



Government Changes to the current 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?

No. There is absolutely nothing in the standard method proposed that will support the achievement of the Government's commitment (White Paper para 6.6) to support "*inclusive and mixed communities*". More must be done to ensure such inclusiveness is genuinely achieved and to address the actual housing crisis.

If the Government is honest about its "levelling up" agenda, it will recognise that the mandated targets for market housing should be given to developers in relation to permissions already given (penalties should be imposed for approved schemes that are not developed, where no appropriate justification is given).

Whilst it is admirable that this "*Government is committed to supporting people to make the dream of home ownership a reality*", many of our most vulnerable citizens will **NEVER** be able to buy a home, even an 'affordable' one. People are in crisis when they do not have a home to live in, this is typically not the case for citizens who can afford to buy a home (who may have challenges but are not actually in a disastrous predicament). The crisis is in the lack of social housing to meet the needs of the most vulnerable in our society.

The ambition to deliver 300,000 dwellings per annum should be reviewed to determine its appropriateness and updated to require (for the next 5 years as a minimum) that at least **60%** of those homes to be **social housing** (to create "*inclusive and mixed communities*"), supported by a new mandated formula to calculate social housing need for each Local Authority area.

Developers will continue to propose schemes of 3, 4 and 5 bedroomed luxury homes without any targets being necessary. Making some of those homes affordable will not lift our most vulnerable citizens out of their current crisis. Any national targets need to be focused on ensuring that every citizen has a safe, affordable home to live in and that "*all areas of the country are encouraged to build the homes their communities need*".

The Government's duty is to ensure any targets they set address the actual housing crisis and this means significantly increasing the number of social homes built each year. The Local Authority then has a duty to ensure schemes are delivered that truly create "*inclusive and mixed communities*" (with appropriate levels of Government support, SMEs would also be able to support such developments as it is clear Registered Housing providers would be unable to deliver this alone). This approach would result in "*a more appropriate distribution of homes*" and will target "*areas where they are least affordable*".

Planning Practice Guidelines should be amended to specify that the standard method will focus on the number of social homes available in each Local Authority area and the number needed to meet waiting list requirements. The most recent demographic information will indeed be very useful to support such a calculation, in addition to the existing social housing stock, current waiting list data, the number of homeless people and anticipated care leavers.



Other targets may be needed for London, but outside of London there is no crisis in market housing. The rest of the country should not have targets based on the specific problems of the capital city.

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. Please see response to question 1.

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. Please see response to question 1.

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. Please see response to question 1. A 10 year forecast of need would be beneficial and will help to create real plans rather than reacting to developer schemes.

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

No. Please see response to question 1. The continued focus on targets for homes people can afford to buy will not address the housing crisis.

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?

Yes, once a revised standard method is finally agreed (and hopefully this will be based on actual housing need as per our response to question 1)

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?

Yes, once a revised standard method is finally agreed (and hopefully this will be based on actual housing need as per our response to question 1)

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)

Other, Specific and non-negotiable targets for developers



Without more power, Local Authorities cannot demand that developers build any 'affordable' homes in their policies, there always seem to be viability reasons why they cannot be incorporated. What additional powers are you proposing that do not result in yet more money being handed to developers?

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?

Not sure Who is the beneficiary? Exemptions should be the exception rather than the rule, there should be very limited opportunities for exemptions to delivery of affordable homes.

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

See response to question 9.

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

Not sure. See response to question 9.

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

Yes

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

Yes

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?

Not sure. Who is the beneficiary of this approach? Who will be funding the viability of these sites? Is a First Homes exception site expected to be small (say 20 houses or less)? In principle, I agree with this approach but I think there must be clarity about who funds and who benefits!

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

No. I believe the threshold could be increased slightly but who would be the beneficiary of this approach? If the threshold is totally removed what are the implications? The document does not show any analysis of the options here.

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

Not sure. Agree in principle but once again, there is insufficient analysis of the options here.

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

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period? (see question 18 for comments on level of threshold)

In principle, yes.

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

- i) Up to 40 homes
- ii) Up to 50 homes



iii) Other (please specify)

Other, 25-30 homes. There should be a clear definition of what is a genuine SME – which is supposed to be the type of organisation benefiting from this approach. It should not be an organisation which is part of a bigger group. With that in mind, what is a realistic level? My suggestion is 25-30 homes.

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

No. Whilst I agree in principle, there should be an exception for proposed builds on green belt. Here the threshold should be lowered to discourage development.

Density needs to be taken into consideration, so perhaps a local decision, based on national guidance, location of the site and other considerations with the scheme.

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

Yes, in principle.

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

Yes, in principle, however Local Authorities need real teeth to demand developers do not shirk their responsibilities.

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

Yes

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

Yes, the Government is committed to "*inclusive and mixed communities*" and there are many small brownfield sites which could be used to develop schemes for social housing. The Government could ask Local Authorities to work with their communities to identify such sites and bid for funding to support local SMEs to increase the number of social homes in their area.

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

No absolutely not. Local communities should be fully involved in any major developments in their areas. Developers are the supplier of a product (albeit potentially organisations with funding to invest in the areas they are interested in), they should be responding to local needs, not determining them!

What evidence is there that that making it "*easier for landowners and developers to have certainty*" will result in the delivery of high quality homes when developers have not taken forward approved schemes for over £1m homes and feedback on initial PDR schemes reveals windowless rooms and flats the size of car parking spaces? The Government should be putting penalties in place for such developers rather than punishing communities for the lack of development!

A "*14-day period for consultation with the public and statutory consultees*" is totally insufficient, especially for a major development. A minimum 12 week consultation period should be applied, in accordance with Government guidelines on complex issues.



It must be remembered that such major developments will have a significant impact on the lives, the health and the well-being of local people, who may be working full time, be on holiday or be ill at the onset of the consultation. Residents will be responding in their own time and may have to pick it up and put it down between other responsibilities and commitments they have. This approach will reduce our opportunity for consultation on major developments in our areas and remove democratic processes within the planning ecosystem.

An alternative approach would be for Local Authorities to work with their communities to identify brownfield sites and, where larger sites are identified developers should be invited to submit proposals which are reviewed by the community and their democratic representatives (for smaller sites, see our response to question 23).

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.

There should be no Permission in Principle for major development. See response to question 24. Decisions about the amount of commercial development should be for Local Authorities to make in discussion with local communities.

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?

There should be no Permission in Principle for major development. See response to question 24. Decisions about the information requirements should be for Local Authorities to make in discussion with local communities.

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

There should be no Permission in Principle for major development. See response to question 24. Decisions about the height parameters should be for Local Authorities to make in discussion with local communities.

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.

There should be no Permission in Principle for major development. Publication of such schemes should be made widely to local communities (including leafleting of specific households that will be impacted). Such communities should be extensively involved and consulted about the plans for their local area.

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. Has this been piloted anywhere? The Permission in Principle approach could lead to much more administration for Local Authorities. The banded fee structure should not be introduced without testing.

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

See response to question 29, I believe a number of pilot sites should be identified to test the whole process.



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 and Local Authorities should be encouraged to work with local communities to keep their brownfield registers up to date.

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.

Why are you only considering guidance for applicants and local planning authorities? Communities need guidance too. They should be considered to be the **MOST IMPORTANT** stakeholder in the overall planning ecosystem (despite the Government's confirmation in the White Paper that the "*beneficiaries of planning gain*" are landowners and developers). The outcome of planning decisions impacts communities not applicants or LPAs!

A short simple guidance note would be helpful for each stakeholder group.

Clear graphics (not wordy documents) showing the process would be helpful for everyone (especially if they are animated and included in short videos). This has proved to be a useful way of sharing information in short snippets that people can take on board and go back to over and over again if they need to.

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

These changes will definitely add significant burdens onto charities, voluntary bodies and communities. You are proposing that major developments will be given a 14 day consultation period. This is wholly inappropriate for the reasons given in our response to question 24 (and does not comply with the Government's guideline on consultations). A minimum consultation period for major schemes should be 12 weeks.

Who do you believe will benefit from this scheme? Local communities – **NO** because they will have limited involvement in the plans for their area. Local Authorities – **NO** because they will have reduced abilities to determine the schemes for their boroughs. Developers – oh **YES** – yet more power and less cost to developers when they have not developed 1m homes that have already been given planning permission. Why is there so much carrot for developers and no stick???

A rethink and a rewrite is necessary.

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

I am sure they will extensively use it if it proves to be less costly for them!

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?

Given that the current proposals do not address the needs of the most vulnerable in our society, there is a possibility that they could be considered to promote decision-making that will discriminate against those people who are unable to buy their own home. There is nothing in any aspect of the proposals to encourage the development of social housing and homes for the vulnerable, nor to encourage the participation of people from protected groups in the process.



The Government's 300,000 homes ambition is totally focused on houses people can buy. The First Homes initiative, whilst laudable, will do nothing for those people who will **NEVER** be able to buy their home (however 'affordable' it may be). The Permitted Development Rights Initiative has already been discredited, as developers have constructed homes without windows and flats the size of car parking spaces, yet the Government is proposing to expand the scheme.

The most vulnerable in our society, including those who share protected characteristics, do not benefit from any of the proposals in this document and are also impacted by their lack of voice in the overall planning ecosystem (which these proposals aim to reduce further, despite the Government's own guidance on consultation, which should be fair, equitable and subject to the Gunning/Sedley principles).

In addition, the Government has not sought the involvement of communities, including residents who share protected characteristics, in the development of these proposals (Citizens Assemblies, surveys, etc), yet paragraph 15 confirms that it has taken input from organisations such as Savills and Lichfields. This has resulted in an extremely biased set of proposals.