



Local Plan Committee

Item
9

24 August 2020

Report of	Assistant Director of Place and Client Services	Author	Karen Syrett
Title	Consultation on proposals for reform of the planning system and changes to national planning policy and regulations.		 506477
Wards affected	All		

1. Executive Summary

1.1 On the 6th August the Government published two documents which are intended to reform the planning system. This report summarises the content of the documents and is intended to stimulate debate and help inform the Council's response to the consultations.

1.2 Planning for the Future

This consultation proposes reforms of the planning system to 'streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.'

1.3 Changes to the Current Planning System

This consultation sets out proposals for measures intended to improve the effectiveness of the current planning system. The consultation paper sets out short-term changes to the current planning system to be implemented during the transition period towards more fundamental changes that are contained within the White Paper (Planning for the Future). The 4 main proposals are:

- changes to the standard method for assessing local housing need
- securing of First Homes through developer contributions in the short term until the transition to a new system
- supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
- extending the current Permission in Principle to major development

2. Recommended Decision

2.1 To provide comments on the consultation documents which will feed into a response from the Council.

3. Reason for Recommended Decision

3.1 The consultation provides an opportunity to make representations on proposed changes to the planning system in England.

4. Alternative Options

4.1 Not to comment on the White Paper and other documents.

5. Background Information

5.1 The first document published earlier this month is **Planning for the Future** – a White Paper. Although excellence in Planning is recognised, the Government suggest it is hindered by a number of problems;

- The system is too complex
- Planning decisions are discretionary rather than rule based
- It takes too long to adopt a Local Plan
- Assessments of housing need, viability and environmental assessment are too complex and opaque
- It has lost public trust and consultation is dominated by the few willing and able to navigate the system
- The process still relies on documents and not data – it's based on 20th century technology
- The process of developer contributions to affordable housing and infrastructure is complex, protracted and unclear and causes delay
- There is not enough focus on design and little incentive for high quality
- Not enough new homes are built.

5.2 There are a number of proposals intended to address 'the underlying weaknesses' in the planning system which are split into three Pillars;

1. Pillar One – Planning for development
2. Pillar Two – Planning for beautiful and sustainable places
3. Pillar Three – Planning for infrastructure and connected places.

5.3 Planning Resource has identified 28 key proposals:

1. Local plans would be simplified and focus on identifying three categories of land – "growth areas" that are "suitable for substantial development"; "renewal areas" that are "suitable for development"; and "protected areas". In "growth areas", outline approval would be automatically granted for forms and types of development specified in the plan. Development in renewal areas would "cover existing built areas where smaller scale development is appropriate" and could include the "gentle densification" of residential areas, development in town centres, and small sites in and around villages. There would be a "statutory presumption in favour of development" specified in the plan. Protected areas, including green belt, conservation areas and Areas of Outstanding Natural Beauty (AONBs), would still be subject to "more stringent" development controls and full planning applications would be required for new schemes.
2. Local plans should be subject to a single and "simplified" statutory "sustainable development" test, replacing the existing "tests of soundness". This new test "would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the secretary of state", the consultation states. The test could also "become less prescriptive about the need to demonstrate deliverability".
3. Instead of general policies for development, the document says, local plans would be required to set out site and area specific requirements for development, alongside locally-produced design codes. The National Planning Policy Framework (NPPF) "would become the primary source of policies for development management".
4. The legal duty to cooperate, which requires local planning authorities to continuously and effectively engage with neighbours on strategic issues such as

housing need, "would be removed". However, it adds that "further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges".

5. The government is considering scrapping the five-year housing land supply requirement. The document says its "proposed approach should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a five-year supply of land". However, it proposes to "maintain the housing delivery test and the presumption in favour of sustainable development as part of the new system".
6. Councils and the Planning Inspectorate would be required through legislation to meet a statutory timetable of no more than 30 months for plan preparation with "sanctions for those who fail to do so". The average time taken from plan publication to adoption rose from an average of 450 days in 2009 to 815 days in 2019, the paper states, while there is "currently no statutory requirement around timescales for key stages of the plan-making process".
7. The need for sustainability appraisals alongside plans would be abolished and instead a "simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties".
8. Local plans would need to be "visual and map-based, standardised, based on the latest digital technology and supported by a new standard template", the document says.
9. The planning process would be increasingly digitised, moving from "a process based on documents to a process driven by data". Local authorities would be helped to use digital tools to support "a new civic engagement process for local plans and decision-making".
10. Under a proposed new "fast-track for beauty", proposals for high-quality developments that reflect local character and preferences would benefit from "automatic permission". New development would be expected to create a "net gain" to areas' appearance.
11. Design codes, which would be expected to be prepared locally, would be made "more binding" on planning decisions. A new body would be established to support the delivery of design codes across the country.
12. The standard housing need method would be changed so that the requirement would be "binding" on local planning authorities who would "have to deliver [it] through their local plans". The new method "would be a means of distributing the national housebuilding target of 300,000 new homes annually". It says the requirement would be focused on areas where affordability pressure is highest and on brownfield land. It would also have regard to the "size of existing urban settlements" in an area and the "extent of land constraints". (See below – although there is a consultation on the new methodology, it is not clear how it will be calculated).
13. A new 'single infrastructure levy' will replace the existing developer contributions system of section 106 agreements and the community infrastructure levy. The government says the new levy will be a nationally-set, flat rate charge and would be based on the final value (or likely sales value) of a development. It says it intends the new levy to raise more revenue than under the current system of developer contributions, and deliver "at least as much" affordable housing, and on-site affordable housing, as at present
14. The new levy could be used to "capture a greater proportion of the land value uplift that occurs through the grant of planning permission and use this to enhance

infrastructure delivery. But such a move "would need to be balanced against risks to development viability".

15. The scope of the levy "could be extended to capture changes of use through permitted development rights". Such a move "would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community".
16. Big building sites would be split between developers to accelerate delivery. The government proposes to revise the NPPF to make it clear that masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders, which would allow more phases to come forward together.
17. Community consultation at the planning application stage is to be "streamlined". Instead, there would be "a new emphasis on engagement at the plan-making stage", the document says.
18. The determination of planning applications "should be faster and more certain, with firm deadlines". The "well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now".
19. Applications should be "shorter and more standardised". There should be just "one key standardised planning statement of no more than 50 pages to justify the development proposals", the paper proposes.
20. Penalties for councils that fail to determine an application within the statutory time limits could involve "the automatic refund of the planning fee for the application". Ministers also "want to explore whether some types of applications should be deemed to have been granted planning permission if there has not been a timely determination."
21. Where applications are refused and the decision is overturned at appeal, the paper proposes that "applicants will be entitled to an automatic rebate of their planning application fee".
22. Each local planning authority would be required to have a chief officer for design and place-making.
23. Fees should continue to be set nationally but "cover at least the full cost" of processing applications, "based on clear national benchmarking". It added that this "should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate".
24. The costs of operating the planning system should be "principally funded" by developer contributions "rather than the national or local taxpayer". Currently, the document says, "the cost of development management activities by local planning authorities is to a large extent covered by planning fees". However, the "cost of preparing local plans and enforcement activities is now largely funded from the local planning authority's own resources".
25. The government has promised to "develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms". Proposals for "improving the resourcing of planning departments" will be published "later this year", it adds.
26. The paper promises a "deep dive regulatory review to identify and eliminate outdated regulations which increase costs for local planning authorities, especially to the decision-making process".
27. Councils "should be subject to a new performance framework which ensures continuous improvement across all planning functions from local plans to decision-making and enforcement – and enables early intervention if problems emerge with individual authorities".

28. Consultation on the white paper proposals run for 12 weeks until October 29. The suggested changes to local plans, developer contributions and development management "would require primary legislation followed by secondary legislation". Ministers "would expect new local plans to be in place by the end of the Parliament". Any policy changes, including to set a new housing requirement, would be implemented by updating the National Planning Policy Framework in line with the new legislation.

5.4 **Changes to the Current Planning System**

This document concerns changes to planning policy and regulation. It focuses on four main areas which are detailed below;

1. The standard method for assessing housing numbers in strategic plans
2. Delivering First Homes
3. Supporting small and medium sized developers
4. Extension of the Permission in Principle consent regime

5.5 **Assessing Local Housing Need** – the consultation is seeking views on changes to planning practice guidance on the standard method for assessing local housing need ("the standard method"). The standard method provides the starting point for planning for housing and does not establish the housing requirement.

It is the Government's intention that the method set out in this document would form part of the process for setting any binding housing requirement. However, this consultation does not set out how this binding requirement would be calculated, which will be determined following the Planning for the Future consultation. Instead, it proposes a revised standard method for calculating local housing need which will be used as the basis for plans created prior to any changes outlined in Planning for the Future being introduced.

Adopted local plans, where they are in place, provide for 187,000 homes per year across England –significantly below the Governments ambition for 300,000 new homes annually. The Government has based the proposed new approach on a number of principles for reform. These include ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where they are least affordable.

The standard method results in a local authority-wide number that needs to be planned for. The local area then decides how and where in their authority that need is best met in accordance with national policy. The supporting policy is not the subject of this consultation, but wider reforms proposed in the Planning for the Future consultation are focusing on how land supply policies would operate going forward. As such, this standard method provides the starting point and not the final housing requirement.

The Government's new method, incorporates stock into the baseline (as well as household projections) to help achieve a 'fair share' approach; this helps boost numbers in areas with low projections. It also puts a greater emphasis on the uplift for affordability and removes the cap which exists under the current approach, stating it is 'not compatible' with the aim of boosting housing supply quickly. These changes mean a new national total of 337,000 homes a year – far higher than the 270,000 under the current approach.

The White Paper proposes to replace the Standard Method for Local Housing Need with a nationally-set method for setting local housing requirements, in effect distributing 300,000 homes per annum across local authorities, taking into account constraints and other factors.

Planning consultancy Litchfields has compared how the new proposed method compares to current local plans, recent housing delivery, and the current method. For Colchester this produces the following figures;

	Current LP target	Average delivery (last 3 years)	Current standard method	Proposed standard method
CBC	864	1045	1078	1612

These calculations are based on the proposed standard method consultation guidance paragraphs 23 to 39. Step 1 - Baseline figure is whichever is higher of 0.5% of stock (based on MHCLG Live Table 125, unrounded, for 2019, see para 26/footnote 11 of the guidance) or the latest household projections (2018-based, as per ONS Live Table 406 with the current year [2020] being used as the starting point and over a 10 year period [2020 to 2030] as per paras 23 and 27). Step 2 – Affordability uplift is based on formula in para 30 of the guidance, using ratio for the most recent year for which data is available (2019, as per para 29) and change over the last 10 years of published data (2009 to 2019, para 29). No cap is applied, in line with para 39 of the guidance.

Following the outcome of this consultation, the Government will update the planning practice guidance with the revised standard method for assessing local housing need.

Importantly, Councils that are already close to adopting local plans will be exempt from adopting the new standard method immediately, the government said.

5.6 First Homes – securing homes to be sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to the new system.

The proposed approach;

The Government intends to set out in policy that a minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes. This will be a national threshold, set out in planning policy. Initially these will be secured through section 106 planning obligations but, under proposed reforms, these would subsequently be secured through the Infrastructure Levy (see Pillar Three of Planning for the Future).

In accordance with paragraph 62 of the National Planning Policy Framework, affordable housing is expected to be delivered onsite unless offsite provision or a financial contribution in lieu can be justified. The Government proposes that, under the new system, a policy compliant planning application should seek to capture the same amount of value as would be captured under the local authority's up-to-date published policy. In addition to capturing the same amount of value towards affordable housing as the existing policy, where onsite affordable housing is required, a policy compliant application will have a minimum of 25% of affordable housing units onsite as First Homes. For the remaining 75% of affordable housing secured through developer contributions, there are two broad options:

1. Option 1: Where a local authority has a policy on affordable housing tenure mix, that policy should be followed, but with First Homes delivering a minimum of 25% of the affordable housing products. First Homes should replace as a priority other affordable home-ownership products, prioritising the replacement of those tenures which secure the smallest discount from market price.
2. Option 2: A local authority and developer can negotiate the tenure mix for the remaining 75% of units.

The minimum discount for First Homes should be 30% from market price which will be set by an independent registered valuer. The valuation should assume the home is sold as an open market dwelling without restrictions. Local authorities will have discretion to increase the discount to 40% or 50%. This would need to be evidenced in the local plan making process. Where discounts of more than 30% are applied to First Homes, the requirement for a minimum of 25% of units onsite to be First Homes will remain in place.

Affordable Homes are currently exempt from CIL payments and this will apply to First Homes. This will be considered as part of the proposals for an Infrastructure Levy, which would replace CIL and Section 106 planning obligations.

The government intend to introduce a First Homes exception sites policy, to replace the existing entry-level exception sites policy. Exception sites are small sites brought forward outside the local plan to deliver affordable housing. Under the amended policy, it will be specified that the affordable homes delivered should be First Homes for local, first-time buyers. There will be the flexibility in the policy to allow a small proportion of other affordable homes to be delivered on these sites where there is significant identified local need as well as a small proportion of market homes where this would be necessary to ensure the viability of the site overall. This policy will not apply in designated rural areas, where delivery will be through the rural exception sites policy.

The National Planning Policy Framework threshold on site size that currently applies for entry-level exception sites in footnote 33, will be removed but the requirement that First Homes exception sites should be proportionate in size to the existing settlement will remain.

Rural exception sites will be retained as a vehicle for delivering affordable housing in designated rural areas. However, it is recognised that this delivery mechanism is currently underused in many cases, and updated planning guidance will be produced in due course.

The changes will initially be introduced by making planning policy changes, to ensure that clear expectations are set. However, to ensure that First Homes are delivered, nationwide, on a consistent basis, consideration will be given to the option to strengthen the policy through primary legislation at a future date.

5.7 Support for SME Builders - temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to support SME builders as the economy recovers from the impact of Covid-19. To ensure that this measure is targeted at the economic recovery phase and does not inflate land prices in the longer term, we are proposing that the higher threshold is implemented for a time-limited period and lifted as the economy recovers from the impact of Covid-19.

To minimise the impact of this potential threshold effect, the Government propose to set out in planning guidance how local planning authorities can secure contributions for

affordable housing where it is apparent that a larger site is being brought forward in a piecemeal manner.

In designated rural areas, local planning authorities can set a lower threshold of five units or fewer in their plans. Rural local authorities secure greater proportions of their housing supply as affordable on average when compared to urban local authorities. In designated rural areas, we therefore propose to maintain the current threshold.

Following the consultation, a decision will be taken on whether to proceed with this approach. If it is taken forward, this could be through the introduction of a Written Ministerial Statement in the Autumn.

5.8 Permission in Principle - extending the current to major development so landowners and developers have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

As part of economic recovery plans, the Government wants to make it easier for landowners and developers to have certainty that the principle of development for housing only needs to be established once in the process before developers need to get into more costly, technical matters. This is seen as particularly important for smaller sites which have not been allocated in local plans and where there is now, due to the rapidly changing economic circumstances, a desire by landowners to release the land for housing.

Planning for the Future proposes that land allocated for substantive development in local plans should be automatically granted a form of permission of principle so that the principle of development is established, and subsequent consents only focus on detailed technical matters. As this new framework will take time to implement, the Government is keen to expand the current Permission in Principle framework for housing-led development as an early opportunity to move towards this new approach.

The proposal is to remove the restriction in the current Permission in Principle regulations on major development. This will enable applications for Permission in Principle to be made for a far wider range of sites, enabling more landowners and developers to use this route to secure permission for housing development. Currently, 84% of planning applications for residential development are for schemes of 10-150 homes, which deliver 46% of new housing development each year.

The existing restrictions in the Permission in Principle Regulations relating to EIA and Habitats requirements will remain meaning Permission in Principle by application will not in practice be a route to permission for large sites capable of delivering more than 150 dwellings or more than 5 hectares.

For the expanded Permission in Principle route extending to major development, it is not proposed to set a limit for commercial development space as it is not considered necessary to limit the amount of commercial floorspace as it will still be the case that Permission in Principle should only be granted for development that is housing-led.

There is no intention to change the application process which includes the 5-week determination period and the 14-day period for consultation with the public and statutory consultees, although views are being sought on this. Information requirements are also likely to remain the same - Permission in Principle (whereby the developer would only have to provide information as to: the minimum and maximum net number of dwellings, and a map or plan of the site) must be followed by an application for technical details consent to

agree the details of the scheme before the applicant obtains full planning permission and can start work on site. A question is asked about introducing a maximum height threshold. A banded fee structure is proposed with a fixed fee per 0.1ha in three size bands and capped. The intention is to keep fees low.

In the longer term, under the Planning for the Future proposals, as new local plans are produced, the Government intend to review the role of Brownfield Land Registers which include a Part for sites granted PiP.

Following this consultation, if Permission in Principle by application for major development is introduced, the aim is to introduce amending regulations this Autumn, with the regulations expected to come into force by the end of the calendar year. Changes to the fee structure would require separate changes to the Planning Fees Regulations.

5.9 The questions posed in the two documents are listed in the Appendix.

6. Equality, Diversity and Human Rights implications

6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link: -

<https://cbccrmdat.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

7. Strategic Plan References

7.1 The Strategic Plan is relevant, in particular in contributing towards priorities under the themes of Opportunity and Wellbeing:
Opportunity- Ensure a good supply of land available for new homes through our Local Plan.
Wellbeing- Encourage belonging, involvement and responsibility in all the borough's communities; and Help residents adopt healthier lifestyles by enabling the provision of excellent leisure facilities and beautiful green spaces, countryside and beaches.

8. Consultation

8.1 The Government are consulting on a number of documents as follows;

1. Planning for the Future - 6 August to 29 October 2020.
2. Changes to the Current Planning System - 6 August to 1 October 2020

9. Publicity Considerations

9.1 The consultation has already generated significant publicity and it is expected that this will continue. Accordingly it is likely that the Council's response will generate publicity too.

10. Financial implications

10.1 N/A

11. Health, Wellbeing and Community Safety Implications

11.1 N/A

12. Health and Safety Implications

12.1 N/A

13. Risk Management Implications

13.1 N/A

Background Papers

- [Changes to the current planning system](#)
- [Planning for the future](#)

Appendix 1 – Consultation Questions

Planning for the future - Questions

1. What three words do you associate most with the planning system in England?

2(a). Do you get involved with planning decisions in your local area? 2(b). If no, why not?

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

[Social media / Online news / Newspaper / By post /Other – please specify]

4. What are your top three priorities for planning in your local area?

[Building homes for young people / building homes for the homeless /Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

5. Do you agree that Local Plans should be simplified in line with our proposals?

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

10. Do you agree with our proposals to make decision-making faster and more certain?

11. Do you agree with our proposals for accessible, web-based Local Plans?

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

15. What do you think about the design of new development that has happened recently in your area?
[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?
[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

17. Do you agree with our proposals for improving the production and use of design guides and codes?

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

20. Do you agree with our proposals for implementing a fast-track for beauty?

21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know /Other]

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

25(a). If yes, should an affordable housing 'ring-fence' be developed?

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Changes to the Planning System – Questions

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?

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.

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.

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.

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

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?

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?

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)

With regards to current exemptions from delivery of affordable home ownership products:

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

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

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

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

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

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?

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

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

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

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

- a. Up to 40 homes
- b. Up to 50 homes
- c. Other (please specify)

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

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

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

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

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

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

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.

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?

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

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.

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

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

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.

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.

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

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

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?