

## Changes to the current planning system consultation

### Consultation document

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### Closing date: 1st October 2020

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?

No because this will cause more development in the South-East and less in the other parts of England. Also this approach in the first alternative above assumes that in every area the amount of new housing required will be the same percentage extra. That is a clear false assumption. The only proper approach is to consider all the relevant local factors and estimate the need for housing.

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.

No because the existing stock does not necessarily indicate the need for housing. A uniform arithmetic approach will inevitably give the wrong figure more often than the right figure.

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.

No because the standard method is wholly unsuitable.

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.

No because it will be a very poor indicator of housing need and sites available. It is only one of a number of factors that would need to be considered in this complex task.

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

No because it rules out other very important factors.

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:

This is a very strangely worded question. The real question is the question is before the phase 'with the exception of' but it is not part of the consultation exercise. I have answered it in Q6 and Q7.

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?

No. Many local authorities are so underfunded that they are unable to perform their functions properly. This uniform period assumes that all local authorities have the same workload per member of staff and the same resources. Six months might be something to aim for but there would need to be some flexibility.

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?

No. Many local authorities are so underfunded that they are unable to perform their functions properly. This uniform period assumes that all local authorities have the same workload per member of staff and the same resources. Six months might be something to aim for but there would need to be some flexibility.

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.

The important question is the 25% limit, but the consultation exercise poses a question only for the remaining 75% which is not so important. The whole proposal about affordable homes is deeply flawed and will delivered extra profits for the developer and less affordable homes.

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.  
No. The best way is to stick with the current arrangements which in many areas requires 40% of homes to be affordable homes.
- ii) Negotiation between a local authority and developer.  
No. The best way is to stick with the current arrangements which in many areas requires 40% of homes to be affordable homes.
- iii) Other (please specify)  
No. The important question is the 25% limit, but the consultation exercise poses a non-neutral question only

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?

No. The best way is to stick with the current arrangements which in many areas requires 40% of homes to be affordable homes.

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

No. The best way is to stick with the current arrangements which in many areas requires 40% of homes to be affordable homes.

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

No. The best way is to stick with the current arrangements which in many areas requires 40% of homes to be affordable homes.

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

No There should be no transitional arrangements as the new arrangements are flawed.

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

No There should be no transitional arrangements as the new arrangements are flawed.

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?

No. There should be housing only for those who satisfy the criteria. The system should be properly funded.

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

No, because a second purchase individual may be elderly and vulnerable and his or her need may be greater than a first-time buyer. Each applicant should have their application based on its merits not artificial restrictions.

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

No. This is not a neutral question as some parts of the scheme are flawed and other parts are to be welcome. The policy is desperately needed in rural areas.

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

The threshold in question is the number of units which trigger the affordable homes provision. To raise the limits from 6 which is what it is in many areas to 40 or 50 units will be to destroy the principle of affordable homes, especially if developers, when building on a large site could choose to build it in stages of below the limit so earring themselves extra millions of pounds and avoiding all affordable home liabilities.

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

- i) Up to 40 homes  
No
- ii) Up to 50 homes  
No
- iii) Other (please specify)  
3 units

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

No, because it will reduce the number of affordable homes significantly just increase profits for developers.

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

No, because it will make the provisions more complicated and raising the threshold will reduce the number of affordable homes and just increase profits for the developers.

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

No. A simple formulae is required and this provision will reduce the number of affordable homes and increase profits for developers.

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

The proposal is to maintain the affordable homes threshold in designated rural areas. Assuming designated means designated as rural and not designated on some other criteria, the answer is Yes.

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

Properly funded local authorities working with the current planning system without the upheaval of the current system being replaced by a new unclear planning system.

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

Yes, but there should be more rules to ensure the community is properly informed about what is proposed.

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

No. Planning in principle applications should be applicable without restriction. After a three-year period the system should be analysed to see if it is working well.

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?

No. The material that needs to be served needs to increase. It should include sufficient details about proposal for the local authority to make an informed decision.

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

There should be no restriction on developers asking about issues about the height of buildings. Local authorities are not required to provide a full answer. They are only required to give advice so there should be no problems.

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?  
No, because no one reads local paper planning advertisements any more.
- ii) subject to a general requirement to publicise the application or  
Yes
- iii) both?  
No
- iv) disagree If you disagree, please state your reasons.

The local authority should inform the statutory consultees and those who have requested planning alerts for their parish/area. The pink notice must be retained for all application because many vulnerable people who have poor or no digital skills should not be excluded from the planning process.

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

No. The fee structure based on hectares is unfair. It penalises application from rural areas and gives an advantage to complex city developers. It would be absurd that an elderly farmer wanting to make a simple application should pay more than a developer wanting to build a £1b development. The fee should be based on the likely value of the proposed development in four bands.

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

Enough to pay for the time a local authority may need to spend on it. The fees should range perhaps from £300 in the lowest band to £5,000 in the top band. The fees for planning applications would need to be revised upwards too. Applications have become so much more complicated in recent years.

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.

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.

Rigid rules should be avoided. Local authorities should make individual decisions tailored for the issues in each application.

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

Flexibility, speed and provision of useful information. The only drawback that could arise is if the regulations were drafted badly.

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

The best approach is wait and see. Planning in principle applications continue to rise each year and the trend will only be widened if the restrictions are relaxed. I would expect a substantial growth in these applications.

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 reduction of affordable homes and social housing will inevitably impact on equality of opportunity and those who should be protected by the Public Sector Equality Duty provisions.