Purpose of report
This report has been prepared for the Planning Policy Committee to agree the council’s response to the government’s consultation on proposed changes to the current planning system. (Note: further proposals put forward in the Planning for the Future White Paper will be reported to the Planning Policy Committee on 19th October 2020).

Attachment
Appendix 1: Consultation questions and the recommended council responses.

1.0 Background

1.1 On 6th August 2020 the Government published an open consultation on changes to the current planning system\(^1\), proposing a number of significant changes to planning policy and regulations. This consultation relates to proposals for measures to improve the effectiveness of the current system in the short / medium term. The government is also proposing more fundamental and radical changes to the planning system in the medium / long term, as set out in the Planning for the Future White Paper, and these will be reported to the Planning Policy Committee on 19th October 2020.

1.2 This report provides an objective assessment of the government’s proposed changes to the current planning system and, subject to the committee’s consideration, will form the council’s agreed response to the consultation (closing date, 1st October 2020). It is emphasised that this is entirely separate to the “Planning for the Future” consultation (closing date, 29th October 2020), although both consultations were launched at the same time.

1.3 This report covers:

- The scope of the “Proposed changes to the current planning system” consultation – themes and topics to be considered; and
- The Council’s response to the 35 consultation questions.

2.0 Scope of the “Proposed changes to the current planning system” consultation

2.1 The “Proposed changes to the current planning system” consultation proposes four main changes to the planning system.

- Proposals to revise the **standard method for assessing housing** for local plans with the objective of increasing the overall number of homes being

\(^1\) [https://www.gov.uk/government/consultations/changes-to-the-current-planning-system](https://www.gov.uk/government/consultations/changes-to-the-current-planning-system)
planned for and to achieve a more appropriate distribution.

- **Delivering ‘First Homes’.** This follows a consultation on the First Homes proposals in February 2020. The Government’s ‘First Homes’ scheme will provide discounts of at least 30% on new-build properties in a locality, compared to market prices for that area. The Government has now published its response to the consultation and is consulting on the detail of the proposals. This includes setting a requirement that 25% of all affordable housing secured through developer contributions should be ‘First Homes’ and consulting on options for the remaining 75% of affordable housing secured through developer contributions. It also includes seeking views on transitional arrangements, levels of discount, the interaction with the Community Infrastructure Levy and how Government proposes First Homes would be delivered through exception sites.

- **Proposals to temporarily raise the threshold below which developers do not need to contribute to affordable housing,** to up to 40 or 50 units for an 18-month period. In designated rural areas, the consultation proposes to maintain the current threshold. It also seeks views on whether there are any other barriers for Small and Medium Enterprises to access and progress sites.

- **Proposals to increase the threshold for Permission in Principle** to cover sites suitable for major housing-led development, rather than being restricted to just minor housing development.

2.2 As stated, these four main themes are accompanied by 35 questions, set out in the consultation paper. The remainder of this report will consider the council’s response to these various questions; where appropriate giving consideration to the implications of these for East Northamptonshire Council.

3.0 **The Council’s response to the 35 consultation questions**

3.1 The proposed changes to the planning system set out in the consultation paper are a matter of immediate concern for the council. This represents a combination of proposed interim changes to the planning system; both in light of the 2020 Covid-19 situation and to precede the medium / longer term changes to the planning system proposed in the “Planning for the Future” White Paper.

3.2 **Standard method for assessing housing**

Litchfields (a national planning consultancy) has prepared an assessment of the outcomes of the proposed standard method for each local authority. In the case of East Northamptonshire this would set a requirement for 821 dwellings per year. This is almost double the adopted 2016 North Northamptonshire Joint Core Strategy (Local Plan Part 1) requirement for 420 dwellings per year. ENC’s record year for housing delivery (2016-17), saw 806 completions, which is still below the potential annual figure for the new standard method.

3.3 It is recommended that the council objects to the application of the new standard method on the basis that this is wholly unachievable, and therefore undeliverable. A detailed response is set out at Appendix 1, questions 1-7.

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3.4 **Delivering ‘First Homes’**

Following on from the Government consultation in early 2020 regarding ‘First Homes’, the Government’s new 30% discount market housing scheme, the consultation paper now seeks to consult on proposals to incorporate this initiative into national policy. Concerns are raised that the proposal for at least 25% of future affordable housing delivery should be ‘First Homes’ housing which, in turn, could have implications for the delivery of other affordable housing delivery.

3.5 It is recommended, that the Council objects to the proposed 25% ‘First Homes’ requirement on the basis that this is overly prescriptive and does not address local housing needs. A detailed response to the Government’s ‘First Homes’ proposals, is set out at Appendix 1, questions 8-16.

3.6 **Proposals to temporarily raise the threshold below which developers do not need to contribute to affordable housing**

The proposal to temporarily raise (almost triple) the national threshold for affordable housing raises significant concerns. It is considered that proposals to raise the threshold up to threefold, from 15 dwellings to at least 40 dwellings would set a dangerous precedent. Even for a limited period, this could greatly reduce the scope to negotiate affordable housing provision; particularly at a neighbourhood (non-strategic) level.

3.7 It is recommended that the council should object to the proposals to raise the threshold to at least 40 dwellings, which would greatly reduce the ability to negotiate affordable housing provision. A detailed response regarding the proposed changes to affordable housing thresholds is set out at Appendix 1, questions 17-23.

3.8 **Proposals to increase the threshold for Permission in Principle**

The proposal to allow major developments (i.e. those >9 dwellings or 1000m$^2$ floorspace) would greatly reduce the ability of local authorities to effectively manage development. In effect, this would take many planning applications out of any form of democratic committee consideration as strict time limits apply to the consideration of Planning in Principle applications. Concerns are raised that this would greatly hamper the future delivery of genuinely sustainable developments.

3.9 It is recommended that the council should object to the proposals to allow for major development proposals to apply for Permission in Principle. A detailed response regarding the proposed changes to affordable housing thresholds is set out at Appendix 1, questions 24-34.

3.10 Overall, significant concerns are raised about all four main aspects of the government’s proposed changes to the planning system consultation paper. Nevertheless, within these there are aspects of the proposals that could be supported. Supporting comments are set out in responses to individual questions within Appendix 1.

4.0 **Conclusion**

4.1 This report summarises the headline proposed changes to the current planning system, set out in the government’s consultation paper. This report summarises the most significant concerns arising from the government’s proposals, with the detailed response set out in Appendix 1.
4.2 This report is being presented to the Planning Policy Committee to allow Members to agree and finalise the council’s response to the government’s consultation. This will allow for the council’s formal representation to be submitted in advance of the 1st October 2020 deadline.

5.0 Equality and Diversity Implications

5.1 There are no equality and diversity implications arising from this report. The Government’s own proposals are subject to the Public Sector Equality Duty (see the response at Appendix 1, question 35).

6.0 Privacy Impact Implications

6.1 There are no privacy impact implications arising from this report.

7.0 Health Impact Assessments

7.1 There are no direct health impact implications arising from this report.

8.0 Legal Implications

8.1 There are no legal implications arising from this report.

9.0 Risk Management

9.1 Given that significant issues are identified it is important that this council is providing constructive engagement and input into the government’s proposed changes to the current planning system. It is important to highlight those matters of concern, while recognising that within the consultation paper certain proposed changes could be supported.

9.2 The detailed responses at Appendix 1 have been drafted in an objective way. It is important to respond systematically and constructively to the government’s proposals; otherwise there is a risk that legitimate concerns this council have may not be heard or considered.

10.0 Resource and Financial Implications

10.1 There are no resource and financial implications arising from this report.

11.0 Constitutional Implications

11.1 There are no constitutional implications arising from this report.

12.0 Implications for our Customers

12.1 There are no customer service implications arising from this report.

13.0 Corporate Outcomes

13.1 The relevant Corporate Outcomes are:

- Good Quality of Life – sustainable development, strong communities and high quality built environment
- Effective Management – delivering development and associated infrastructure
in a coordinated and sustainable manner.

14.0 Recommendation

14.1 The Committee is recommended to:

(1) Approve the council’s response to the government’s: “Changes to the current planning system” consultation paper, at Appendix 1 to this report.

(Reason – To formally agree East Northamptonshire Council’s response to the Government’s proposals)

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<tr>
<th>Legal</th>
<th>Power:</th>
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<tr>
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<td>Town and Country Planning Act 1990</td>
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<td>Planning and Compulsory Purchase Act 2004</td>
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<tr>
<td></td>
<td>Town and Country Planning (Local Planning) (England) Regulations 2012</td>
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<td></td>
<td>Other considerations: National Planning Policy Framework (updated February 2019)</td>
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Background Papers: Changes to the current planning system (https://www.gov.uk/government/consultations/changes-to-the-current-planning-system)

Person Originating Report: Michael Burton, Principal Planning Policy Officer
☎ 01832 742221  mburton@east-northamptonshire.gov.uk

Date: 10 September 2020

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Appendix 1: Consultation questions and the Council’s response to these

Step One – Setting the baseline – providing stability and certainty by incorporating a blend of household projections and stock

1. 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?

[Yes / No]

The proposals are clearly explained in the consultation document; namely that this represents a refinement to the standard method initially introduced through the NPPF in July 2018 and slightly amended in the updated (February 2019) NPPF.

The acknowledgement of existing housing stock provides an appropriate recognition of the proportionate impact and achievability of household projections, introducing a degree of apportionment into the calculations. In some local authority areas it may be that due to development constraints and relative quanta of existing housing stock, the impact and achievability of household projections could be far greater than for another authority with similar household projections. Household projections reflect past levels of growth which will have been enabled or constrained by rates of housing delivery. Using these as minimum benchmarks would therefore “bake in” previous performance, ensuring that places such as North Northamptonshire that have accommodated significant housing growth must continue to do so, and places that have under-delivered can continue to do so.

The planning consultant, Lichfields, has prepared an assessment of the proposed standard method, for local planning authorities. In the case of East Northamptonshire this would set a requirement for 821 dwellings per year; a virtual doubling of the adopted 2016 North Northamptonshire Joint Core Strategy (Local Plan Part 1) requirement for 420 dwellings per year. The record year for delivery (2016-17), saw 806 completions; still below the annual figure for the new standard method.

Similarly, for North Northamptonshire, the 3,009 per annum figure is far in excess; even of the higher figures from the 2008 Core Spatial Strategy (mean 2,605 dwellings per annum; 52,100 over the Plan period). The revised LHN is not considered realistic in the light of past levels of delivery shown in Figure 1, which reflect demand within the NN Housing Market Area. The highest recorded housing delivery in NN has been around 2,100 at the height of the market. This has not been constrained by a lack of

land and it is inconceivable it could be accelerated to an average of 3,009 pa (LHN) unless the local economy is transformed and there is a firm commitment by Government and other providers to make substantial and sustained investment in infrastructure and services. As these earlier targets were themselves raised above the baseline OAN, once again this reiterates that the new standard methodology figure is extremely unlikely to be achievable.

Reference is made to the NPPF statement that: “Plans should…be prepared positively, in a way that is aspirational but deliverable” (paragraph 16(b)). It is emphasised that the outcome of the standard method for both East Northamptonshire Council and its partner North Northamptonshire local authorities is wholly unachievable, and therefore undeliverable.

2. 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.

[Yes / No]

East Northamptonshire has seen significant housing delivery and household growth over the last 20 years, in part due to its inclusion within the former “Milton Keynes and South Midlands” growth area. In this case, the application of a 0.5% standard (compared to household projections) would an exceptionally low baseline requirement (0.5% of 40,481 = 202 dwellings per year).

On the basis of the East Northamptonshire example, using the latest (2019) data, if housing stock is to be applied as a baseline measure for the standard method, then a 1% standard would be a more meaningful. Nevertheless, it is accepted that the proposed 0.5% of existing housing stock would have been calculated on the basis of the nationwide picture, but in the case of East Northamptonshire it does not provide a functional alternative to household projections in setting a baseline figure.

Similar calculations have been undertaken for North Northamptonshire:

<table>
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<tr>
<th>Lower and Single Tier Authority Data</th>
<th>Local Authority (incl. owned by other LAs)</th>
<th>Private Registered Provider</th>
<th>Other public sector</th>
<th>Private sector (P)</th>
<th>Total (P)</th>
<th>0.5% housing stock</th>
<th>Housing requirement over 20 years</th>
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</thead>
<tbody>
<tr>
<td>Corby</td>
<td>4,681</td>
<td>1,155</td>
<td>0</td>
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<td>East Northamptonshire</td>
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<td>6</td>
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<td>45,340</td>
<td>227</td>
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<tr>
<td>Kettering</td>
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<td>2,761</td>
<td>4</td>
<td>38,924</td>
<td>45,340</td>
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</tr>
<tr>
<td>Wellingborough</td>
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<td>15,536</td>
<td>10</td>
<td>126,998</td>
<td>150,877</td>
<td>754</td>
<td>15,088</td>
</tr>
</tbody>
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These illustrate an exceptionally low baseline figure where 0.5% of the existing housing stock is utilised, even when compared to the current baseline “objectively assessed need”, applied for the 2016 North Northamptonshire Joint Core Strategy 2011-2031 (35,000 dwellings over the Plan period).

It is recognised that the introduction of existing housing stock is a means of protecting “outliers” (those local authority areas facing exceptional circumstances). However, it is important to ensure that any addition to the standard method is realistic.

Step 2 – Adjusting for market signals – maintaining price signals using the current affordability ratio and the change in affordability over the last 10 years
3. 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.

[Yes / No]

Once affordability ratio is included into the calculation, the current standard method allows for the application of a “cap”, to ensure that the output figures arising from the standard method are realistic. It is assumed that the proposed 0.5% housing stock figure (Step 1, above) is proposed as an alternative to the current cap?

If not, then there is a danger that the output figures arising from the median house price/earnings ratio could become entirely unachievable.

The process should also take account of local affordability; i.e. across the North Northamptonshire area the typical economic circumstances are that house prices are rising faster than wages; a low wage economy locally; leading to increased waiting lists due to local people being unable to access the market, find deposits etc. Local affordability could be further employed by local survey work and data analysis; e.g. for working people on the housing register.

Overall, it is emphasised that the main barriers to home buying include lack of deposits, lack of mortgage availability due to low wages, self employment, zero hours contracts and it is unclear how the proposed changes would do anything to address these socio-economic indicators.

4. 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.

[Yes / No]

Affordability is a key element of the current standard method. Therefore, its ongoing inclusion within the revised methodology is recognised.

The standard method is, however, consider simplistic in its assumptions that declining levels of affordability are due solely to under-supply of housing; that requiring LPAs to release more land will result in more homes being built; and that this will limit price inflation. This is clearly not the experience in NN, where high levels of housing delivery have been achieved, substantial amounts of housing land are committed in Local Plans and planning permissions, but affordability based on local incomes has worsened.

At April 2018, there were planning commitments (allocations and permissions) for over 37,000 new homes across NN. The pace at which this capacity is developed is determined largely be national economic conditions and there is no evidence to support the view that releasing additional land will result in accelerated delivery or a significant reduction in the cost of new housing.

The issue of affordability for existing NN households will not be addressed by increasing the amount of land available for market housing. Households on the councils’ housing needs registers are priced out of the private housing market by virtue of relatively low or insecure incomes and/or lack of savings for a mortgage deposit. They require bespoke affordable housing products such as rent-to-buy in order to access home ownership. This, coupled with opportunities for higher paid employment (as sought by the JCS focus on higher skilled jobs) will be the most effective way of improving the affordability of market housing.
5. Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

[Yes / No]

Whether or not affordability is given an appropriate weighting is entirely dependent upon the resultant output figures for housing need arising from the revised standard method. Once again it is emphasised that these must be deliverable. See comments above.

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:

6. 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?

No: A 6-month transitional arrangement, between the end of the statutory Pre-Submission Draft (Regulation 19) consultation and submission to the Secretary of State is considered excessive. Even where issues arising through the Regulation 19 consultation entail a further focused consultation prior to submission, this could be completed within 3 months of the main Regulation 19 consultation.

7. 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?

No: A 3-months transitional arrangement, when compared to typically 2-3 years work in preparing a Local Plan leading up to the Regulation 19 consultation, is not considered to be reasonable or realistic.

If not, please explain why. Are there particular circumstances which need to be catered for?

It is suggested that a period of 6 months should be allowed, between the publication date of the revised guidance and publication of the Pre-Submission Draft Plan for Regulation 19 consultation. Otherwise, in the case of strategic (Part 1) Local Plan this could, in practice, represent a need to reset the entire Local Plan; thereby having wasted up to 3 years preliminary plan-preparation work.

The Government's proposed approach – Setting developer contributions for First Homes

8. 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.

‘First Homes’ proposals represent a move away from Localism, and seems to prescribe what to deliver in terms of affordable housing tenures; rather than allowing local authorities to set detailed targets on the basis of local knowledge and circumstances.

Option 1 is our preferred option and is supported by our local plan policy and local needs evidence. The evidence in our district indicates that the predominate need is for affordable housing for rent (as defined under NPPF). A recent Study in East Northants indicated that around 88% of affordable housing need is for social or affordable rented housing with around 12% for low cost home ownership. Similar proportions of need were also found in the earlier SHMA study which underpins our local plan policy. The recommendations from this latest study were that 30% of affordable housing be met through low cost home ownership tenures.

Therefore, as the government is proposing that 25% of all affordable housing to be provided as First Homes, then under Option 1 our needs evidence would suggest that at least 70 of the remaining 75% should be provided as affordable housing for rent, with up to 5% as low cost home ownership (LCHO). This is likely to be sought as Rent to Buy or Rent Plus based on the following local evidence. But this remainder for LCHO is too low and will not meet local needs for those unable to afford First Homes but able to afford more than the already oversubscribed affordable rent. LCHO will be effectively squeezed out of developments which is counter-productive to the Government’s aims to increase home ownership. Furthermore, the lack of LCHO products will mean RP offers for the affordable housing will be lower as there will be no cross subsidy into the rented units. This will make schemes increasingly less viable and lead to further reductions in levels of affordable homes delivered.

Recent surveys conducted among applicants on the councils waiting list have discovered that 3/4 of applicants have a household income of less than £30K. Also that over 4/5 of applicants do not have any identified savings. Tenures like Rent to Buy and Rent Plus therefore, where applicants do not need a deposit up front are more accessible to low income households than First Homes or other LCHO tenures which do.

ii) Negotiation between a local authority and developer.

This is not our preferred option and we would agree with the commentary at paragraph 54 that option 1 provides more clarity for developers. Although option 2 would give local authorities more flexibility, this would decrease delay. If this option is implemented then based on our needs evidence above, we would expect at least 70% of the 75% remaining affordable housing to be for affordable housing for rent, consisting of social rented or affordable rented housing.

iii) Other (please specify)
1) Local standards re: tenure are also set out in a “made” Neighbourhood Plan policy.

2) On exception sites in rural areas, affordable housing tenure mix should continue to be informed through taking into account the findings of rural housing needs surveys and other local forms of evidence.

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

9. 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?

   [Yes / No]

   Retention of the existing exemptions is supported.

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

    [Yes / No]

    There is the potential for First Homes to be provided in category c) where this has been identified by the community themselves as meeting housing need. It should not however be a requirement and therefore the current exemption should continue to apply.

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

    [Yes / No]

    Rural housing sites identified in Neighbourhood Plans and other local planning documents. These are generally small and provide only a proportion of affordable housing (as set in local plan policy). It is important that the tenure of affordable housing meets locally identified priorities rather than a set requirement to provide First Homes.

Local plans and transitional arrangements

12. Do you agree with the proposed approach to transitional arrangements set out above [in the consultation document, paragraphs 56-58]?

    [Yes / No]
The transitional period should be 9 months (rather than 6 months). This is considered more appropriate to align to the proposed transitional arrangements at Q6-Q7, above.

13. Do you agree with the proposed approach to different levels of discount?

[Yes / No]

A national requirement for a 30% discount for First Homes, with an option to raise this up to 50% (based upon local evidence and circumstances) is considered to be an appropriate approach.

Exception sites

14. 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 / No]

The proposed principle of allowing a proportion of market housing on rural exceptions sites (of all types) has been incorporated into national planning policy since the 1st (2012) NPPF. The latest changes represent a logical continuation of this approach, for First Homes.

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

[Yes / No]

Rural exceptions sites are just that; they represent an exception to adopted development plan policies. The 1ha/ 5% built up area threshold (NPPF footnote 33), represents an appropriate national safeguard, to ensure that rural exceptions housing could not be used as a mechanism to bypass or undermine Neighbourhood Planning.

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

[Yes / No]

See Q15 response, above.

Small sites planning policy

17. Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?
It is considered that proposals to raise the threshold up to threefold, from 15 dwellings to at least 40 dwellings would set a dangerous precedent. Even for a limited period, this could greatly reduce the scope to negotiate affordable housing provision. Most Neighbourhood Plan (non-strategic) site allocations are below 40 dwellings, such that this proposal would greatly reduce the ability to negotiate affordable housing provision. It is not considered that affordable housing is a detriment to smaller sites being brought forward but rather that land prices are too high, and no evidence has been put forward to justify the proposed threshold changes.

18. What is the appropriate level of small sites threshold?

[(i) Up to 40 homes; (ii) Up to 50 homes; (iii) Other (please specify)]

If a change to the threshold is deemed necessary, it is proposed that this should be no more than a modest increase; say from 15 to 20 dwellings.

19. Do you agree with the proposed approach to the site size threshold?

[Yes / No]

Proportionally, applying a baseline 30 dwellings per ha standard, this would increase the site size threshold from 0.5ha to 1.3ha for 40 dwellings/ 1.6ha for 50 dwellings.

As for changes to housing number thresholds this is considered to represent a dangerous precedent, which would greatly impede the ability of local authorities to negotiate affordable housing contributions.

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

[Yes / No]

The proposal to substantially change the proposed thresholds for affordable housing is considered to set a dangerous precedent. There is no reasonable way to forecast whether an 18 month period would represent a reasonable temporary amendment, or whether the vastly increased thresholds would remain in place for the medium/ longer term.

21. Do you agree with the proposed approach to minimising threshold effects?

[Yes / No]

The management of housing delivery through the development management system is a long established process for local authorities; i.e. to ensure sustainable development and deliver development in a coordinated manner. That said; any mechanism that gives further protection to local planning authorities in resisting loopholes which allow developers to avoid development contributions is welcomed.
Affordable housing in rural areas

22. Do you agree with the Government’s proposed approach to setting thresholds in rural areas?

[Yes / No]

Retention of the current rural areas thresholds is supported.

Supporting SMEs

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

[Yes / No]

Government support to SME housebuilders may be most effectively provided by way of appropriate mechanisms through the tax system – e.g. Business Rates exemptions, targeted tax relief etc – rather than through further changes to the planning system.

Extending Permission in Principle to cover major development

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

[Yes / No]

Permission in principle, as it currently functions, provides a mechanism by which small/ minor sites may be granted a basic consent, without the costs associated with submitting a full planning permission. There is not considered to be any justification for extending this to major developments, given the likely range of development management issues that will almost certainly need to be resolved in order to deliver “sustainable development”; i.e. a scheme that is acceptable in planning terms. Such a move would also significantly reduce the ability of democratically elected planning committees to determine planning applications that could have major impacts on localities.

25. 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.

[Yes / No]
It is not considered that changes to permission in principle are appropriate to extend this type of consent above the threshold for small/ minor applications (i.e. 10 dwellings/ 1000m\(^2\) non-residential floorspace). Therefore, it is reiterated that permission in principle should continue to be restricted to minor developments only.

26. 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?

[Yes / No]

*The permission in principle (PIP) validation requirements are generally appropriate, as these specify the information that is required to support a PIP application.*

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

[Yes / No]

*On the basis that it is not considered that changes to PIP are appropriate to extend this type of consent above the threshold for small/ minor applications (i.e. 10 dwellings/ 1000m\(^2\) non-residential floorspace), then in practice there would be no need to set a height threshold/ restriction for PIP. However, if PIP is to be extended to include major proposals, then a 2-2 ½ storey threshold is considered to be an appropriate height threshold.*

28. 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; (iii) both; (iv) disagree If you disagree, please state your reasons.]

*On the basis that it is not considered that changes to PIP are appropriate to extend this type of consent above the threshold for small/ minor applications (i.e. 10 dwellings/ 1000m\(^2\) non-residential floorspace), then in practice there would be no need to set minimum publicity requirements for PIP. However, if PIP is to be extended to include major proposals, then a requirement to publicise the application in accordance with legal standards, together with those set out in the adopted Statement of Community Involvement.*

Revised fee structure to incentive Permission in Principle by application

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

[Yes / No]

30. What level of flat fee do you consider appropriate, and why?
Fees for PIP should reflect both the amount of work required to process an application and be set at a comparable level to the fee requirements for planning applications.

Brownfield Land Registers and Permission in Principle
31. 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 / No]

Approval of PIP effectively equates to inclusion of land in Part 2 of the Brownfield Land Register, in any event.

Additional guidance to support implementation
32. 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.

Publication of “best practice” templates, or guides to preparing a PIP application.

Regulatory Impact Assessment
33. What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

On the basis that it is not considered that changes to PIP are appropriate to extend this type of consent above the threshold for small/minor applications (i.e. 10 dwellings/1000m² non-residential floorspace), then accordingly there would be changes to the regulatory impact. Due to the limited scope of PIP, in practice it is difficult to see how the proposed changes could speed up delivery, as these would subsequently still require what effectively equates to a full planning permission in order for a site to come forward.

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

It is emphasised that moves to expand the PIP regime should be treated with caution. It is likely to provide a “fast track” route for speculative developers seeking to “test the water” without taking the necessary time to assemble the necessary evidence base to justify proposals. Currently the pre-application system provides an effective mechanism for promoters and the local planning authority to work together properly in order to bring forward workable proposals.

Public Sector Equality Duty
35. 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?

[Yes / No]

These proposals are likely to have implications for all groups; but no specific impacts relating to those who share protected characteristics under the Public Sector Equality Duty, and other groups.

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<tr>
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<td>Approved by SMT</td>
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