

**Changes to the current planning system: Consultation on changes to planning policy and regulations**

**Horsham District Council response – 1<sup>st</sup> October 2020**

**Introduction**

1. Horsham District Council (hereafter HDC or the Council) agrees that the planning system does not always deliver good outcomes for residents (or the development industry), and that changes to the system are required to help deliver good places to live, work and visit and balancing the competing voices and land uses that are involved in the planning system.
2. This Council considers that too much focus is being made on meeting ever-increasing computer generated housing targets. **We fundamentally object to the proposed methodology to calculate housing numbers.** This is not because we do not consider that homes are not needed, and indeed can demonstrate a track record of local housing delivery. Horsham has continually delivered high levels of development.
3. We are a proactive and pro-development Council. However our **independently produced evidence base demonstrates that the market simply cannot accommodate 1715 dwellings per year.** The perverse result of this will mean that the government would not succeed in meeting the proposed 300,000 homes a year. The expectation if the house building target is not met is that the local council should then grant even more planning permissions does not address the reasons for the lack of delivery in the first place and the additional housing will also remain undelivered.
4. Whilst solutions are required to ensure that homes are built in places where they are needed, we do not consider that many of the proposed short-term measures featured in this consultation will solve this problem, and will instead exacerbate existing issues. It will require authorities, such as ourselves, to deliver housing in numbers that far outstrip our capacity in both available land and the ability of the market to accommodate growth to do so, while simultaneously decreasing the amount of affordable housing delivery that would meet the local needs of our residents. The proposals included in the consultation do not help overcome systemic issues such as those relating to infrastructure, and the north-south divide in relation to wealth and inequality or the fact that **Local Authorities have no direct control over build out rates.** Indeed, as a District we have granted planning permission for some 9,000 homes which have not yet come forward. It is essential that more attention be given to resolve land banking.
5. Although we recognise that the Government is seeking to address some of these more systemic issues through the White Paper, to which we will be providing a separate response, Horsham District Council has helped to deliver a significant amount of housing over the last decade, and we have helped to meet the otherwise unmet housing needs of Crawley Borough Council. Even though our Local Plans (both adopted and in production) have proven to be very contentious, we believe we have sustainably balanced competing priorities, and are continuing to do so. However, it cannot be correct that we are asked, continually, to plan for exponential rises to housing targets which are needed to meet the under delivery of housing outside our district.

6. We consulted our community about the proposals in this consultation document and received around 1,200 comments in response. The vast majority of those who responded agreed with us that a standard methodology figure of 1,715 would be unacceptably high and unattainable. Residents were passionate about the harm development at that scale would do. Even though our Local Plan is advanced in preparation and will likely fall within the transitional arrangements, we cannot support a metric which would appear to penalise already successful areas, and seemingly limit the aspirations of places in need of growth and investment – such as Councils in the Northern Powerhouse.
7. The remainder of this response sets out our detailed views on the questions posed in the consultation document.

***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.***

8. The Council does not have strong views on the above two questions given that it is very unlikely that in Horsham District the result of the standard methodology would ever fall under 0.5% of the existing housing stock. It would seem sensible to include a measure, such as that proposed, to ensure that all Councils take their fair share of housing. We would not be opposed to seeing the minimum level be higher.
9. On a related note to the above, there should also be factors within the calculation to enable the Government's commitment to 'levelling up' of the country to be given weight. In this regard we would encourage the consideration of an additional multiplier or other arrangement to allow other Councils actively seeking growth, investment and regeneration, such as those in the Northern Powerhouse, in order to see this properly reflected in housing targets.

***Q3: Do you agree that using the workplace-based median house 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?***

10. **Disagree. The Council does not think that affordability is an appropriate measure to form the basis of the standard method.** It makes little sense to continue to encourage increasing levels of development in areas that have seen historic levels of growth and successful housing delivery but have seen no downward impact on house prices (such as in Horsham District) while areas in need of investment and growth (such as the Northern Powerhouse) see their standard method drop below recent rates of delivery. We discuss this more in response to questions 4 and 5.

11. Evidence in Horsham District shows that the income of residents who live and work in the District remains lower than those who move into the district and commute outside the District (eg to London) for work. This has the effect of pricing local people out of the market and does not reduce affordability.

### **Alternative proposal**

12. Despite the above, if affordability is to be included in the metric then we do agree that consideration of median earnings should be one of a number of affordability factors that is considered. For example this should include the income of the over 65s – this is an increasing demographic within the Horsham District who still actively participate in the housing market.
13. Within Horsham District, a large percentage of the population is not of working age – some 20 to 25% are aged 65 or more. Our Strategic Housing Market Assessment (SHMA) demonstrates that this sector of the population will increase in the future. Whilst not of working age, this section of the population still have an income and still actively participate in the housing market. It is therefore considered the median income of this group should also be considered.

***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?***

14. As already explained, **the Council does not agree** that affordability is a sensible metric for deciding where homes should be delivered. Affordability is not a simple balancing act between demand and supply. If it were, then affordability would have already increased in Horsham District due to the high level of housing delivery seen over the past decade. Indeed, as is evidenced in our responses to questions 17-21, we have had historic levels of housing delivery and have the highest delivery rate (both in real and percentage terms) in the surrounding area. We have also had substantial affordable housing delivery, which is not covered in the standard method, but has enabled those from lower incomes to access the housing market in Horsham.
15. As we have experienced in Horsham District, house prices and affordability are not a straightforward supply and demand argument. When viewed on a national or regional scale, supply and demand could be viewed as having impact on affordability, but this does not work on a smaller district level scale. This is because other factors such as such as successful communities, high quality rural and urban environments, proximity and ease of access to employment centres (Crawley, Gatwick Airport, Brighton and London), good local schools, etc. are all factors that are more related to house prices. In addition, the wider under-delivery of housing in the south east as a whole places pressure on the districts and boroughs that do provide housing, as those with the greatest financial means across a wide geographical area can out compete the more local market.

16. **The Council objects to the proposed standard methodology** as it will not be effective in delivering the homes which are required, in a sustainable way that meets the needs of our residents. As part of our work on the emerging Local Plan, the council has commissioned the consultants IcenI to determine the maximum level of housing demand that the housing market can accommodate each year. This independent study has considered a range of complex factors including ensuring that new homes which are built include a range of types and tenures. However it concludes that the maximum number of homes that the market will sustain each year is around 1,250 homes. This is some way short of the standard methodology. We are therefore concerned that the target would not result in the Government being able to meet the target of 300,000 homes a year. We would be happy to discuss the outcome of this study with you in more detail.
17. The targets placed upon the Council do not take account of other issues such as Duty to Co-operate, sustainability, or infrastructure delivery or site supply issues - if the Council is asked to exponentially increase housing delivery there is a real risk that what makes Horsham District special; the rural character, and access to green space, with good quality education in a historic environment, will be undermined by levels of development that is far greater than we can sustainably provide.
18. If affordability is to form part of this transitional standard method, then the Council's view is that it should not feature twice. This gives far too much weight to this factor. The additional metric proposed amounts to double counting where the latest local affordability ratio forms two of the inputs into the calculation, and is too blunt a tool to look at undersupply outside the District boundary which is impacting on house prices within.

### **Alternative proposal**

19. If there is a desire to increase housing targets so that they amount nationally to 300,000+ per year, then it would be better to add a multiplier in relation to areas where there is a focus for increasing growth and investment, and/or to consider whether there is potential to increase supply in districts which have historically not delivered housing. As set out above, the income of all age groups should also be taken into account rather than just those of working age.
20. It is considered these factors will refocus delivery where there will be greatest need and demand. We also think that affordable housing delivery should be a factor given in the metric to ensure that local houses can be delivered for those who need them rather than being priced out of the market by incomers.

***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?**

21. **HDC agrees that there needs to be provisions in place for Councils who are advanced in preparing Local Plans** so that they do not to see a substantial change in their housing figure, which would necessitate a restart to their plan-preparation process. HDC are in this position and we expect to publish our Regulation 19 Local Plan for public comment in short order. However, without a clear steer from the government on the expected timescale for any transitional arrangements to come into force, it is extremely difficult to know whether this will be the case or not and therefore make decisions accordingly.
22. **Notwithstanding the above, we do think a longer time period is necessary for the transition periods to take effect, for the following reasons:**
- a. A number of a statutory partners (such as Horsham and Mid Sussex CCG, Natural England, etc.) have had difficulty during the pandemic in responding in a timely manner to important queries and issues relating to the development of our Local Plan. It is seen likely that the ability of such organisations to respond efficiently to our requests, in the short-medium term will persist.
  - b. The other measures in this consultation document will need to be integrated into our Local Plan when they are finalised. This is as the time period for these other measures (such as that which relate to the First Homes policy) is only 6 months and HDC may not have submitted our Local Plan for examination by that point.
  - c. We know that we will receive thousands of comments on our Regulation 19 publication document. This is as during our Regulation 18 Local Plan consultation, we received over 6,000 comments. The sheer amount of material that HDC will have to consider and summarise before submission for examination will be substantial.
  - d. In addition to these more practical considerations, it should be noted that the process of preparing a local plan is a costly and is funded through the Council finance which includes Council tax receipts. Requiring local authorities to change tack at a late point in the plan preparation process will require an update to the evidence base studies with further significant spend of tax payer money, which is an inefficient use of their money.
  - e. The short term nature of the transitional arrangements may also mean that some authorities may choose to delay plan making until the white paper provisions are better understood, which would have the unintended consequence of slowing down plan making and therefore housing delivery.

## **Alternative proposal**

23. Transitional arrangements should be extended to give Local Authorities potentially up to six months to reach Regulation 19 submission so that a Council in our position would not be punished for being at an advanced stage of plan production at the time this significant change is made.
24. Clarity on the transitional arrangements is required. Whilst it is clear that authorities which meet the transitional arrangements continue with their existing standard methodology number for the purposes of plan preparation, it is not apparent as to what the Council's target would be for the purposes of 5 year land supply calculations in the period before a plan is made. As currently drafted the consultation reads that for Horsham District we would have to use 1,715 homes for the five year supply, and 920 homes for plan preparation. This makes little sense, would be extremely confusing for the public so would hamper community buy-in to the process. It would also leave the authority with unreasonable, untested housing requirements in the period between publication of its Reg 19 plan and the receipt of the Examiners Report, at which point the (lower) figure would be confirmed. This needs to be changed so that any Authority falling under the transition arrangements in the White Paper also has transitional arrangements in terms of its housing requirements.
25. It therefore needs to be made clear that the exemption from not having to use the revised standard method for plan-making, also applies to the Housing Delivery Test and Housing Supply Tests until the submitted Local Plan is adopted, fails examination or is withdrawn. It would add confusion to all, if the same exemption was not applied to both sides of the planning system.
26. As an aside, it is noted that the document refers to Regulation 19 stage referred to as a 'second-stage consultation'. It should be recognised that the publication of the document under Regulation 19 is done when the council considers there is a sound plan. The representations submitted go to an independent examiner, rather than being directly acted on by the Local authority. It is considered that this nuance should be corrected in any guidance which is published to correctly refer to the legal requirements and the role of the local authority at this stage. This is important to ensure that these distinctions are made clear to enable the public to understand what happens at each stage in the planning process.

**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)***

27. **The Council does not agree that rules of the types of affordable housing that development should supply should be centrally imposed.** Different Councils and housing markets have different needs that the planning system, through Local Plans, should seek to address.

28. Take for example HDC. We have an up-to-date Strategic Housing Market Update (SHMA), undertaken jointly with Crawley Borough Council with whom we share a housing market. The findings of the SHMA have informed our respective local plan policies on affordable housing and meeting local housing needs in our draft Local Plans. Noticeably, as the needs in our two Councils for the type of affordable housing products differ, our policies differ and are local and specific to our districts. It would make little sense to have a particular target for First Homes that is the same across the country where the needs across neighbouring Councils differ. The whole point in producing Local Plans is to ensure that local issues are addressed based on detailed knowledge of our Boroughs and Districts. It also ensures that the precise needs of our local communities can be met.

29. Further, a flat 25% target is unhelpful when local policies can be more detailed and locally specific. Does the 25% apply in relation to size of properties, for instance? If not, most developers will then be likely to make the larger affordable homes available as 'First Homes' when in Horsham District we know that 65% of the need for affordable homeownership is for 1 and 2 bed properties.

30. As explained above, HDC therefore believes that the whole provision needs to be rethought. If it is to be pursued then we think that i) is the only sensible answer given that all applications should accord with the provisions set out in a Local Plan.

***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.***

31. It is sensible to retain the exemption on a national basis from the delivery of affordable home ownership products. Should there be a localised need for affordable home ownership for specific types of accommodation, Local Plans should be where this is set out.

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

32. **We partly agree** but think that the transitional arrangements should persist longer, matching the transitional time periods set out in relation to the standard method and ensuring that advanced Local Plans that will shortly be submitted need not take into account the proposed provision. As we have stated in response to questions 6 and 7 of this paper, we do believe that transitional periods should be extended to reflect the current realities of preparing Local Plans.

**Matters to be addressed:**

33. MHCLG will also need to make clear whether when soon to be submitted Local Plans are adopted, their policies in relationship to affordable housing take precedence over the NPPF. HDC is of the view that this should be the case but it is not clear from the material presented whether this is the Government's intention. This needs to be addressed when the proposal is finalised.

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

34. HDC is glad that flexibility in relation to discounts is identified as something that the Council could seek to introduce if there is evidence to do so. We think that the potential discount should be unlimited, rather than capped at the arbitrary 50% figure provided - if evidence suggests that it is viable to do so and would help to address specific local needs.

***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?***

35. We have concerns with the provisions proposed, and in addition it is considered that there should have been an opportunity to comment on the idea that exception sites will feature mostly First Homes units. The purpose of exception sites is that they should only be justified if there is a specific and local need for affordable housing that cannot be met on other more suitable land. Evidence that the Council has collected as part of our Strategic Housing Market assessment (SHMA) shows that needs differ across the district and the housing market area as a whole. As such, exception sites should not be subject to an arbitrary national First Homes target for such sites and instead tenures should be related to the particular housing needs that exist in an area.



36. Horsham District Council is of the view that the starting point for the provision of housing on exception sites is the expectation that market housing would not normally be delivered. This is because such homes can be provided elsewhere as part of the Local Plan allocations, Neighbourhood Plan or redevelopments. It is however recognised that in some instances it may be necessary for a very small amount of market housing to cross subsidise the affordable housing, as land values are already relatively high.
37. It is therefore considered that a small proportion of market homes may be acceptable, but would have to be very carefully defined, with justification as to why it is needed on a site set out, and with a maximum percentage of market homes allowed on a site identified (potentially 10 to 20%).

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

38. **No.** We do not understand why, when the underlying message from MHCLG is to create clarity and simplicity, it would deliberately decide to make the policy less clear.

**Alternative proposal**

39. We think that it is important to highlight that exception sites should be small in relation to the existing settlement and think that the approach stipulated in footnote 33 of the current NPPF is sufficiently clear and should be retained.

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

40. **We agree with the proposal but do also request that designated rural areas are reviewed.** Horsham District, which is recognised as being a predominantly rural district does not benefit from such a designation while some of HDC's neighbouring authorities such as Chichester District Council do. It is not clear why this discrepancy has arisen. However it has prevented small scale affordable housing coming forward in Horsham District to meet the needs of our residents. Similar places should be treated in the same way in relation to exception sites.

***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? i) Up to 40 homes ii) Up to 50 homes iii) 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?***

41. **We fundamentally disagree with the proposal to raise the affordable housing threshold and feel that the approach will have negative consequences for our residents.**

42. In the weeks prior to lockdown, as part of the consultation on our Regulation 18 Local Plan, we held 6 consultation events in the community. Around 1,200 interested residents attended. Aside from discussions about potential allocation of strategic sites, one of the most often discussed issues revolved about the lack of affordable housing delivery. This is particularly so with young families who view the prospect of their children being able to remaining living locally in their settlement/Horsham District when they grow up as slim given the lack of affordable housing. Given this context, it is surprising that the Government seeks its reduction, as it will prevent the long term sustainability of all our communities.
43. Since 2013/14 the Council has been shown to be very proactive in ensuring homes get built –with annual average delivery of 1,028 homes over this period against a housing target of 800. Because of this positive approach, over the same time period we have averaged the delivery of 234 affordable homes per year. While final tallies for the 2019/20 year is still to be calculated, we will again be comfortably over our plan’s targets. Whilst the approach has slowed the growth rate of the Council’s register, we still have 739 eligible households on it.

### **Alternative proposal**

44. We do not believe that there is a further need to stimulate a successful and high delivering housing market and instead believe that the Government should seek to increase affordable housing delivery rather than make it more difficult for Councils to insist on its delivery. Your own figures suggest that the proposal would have a significant impact on affordable housing delivery. We therefore feel that the current threshold of 10 homes being the most suitable figure albeit that we remain of the belief that as a rural area with a high affordability ratio, we should be able to set the same targets as those designated rural areas.
45. If this proposal was to come in, then it needs to be set out very clearly who is to be considered a small or medium builder. Perhaps such organisations would need to apply to be on a national list or show evidence that they qualify as an SME to the Local Planning Authority. Clearly companies such as Taylor Wimpey, Persimmon, Berkeley Homes (or their subsidiary companies), etc. are not SMEs and should not benefit from further reductions in affordable housing requirements. In addition to house builders, a number of planning applications are submitted to this Council by land promoters (such as Gladman) who sell on their sites should they gain planning permission. These companies are not SME’s or indeed housebuilders, therefore appropriate affordable housing on these sites would need to be secured in the first instance before sites are sold onto housebuilders. However, as the proposal reads in the consultation paper, it would appear that they would also qualify for the loosening of this requirement. We are concerned that this reduces the role of planning away from meeting the needs of our local communities and residents.

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

46. As stated in our response to question 16, while we agree with the approach, **we believe that designated rural areas should be reviewed** as we are a largely rural area that does not benefit from such a designation.

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

47. It is considered that the increased housing numbers are more likely to lead to large areas of land being allocated for development – e.g. urban extensions or new settlements. These types of proposal are already being actively considered by Horsham District Council as part of our current Local Plan review. These sites are being promoted by the 'big players' and are more likely to be able to build at speed as they have economies of scale. Our view is that the increased housing targets could in fact price out SMEs or even remove their market entirely.

**Alternative proposal**

48. Mechanisms will need to be put in place to ensure such businesses are protected.

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

49. Whilst the existing Permission in Principle (PiP) process has not been used within Horsham District to a great extent, **the Council has concerns** about the proposal to include major developments within this route to permission. As the proposal is presented in the consultation paper, it seems that little information would be required to be submitted by a developer, which for larger developments would make a balanced consideration of acceptability almost impossible and there would be too many unknowns. The route offers no certainty for developers (they don't know what to submit) or Local Authorities (they don't know how to assess), and we are of the view that for this reason, take-up may be low anyway. The inclusion of larger developments may be acceptable if there was more guidance on how these schemes are to be assessed.
50. More generally, the Council questions why extending PiP for larger developments would have any benefit to a developer, beyond an application for Outline consent. Perhaps less information would be required to be submitted upfront, but this would make it impossible for Local Authorities to properly assess the acceptability of the proposal, thereby undermining the LPAs position as a decision maker.
51. According to the PPG, PiP's can only be applied for on land not defined as previously developed land (i.e. countryside, greenfield sites). As such, in most cases the Council will refuse PiP applications due to conflict with the adopted countryside protections policies. It is unclear whether a developer can raise a 5 year supply argument in these cases, which may become a new 'back-door' to uncontrolled development in the countryside. If this is the case, a developer is

more likely to challenge 5 year supply through a PiP as it would be cheaper, thereby putting increased time and resource pressure on LPAs and PINS.

52. An approval of PiP for major development may raise expectations from a landowner or a developer about how many units could be built on the land, where in reality, once the detailed design work has been submitted (for 'Stage 2') the number of units that would be suitable on the site may (in the Council's view) be considerably less than the range stated at Stage 1. There is a risk here that the Council may be tied to allow at least the minimum number of dwellings applied for at Stage 1, even if the site is unsuitable for that number. The Council would be assessing a number of units based on no indicative plans demonstrating the appropriateness of that number, taking site constraints into account. This undermines the balance of the planning system.

***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.***

53. The Council has no strong view on this, providing the proposal is residential led, and the commercial element is appropriate within a residential context. A clear definition of what is (or is not) allowed as 'commercial' development in PiP applications should be provided. As per paragraph 98 of the consultation, the Council agrees that uses including retail, offices or community spaces would be acceptable.

***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.***

54. Information requirements for PiP applications for anything more than 10 units should be enhanced to enable the Local Authority to properly assess the acceptability of the proposal. The Council suggests the submission of key information including: an indicative masterplan showing how the proposed number of units can be accommodated onto the site, and a Preliminary Ecology Assessment.

55. The Council has no strong views on setting height parameters.

***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.***

56. **Yes.** Full publicity arrangements should be applied for any major scale development. The Council suggests **option (iii – Both).**

### **Alternative proposal**

57. The proposed 5-week timescales for these applications need to be reviewed as it is far too short. As with most major developments there is likely to be many representations received from the public, and these take time to process and summarise. If the public have the standard 21-days to respond, this only leaves the Case Officer 2 further weeks to issue a decision. If the application needs to go to Committee for a decision, the 5 week timescale is not likely to allow for monthly Committee timetables. The Local Authority will therefore be at high risk of these applications going out of time, and for appeals against non-determination, which would be costly to the taxpayer in terms of local authority and PINs resources – but avoidable.

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

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

58. The Council has no strong views on the proposed fee structure, but as we will detail in response to provisions in the White Paper, planning fees need to cover the cost of how much it costs the Council to process the application. As such, fees will need to rise in accordance with inflation, but this has not been outlined in the proposal.

***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.***

59. It is noted that Government guidance states that Part 2 of the Brownfield register would contain only sites that would be suitable for a grant of permission in principle. However these are sites which whilst suitable for development do not yet have permission for development. Therefore it is not understood why a site which has already gained permission (through a PIP or otherwise) would need to be recorded on part 2. It is suggested that the guidelines of what should be held on the respective sections of the brownfield register is revisited to take account of any new provisions and to make sure the process is clear to all.

***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.***

60. More guidance should be set out in PPG regarding how a Local Authority should assess PIP applications, especially if the proposal to bring major developments comes into force. Guidance for developers should include clear requirements for what is to be submitted, and this list of requirements should be expanded to allow the LPA to make a balanced decision.

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

61. The benefit to a developer may be a quicker decision regarding the principle of the development. However, there is still the possibility of later difficulties/delays/refusals at Technical Details stage given lack of information with PiP, leading to greater uncertainty or delay with the whole process. Specifically, there are also concerns that:

- fees would not adequately cover the costs of processing the applications;
- that the lack of time available to consider the relevant matters would lead to poor developments in the wrong locations;
- that interested parties may feel disconnected from the planning process due to the light touch approach to PiP.

Overall, we are of the view that there would be confusion amongst the public regarding another form of planning 'application' process

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

62. This is difficult to estimate; certainly the take up of PiP for minor development so far has been low in HDC. Although the PiP regime gives certainty to a developer that a site may be suitable for development there will be a significant number of issues to resolve at the Technical Detail Consent stage, and it may be that some issues cannot be addressed adequately leading to refusal at the second stage of the process.

63. HDC actively encourage pre-application discussions with developers, we find this process itself addresses any potential issue early on in the existing applications process. It is not clear that the benefits of PiP would outweigh the risks of leaving key matters to be resolved at the Technical Detail Consent stage.

***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?***

64. The Council has no specific comments to make on Q35.