the delivery of affordable homes in the district, as well as the unknown impact of Brexit, the recession coupled with the negative impact that First Homes will have on our district

will result in the needs of the market being further exacerbated.

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to this First Homes requirement?

No comment as exceptions not currently been used in Breckland.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

No

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

Yes, Exemptions should apply where the authority has demonstrable evidence that other affordable home ownership tenures, for example shared ownership, would better meet the needs of those that are unable to access the owner occupier market. Our concern would be that a tenure mix which proscribes the proportion of First Homes could adversely affect other areas such as creating an increase in demand for affordable rented housing, as without the delivery of shared ownership there is likely to be a greater number of local households pushed or retained in the rented sector, either affordable or market, as they cannot afford to purchase a First Home, other discounted market sale products or a property on the open market.

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Yes, we are pleased that the Government is proposing that local authority have flexibility to accept alternative tenure mixes for planning applications where significant work has already been undertaken and would like to see further detail around this flexibility including any conditions. The authority would also like to see included a requirement that all future planning applications are afforded this flexibility to agree alternative affordable home ownership tenures as evidenced by local need and demand.

Q13: Do you agree with the proposed approach to different levels of discount?

Yes, local authorities are best placed to understand their local housing markets and what local households can afford through local Strategic Housing Market Assessments, local housing needs information and other evidence that informed the Local Plan. Based on those information sources we would favour the discretion to increase the discount to 50% so that local residents can afford to purchase these First Homes. However, the wording suggests that to increase this discount it will need to be evidenced through the local plan making process.. We would also be concerned that whilst evidence might suggest the need for a minimum of 50% discount, this may be challenging to deliver from a viability aspect.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Yes as long as this is for entry level exception sites and not for rural exception sites and if this agrees with local assessed need and is independently reviewed for viability.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

No, the council considers that the current site size of under 3,000 people should be retained on these sites.

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

We have no designated rural areas in the district and therefore we suggest the exception sites should apply to settlements under 3,000 people.

Supporting small and medium-sized developers

For each of these questions, please provide reasons and / or evidence for your views (if possible):

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

No, whilst the authority is fully supportive of small and medium enterprises this proposal is likely to have a detrimental effect on the delivery of affordable housing at a time when the council is experiencing an increase in demand for housing advice which is anticipated to increase when the eviction ban is lifted and other economic stimulus packages end.

Breckland is a large rural district with five market towns where small sites are on average between 10 and 20 homes therefore the council does not agree that 40 or 50 homes is a small site.. From analysis of affordable housing completions since 2016 the authority would have lost 30% of affordable completions had the threshold been increased from 10 to 40 or more and 25% of affordable housing from developments currently with consent.

We do not agree with the proposed approach. As already stated it will negatively impact our ability to deliver sufficient affordable housing completions over the next 18 month, especially as this number has been significantly impacted by Covid19 . We would suggest that the threshold be allowed to remain at 10 units or even suggest giving consideration of dropping that even further. This proposal is clearly not achievable for our district even if for only 18 months. Our concern is that any development that currently has planning consent for between 10 and 40 units will automatically reapply as the reduction in the requirement to provide affordable housing makes it financially viable to do so, based on a notional value of £50,000 per affordable unit as specified in Local Plan, would mean a cost saving of £500,000 less the cost of a new planning application (circa £16,000), so a net saving of £484,000 for a developer and fear that in the short term at least the net result will be a slowdown in housing development as all the applications are processed and a significant loss in local affordable home delivery will result. Although we recognise the proposal could generate economic growth as land values will increase we feel this is outweighed by the significant loss in affordable housing in a district where sites of 40 units outside of our 5 market towns are not viable due to their infrastructure restrictions and where we have serious planning issues in two of our 5 market towns due to highways, drainage and air quality restrictions. Two of our remaining market towns already have a signficant Urban Extension in place leaving potential of only one market town in the entire of the district where these proposed new large sites would be achievable.

The Council is also very concerned as to the effectiveness of any measures that will be in place to evidence that a site is being artificially sub-divided in an attempt to circumvent the threshold for the delivery of affordable housing. There is a danger that the national housebuilders could create separate small companies to develop small sites and benefit from this scheme. Measures should be put in place to prevent this by ensuring that only genuine small and medium size builders benefit from these proposals.

The Council is also concerned at the suggested timeframe for this proposal. The use of the phrase 'initial' suggests that it could be extended with further detrimental impact to the delivery of affordable housing in Breckland. Whilst some help may be needed to assist SME developers an 18 month relaxation of the affordable homes limit would be too long. If implemented the

Council proposes a time limit of no longer than 12 months and only if strong enforceable controls are put in place to prevent the scheme being open to abuse.

An alternative approach could be to introduce an escalating scale of affordable housing requirement from a small financial contribution from minor developments to the full on site requirement from major developments as evidenced by local need (currently 25% in Breckland).

Any relaxation should be linked to a short timescale from approval to the start of the development and an agreed build out rate which if not achieved would attract an off-site contribution to affordable housing.

Q18: What is the appropriate level of small sites threshold?

- i) Up to 40 homes
- ii) Up to 50 homes
- iii) Other (please specify)

The decision reached should be based on more detailed evidence to justify any threshold, as drafted there is no apparent logic for either the 40 or 50 choice and actually it is questionable whether there would be any significant difference in going for one rather than the other. Choice of one rather than the other would only be credible if there was a marked difference in the nature of developers building out sites at one size level or another, or there were marked changes in viability at or around one or other of these numbers. Overall if a policy approach of this type is taken then one objective should be to seek to minimise the losses of affordable housing delivery that may occur, this suggests a low threshold should be applied, indeed it brings in to question the validity of the policy approach altogether, unless genuine evidence on viability is forthcoming.

Without any evidence the Council considers that the threshold should remain as current (10 units).

Q19: Do you agree with the proposed approach to the site size threshold?

As set out in the responses to Q17 and Q18 any threshold should be far more fully justified by robust evidence.

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

Any amendments should be strictly and explicitly time limited.

Q21: Do you agree with the proposed approach to minimising threshold effects?

It is vital that large sites cannot be subdivided so as to benefit from these changes to the thresholds. To introduce these changes without putting clear and robust measures in place would undermine the intention behind the policy by supporting large scale major house builders rather than SME's and would undermine the provision of affordable housing which is badly needed.

Q22: Do you agree with the Government's proposed approach to setting thresholds in

rural areas?

Breckland is not a Designated Rural Area: No comment

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

Yes, there are a number of other preferred ways which would have a far less detrimental impact on the delivery of much needed affordable homes. Options could include:

- Extend the Help to Buy scheme further than the planned extension of 28 February 2021;
- Increased access to developers finance, and simplify the process as feedback on Home Builders Fund is far too complicated than standard developer finance available;
- Support SMEs with supply of harder to source materials;
- Implement a standard national trigger for when the payment of council tax is owed on a new build;
- Implement a standard national policy whereby business rates are not payable on construction site huts;
- Ensure that mortgage finance is available from 95% LTV rates;
- Provide grant funding to developers that deliver additional affordable homes, above the developers contribution level;
- Reduce planning application fees for SMEs

Extension of the Permission in Principle consent regime

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

Permission in principle has only served to complicate the planning system and cause confusion by introducing a new consent regime that is not widely understood. As a result it does not fulfil its purpose of providing certainty to developers and establishing a land value that can help them in seeking finance. It has little benefit over the traditional route of obtaining outline planning permission followed by reserved matters which is well understood as a route and while more costly upfront still appears to be favoured by developers. Removing the restriction on major developments is unlikely to change this position. It would make more sense to move to a position where the system is simplified by merging the permission in principle and outline planning permission routes into one single system using the established terminology that is more widely understood by the development industry and the wider public.

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

If expanding to include major developments, then it would be counterproductive to prevent the inclusion of commercial development. Major developments should not just be about building housing but be about building communities. Communities should consist of a mixture of uses with homes being supported by jobs and retail, leisure and community spaces and so these must be included. Flexibility is needed to ensure that sustainable forms of development come forward and so setting a strict limit does not make sense but there should be clear guidance to ensure that the majority is housing.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

The information requirements for permission in principle for major housing developments are woefully inadequate and would not allow for a sound and informed decision on any proposals to be made. The problem is that the granting of permission in principle ties the authority to the development of the site for the scale of development proposed and yet without sufficient details to understand the technical constraints of the site it is impossible to make a sound judgement on the scale of the development that the site could accommodate and its likely impacts particularly given requirements for developments to deliver factors such as bio-diversity net gain, sustainable drainage systems, on-site open space and affordable housing etc. It is not appropriate for major developments to be considered through the permission in principle route and the only way of making it so is to introduce the same information requirements that are required for outline planning permission for developments on this scale and hence making both routes available is pointless.

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Yes – This is one of many additional parameters for which information should be sought

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

- i) required to publish a notice in a local newspaper?
- ii) subject to a general requirement to publicise the application or
- iii) both?
- iv) disagree

If you disagree, please state your reasons.

Publicity requirements should reflect the scale of development proposed and so they should clearly be extended for major developments seeking consent through permission in principle. In order to engage with all groups in society the greater use of web-sites and social media should be encouraged and the use of newspaper ads phased out particularly as most local newspapers would include a story about any major development themselves negating the need for a formal press advert at the expense of the local authority. Although views are not sought on the proposed timescales it is considered that a 5 week period for determination and a 14 day consultation would be wholly insufficient to enable the issues to be fully considered by either the community, other stakeholders or indeed the local planning authority.

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

The fee structure for planning and related applications is fundamentally broken as the fees do not cover the cost of delivering the service and so the funding of council planning departments puts a strain on core budgets leading to them often being under resourced out of necessity with consequential impacts on the quality and speed of service provided. It is not therefore relevant to measure the fee for a major permission in principle application against a flawed fee for an equivalent outline planning application. The fee structure should be completely overhauled, and fees set at the local level on a cost recovery basis. It is only through a fundamental change in approach like this that you will ensure that planning services are properly funded and a new planning system can be properly resourced and operate effectively. In the event that costs that reflect the true cost of processing these applications can be identified then a banded fee structure such as that proposed makes sense.

Q30: What level of flat fee do you consider appropriate, and why?

See answer to Q29 – a fee should be set at the local level on a cost recovery basis.

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

Yes - Agree

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

The permission in principle by application route is pointless and simply adds to the layers of

legislation and guidance that cause confusion and misunderstandings about the planning system. If the government is serious about simplifying and streamlining the planning system then it should abandon permission in principle by application and simply update the outline planning permission route to serve this purpose. The outline planning permission and reserved matters route is long established and well understood and it is not a surprise that land owners and developers see little benefit in gaining permission in principle instead.

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

The proposed scheme would add to the administrative burden of local planning authorities by introducing a further consenting regime which has little benefit to the development industry over that already provided by outline planning permission. The proposed fee structure is likely to place additional costs on local planning authorities as they will not recover the cost of delivering the service. These concerns can be overcome by withdrawing permission in principle by application entirely rather than expanding it to include major developments.

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

No comment

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty? If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

The council considers that the First Homes scheme could have a detrimental impact on certain protected groups, including: age, evidence demonstrates that older age groups are unlikely to be first time buyers but may still require affordable home ownership products particularly as the population ages.

There is a duty on public authorities to consider how their policies or decisions affect people who are protected under the Equality Act 2010 and Public sector duty. If a public authority hasn't properly considered its public sector equality duty, it can be challenged in the courts.