



MHCLG Consultation – Changes to the current planning system

Response by National Parks England

September 2020

Summary

1. National Parks England (NPE) exists to provide a collective voice for the nine English National Park Authorities and the Broads Authority. It is governed by the Chairs of the ten Authorities. Our response to the MHCLG's [proposed changes to the current planning system](#) (August 2020) consultation represents the collective view of officers who are working within the policies established by the National Park and Broads Authorities. Individual National Park Authorities and the Broads Authority may submit separate responses, which will draw on the specific issues for their particular area.
2. In our role as the statutory planning authorities for our respective areas, National Park Authorities and the Broads Authority collectively cover just under 10% of the land area of England and are home to over 330,000 people. Our consultation responses to the proposed changes to the current planning system (August 2020) are set out on the following pages and the main headlines include:
 - We are concerned that the proposed revisions to the standard methodology for housing need will increase pressure for development both within National Parks and also in their setting. The methodology results in figures for some local authorities that are not deliverable without detrimentally impacting on the delivery of the two statutory National Park purposes and the Government's 25 Year Environment Plan.
 - The use of the baseline of the existing stock for assessing housing need means previous patterns of development are effectively rolled forward/perpetuated, rather the opportunity taken to spatially plan for the new housing development. This 'policy off' approach of continuing existing trends and marrying demand and development could exacerbate the overheating of the housing market in some areas of the country and the lack of investment in other areas, and not support the levelling up agenda.
 - It is understood the current position for calculating housing need within National Parks and the Broads Authority (as set out in the NPPG section on 'Housing and economic needs assessment', paragraph 014, ref: ID2a-014-20190220) will be maintained under the proposed new standard method. We call for this to be made clear in any subsequent revisions to the NPPG section on housing need assessments.
 - The intention is to exempt 'designated rural areas' from the requirement to deliver 'First Homes' in recognition of the particular circumstances around planning within nationally protected landscapes. We ask that Government confirms that the definition for 'designated rural areas' is that used in the NPPF Glossary. In addition, only part of the Broads area is a 'designated rural area' and we would call for this to be corrected to ensure the Broads is treated the same as other nationally protected landscapes. Subject to these confirmations, National Parks England considers this to be an essential exemption and one that is strongly supported.

- It is not always the case that people can afford the First Homes approach, given the disparity between income and house prices in rural areas reliant on agriculture, tourism and hospitality industries, so a variety of affordable tenures needs to be considered dependent on need identified at the time. This allows flexibility and agility in the planning system.
 - The consultation document suggests a desire to introduce First Homes nationwide through primary legislation at a later date. We would not support this if it removes the exemption for designated rural areas and we would welcome clarification from the Government that 'nationwide' does not include designated rural areas.
 - The impact of the proposed affordable housing site size threshold changes will be significant in some areas. The proposed approach to setting site size thresholds in designated rural areas (including National Parks) is sensible and is considered essential in enabling National Park Authorities to continue to deliver affordable housing for our local communities based on local circumstances and evidence. The experience of the English National Parks and the Broads is that retaining the ability to set lower site thresholds for affordable housing is essential in rural areas.
 - We note the proposals to extend 'Permission in Principle' to major developments, although further clarification is required on what the uptake of this would be and what it adds over and above existing routes available to developers (such as outline planning permission).
3. National Parks England will also be submitting a separate consultation response to the Government's Planning White Paper (August 2020) which will pick up on a number of the points raised in this response.
 4. If you require any more information or have any questions regarding this consultation response please contact us – our contact details are on the final page of this response.

No.	Question	National Parks England response
<ul style="list-style-type: none"> Changes to the standard method for assessing local housing need 		
Q1	<p>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?</p>	<p>Paragraph 3 of the consultation document states, “<i>The standard method provides the <u>starting point</u> for planning for housing and does not establish the housing requirement...</i>” and this wording reflects the current practice of applying the standard OAN methodology. The Government’s Planning White Paper (August 2020) however, is seeking to change this by introducing a standard method for setting <u>binding</u> housing requirements (taking account of environmental constraints) and our views on this important proposed change will be set out in our separate consultation response to the White Paper.</p> <p>The relationship between household formation, housing development and population is complex. For example, mid-year 2017 population estimates for the Lake District indicate a reduction in the population of the National Park of nearly 1,800 people since 2001, despite the fact that over a similar period nearly 1,200 new dwellings have been added to the dwelling stock in the National Park. Household projections do not in themselves forecast how many new dwellings should be built or are required - they instead show how many additional households would form if assumptions based on previous demographic trends in population growth and household formation were to be realised. The household projections vary significant across the 2014, 2016 and 2018-based figures (resulting in large fluctuations in housing requirements based on what base year is used) and therefore there is a logic to using housing projections averaged over a 10-year period.</p> <p>The proposed revised standard method for assessing local housing need will result in significant increases for local authorities within protected landscapes. For example:</p>

		<ul style="list-style-type: none"> ▪ New Forest District, New Forest National Park – an increase from a recently adopted Local Plan (July 2020) requirement of 521 dwellings per annum to 782 dwellings per annum under the new method, in a district where over 80% is designated as National Park, AONB or Green Belt. ▪ Lewes District, South Downs National Park – an increase from 483 dwellings per annum under the current standard method to 800 dwellings per annum under the new method. ▪ Copeland Borough, Lake District National Park – an increase from 11 dwellings per annum under the current standard method to 154 dwellings per annum under the new method. ▪ Broadland District, Broads Authority – an increase from 517 dwellings per annum under the current standard method to 922 dwellings per annum under the new method. <p>The revised method will inevitably cause difficulties at future Local Plan Examinations and will: (i) result in housing development increasingly affecting the setting of our nationally protected landscapes and conflicting with the statutory purposes set out in primary legislation; and (ii) increase pressure for major development within protected landscapes. The revised method will create tension over the weight to be afforded to environmental considerations in setting final housing figures, especially in areas with National Park status.</p> <p>Some rural areas (such as New Forest District) saw significant house building in the 1980s and 1990s, resulting in a large housing stock. The proposed method of adding 0.5% onto the existing housing stock will focus development into areas such as these and effectively perpetuate historical patterns of development, rather than spatially planning for the most appropriate locations for new development.</p>
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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	It is unclear how the figure of 0.5% has been arrived at. It appears the revisions to the standard methodology have been prepared to retrospectively justify the figure of 300,000 new dwellings per annum, not the other way around. The use of the baseline of the existing stock means previous patterns of development are effectively rolled forward/perpetuated, rather the opportunity taken to spatially plan for the new housing development. This 'policy off' approach of continuing existing trends and marrying demand and development could exacerbate the overheating of the housing market in some areas of the country and the lack of investment in other areas.
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.	If this helps to set the need more towards affordable housing rather than general open market housing, then we agree that this should be factored in.
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.	We consider there to be merit in incorporating an adjustment for change of affordability over a 10-year period, rather than just looking at a single snapshot in time.
Q5	Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.	<p>Paragraph 31 of the consultation document states, "<i>The affordability of homes is the best evidence that supply is not keeping up with demand.</i>" We do not agree with this statement in the specific context of housing in National Parks; and more generally are not aware of published evidence indicating that in areas with significant development house prices have fallen. Affordability is based on a wide range of factors, not just the level of development. Protected landscapes for example, have high house prices due to their landscape quality and increasing housebuilding in National Parks and the Broads would do little to reduce house prices due to their desirability as areas to live.</p> <p>The Government will be aware of the significant disconnect between planning permissions and dwelling completions,</p>

		<p>highlighting that there is only so much continuous reform to the planning system can deliver in terms of increased housing delivery. The <i>Independent Letwin Review of Build Out (2018)</i> explored the gap between housing completions and the amount of land allocated or permissioned in areas of high housing demand. This was prompted by concerns regarding developers 'landbanking' planning permissions and phasing the release of sites to ensure prices stay high. The Review concluded that the homogeneity of the types and tenures of homes on offer on large development sites limited the rate at which the market will absorb such homogenous products. This issue of housing market absorption was identified as a fundamental driver of the slow rate of build out, rather than issues with the planning system and land allocations. Granting more permissions in an attempt to improve affordability will not in itself change this if delivery remains in the hands of national house builders who will manage supply.</p>
	<p>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:</p>	
<p>Q6</p>	<p>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?</p>	<p>The Government is clear that it does not want local planning authorities to stall work on Local Plan production where it has reached an advanced stage. The transition arrangements should reflect this and acknowledge the amount of work that has taken place to get to this stage of Local Plan production. We therefore consider the proposed transition arrangements for local authorities who are at or close to the Regulation 19 stage to be reasonable.</p> <p>The separate proposals in the Planning White Paper to move towards nationally generated housing requirements will, however, cast a shadow over draft Local Plans currently under preparation. The publication of the White Paper means that these proposed changes to the current planning system may ultimately have a</p>

		<p>relatively limited shelf life. Although the more fundamental reforms to the planning system set out in the White Paper will be subject to further scrutiny (and will, in some cases, require changes in primary legislation), the White Paper proposals will be cited and will influence planning debates moving forward. For example, discussions on housing need, environmental assessments, developer contributions, design and public consultation taking place from August 2020 onwards will, to some extent, be influenced by the proposals in the White Paper relating to these areas of the planning system.</p>
Q7	<p>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?</p>	<p>As above, the proposed transition arrangements for local authorities who are at or close to the Regulation 19 stage are reasonable. The separate proposals in the Planning White Paper to move towards a nationally generated housing requirement will, however, cast a shadow over Local Plans currently under preparation and result in the need for an almost immediate review.</p>
<p>If not, please explain why. Are there particular circumstances which need to be catered for?</p>		<p>The planning system is about far more than solely housing delivery. The <i>National Parks Circular</i> (2010) - cross referenced in the latest versions of the NPPF (2019) and the NPPG section on 'Landscape' - recognises that the planning system is a 'key instrument' in the achievement of the National Park and the Broads purposes, including managing impacts on landscape, biodiversity and cultural heritage, as well as the creation of sustainable communities. The proposed changes to the current system however focus almost exclusively on increasing housing delivery while being silent on the other important objectives delivered through the planning system.</p> <p>Current national policy confirms that where the data required for the standard model is not available, "...such as in <i>National Parks and the Broads Authority...an alternative approach will have to be used. Such authorities may continue to identify a housing need</i></p>

	<p><i>figure using a method determined locally, but in doing so will need to consider the best available information on anticipated changes in households as well as local affordability levels.”</i> (NPPG section on ‘Housing and economic needs assessment, paragraph 014, reference ID: 2a-014-20190220). It is understood this position will be maintained under the proposed new standard method, as the revised figures relate to ‘local authority’ areas, rather than ‘local planning authority’ areas (NPAs and the Broads Authority are the latter). We therefore call for this to be made clear in any subsequent revisions to the NPPG section on housing need assessments.</p> <p>However, the revised method results in increased housing figures for many of our constituent local authorities and these figures are unlikely to be deliverable without conflicting with the legal framework protecting National Parks and the Broads. For National Park Authorities and the Broads Authority to calculate and then seek to meet their own local housing needs having regard to the standard method figures identified for their constituent local authorities may prove extremely challenging.</p>
<ul style="list-style-type: none"> • Delivering First Homes 	
<p>Q8</p>	<p>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):</p> <ul style="list-style-type: none"> 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. <p>We note the intention to exempt ‘designated rural areas’ from the requirement to deliver ‘First Homes’ and this proposed exemption is supported. The Glossary to the NPPF (2019) defines ‘designated rural areas’ as “<i>National Parks, Areas of Outstanding Natural Beauty and areas designated as ‘rural’ under Section 157 of the Housing Act 1985</i>”. However, National Parks England calls for clarification and confirmation that the definition for ‘designated rural areas’ is as per the NPPF definition (i.e. including National Parks). In addition, only part of the Broads Authority is a ‘designated rural area’ and therefore the rest of the area would not be exempt from these changes.</p>

	iii) Other (please specify)	<p>Therefore although we understand that the proposals for 'First Homes' will not directly impact on National Parks (noting the issue in the Broads outlined above), we would encourage the Government to ensure that First Homes do not become the 'default product' in rural areas instead of a rural exception sites, which could potentially deliver affordable rented housing using grant. It is not always the case that people can afford the First Homes approach, given the disparity between income and house prices in rural areas reliant on agriculture, tourism and hospitality industries, so a variety of affordable tenures needs to be considered dependent on need identified at the time. This allows flexibility and agility in the planning system, and why case-by-case development management works.</p> <p>We have some concerns that outside designated rural areas, the supply of rural exception sites for affordable housing for local people will fall given that First Homes would command a higher land value. There is also a need for greater clarity in national policy and guidance on the various forms of new affordable housing tenures proposed (such as 'Starter Homes' and 'First Homes').</p>
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 this First Homes requirement?	We do not have any detailed comments to make on this question.
Q10	Are any existing exemptions not required? If not, please set out which exemptions and why.	We do not have any detailed comments to make on this question.
Q11	Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.	We do not have any detailed comments to make on this question.

Q12	Do you agree with the proposed approach to transitional arrangements set out above?	We do not have any detailed comments to make on this question.
Q13	Do you agree with the proposed approach to different levels of discount?	It depends on the flexibility given, but even a 40% or 50% discount leaves the price too high for those on median earnings so it would certainly be too high for those on lower quartile earnings. It is not clear that discounts at this level would be acceptable to Government.
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?	Although we understand that the proposals for 'First Homes' will not directly impact on National Parks (noting the issue in the Broads outlined above), our general view is that exception sites should respond to local needs only and this is a fundamental principle behind their development. The identified need for affordable housing is the key factor that enables exception sites to come forward and opening them up to unfettered open market housing muddies the water, creating the ambiguity in the planning process that the Government is seeking to eradicate. Open market housing that is not linked to local housing need does not meet the principles of exception site development. In our collective experience the inclusion of an element of open market housing will have the impact of raising house value and land prices and removes the clarity from exception site policy.
Q15	Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?	Although we understand that the proposals for 'First Homes' will not directly impact on National Parks (noting the issue in the Broads outlined above), we have some concerns that proposed removal of the site size threshold may impact on the ability of rural authorities adjacent to National Parks to deliver affordable homes, thereby potentially creating more pressure to deliver them inside National Parks.
Q16	Do you agree that the First Homes exception sites policy should not apply in designated rural areas?	As outlined in our response to Q8, clarification is sought that the definition of 'designated rural areas' is as set out in the Glossary to the current NPPF (2019) and therefore includes National Parks.

	<p>Subject to this confirmation, National Parks England considers this to be an essential exemption and one that is strongly supported.</p> <p>The introduction of the First Homes model in National Park towns such as Petersfield and Lewes (South Downs) would raise serious concerns given the high cost of living in the National Park (and relatively low income levels), such that the proposed First Homes are still unaffordable on average household income. In Lewes for example, average house prices are over £475,000 and average household income is around £30,000 (making £150,000 the upper limit of what a household is likely to borrow). Given this, the First Home 30% discount is unlikely to bring the cost of a new home within reach of households on an average income.</p> <p>In addition, only part of the Broads Authority area is a ‘designated rural area’ and we would call for this anomaly to be corrected to ensure that the whole of the Broads is treated the same as other nationally protected landscapes.</p> <p>In a protected landscape like a National Park it is hard to find sufficient suitable exception sites to meet local need. Giving these sites over to First Homes and open market homes will worsen affordability overall in the short term and reduce the extent to which we can address the short fall in affordable housing in the medium and long term (without harming the valued character of National Parks – the first purpose of National Parks).</p> <p>Paragraph 67 of the consultation document suggests a desire to introduce First Homes nationwide through primary legislation at a later date. We would not support this if it removes the exemption for designated rural areas and we would welcome clarification from the Government that ‘nationwide’ does not include designated rural areas.</p>
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- Supporting small and medium-sized developers

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?

No – a blanket national approach goes against the principle of Local Plans determining the most appropriate approach based on local evidence, needs and viability testing. Paragraph 72 of the consultation document states this change is being made to support SMEs, “...during economic recovery from Covid-19.” We are not aware of published evidence that demonstrates this link between the impacts of C-19 and affordable housing delivery, and the effect will be a significant reduction in the delivery of affordable housing for local people. To the contrary, evidence published by Nationwide indicates that house prices recorded their highest monthly rise for more than 16 years in August 2020; house prices have reversed the losses recorded in May and June 2020 and are now at an all-time high. It is noted that the proposed higher threshold is implemented for a time-limited period and lifted as the economy recovers from the impact of Covid-19. However, similar time-limited changes to national planning policy have been introduced in the past and then continued in the longer term.

In our experience development in National Parks, the Broads and the rural areas adjacent to them is typically characterised by smaller developments and this proposed change in the threshold for on-site affordable housing delivery will have the effect of increasing house prices. Given that most development sites in rural areas are less than 10 dwellings this would mean that no affordable housing would be delivered in these communities. By raising the threshold for affordable housing delivery local communities will miss out on much needed affordable housing. This will affect the public’s confidence in the ability of the planning system to address local needs.

Q18	<p>What is the appropriate level of small sites threshold?</p> <ul style="list-style-type: none"> i) Up to 40 homes ii) Up to 50 homes iii) Other (please specify) 	<p>Options (i) and (ii) represent a significant shift in policy from that set out in paragraph 63 of the NPPF (2019) and the associated NPPG guidance. Rather than supporting Small to Medium-sized Enterprises, a higher threshold risks squeezing them out because they may not have the financial strength to take on bigger sites, and they will be more attractive to national house builders if they don't need to provide affordable housing.</p>
Q19	<p>Do you agree with the proposed approach to the site size threshold?</p>	<p>The current NPPG section on 'Planning Obligations' sets out a site size threshold (i.e. number of dwellings, in this case 10 or more) and an area threshold (0.5 hectares) for affordable housing provision. There is a logic to providing in policy and guidance both a threshold for dwelling numbers <u>and</u> a site area, therefore providing a framework within which Local Plans set out policies based on local circumstances and evidence.</p>
Q20	<p>Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?</p>	<p>We are unaware of what evidence has been published since Spring 2020 that demonstrates this measure is necessary. The 18-month period proposed appears somewhat arbitrary and if 'economic recovery' is the criteria for the time limit, this 'time limited' situation could legitimately stretch for years given uncertainties around Brexit and Covid 19.</p>
Q21	<p>Do you agree with the proposed approach to minimising threshold effects?</p>	<p>As outlined in our response to Q18, the impact of the proposed threshold changes from those currently set out in both national policy (paragraph 63 of the NPPF and the NPPG section on 'Planning Obligations') and Local Plans to a site size threshold of 40 or 50 homes will be significant in some areas. This will reduce the delivery of affordable housing at the same time as the standard method for calculating housing need includes a multiplier on 'affordability'. This seems contradictory, as increasing the site size limit for affordable housing delivery will do nothing to help address the affordability issues that the standard calculation of need is seeking to address.</p>

<p>Q22</p>	<p>Do you agree with the Government’s proposed approach to setting thresholds in rural areas</p>	<p>Yes – it is a sensible approach that recognises the reality of delivery in rural areas and is fully supported. The wording in paragraph 63 of the NPPF (2019) and paragraph 023 (reference ID 23b-023-20190901) of the NPPG section on ‘Planning Obligations’ is vital in enabling National Park Authorities (and other rural planning authorities) to identify an appropriate site size threshold based on local evidence and needs. The adopted New Forest National Park Local Plan (August 2019) for example, sets a site size threshold of below 5 dwellings and this was based on robust viability evidence and is consistent with case law. Similarly, the adopted South Downs National Park Local Plan (July 2019) requires the provision of on-site affordable housing in developments of 4 dwellings or more. In both the respective New Forest and South Downs Local Plans, these thresholds were supported by viability evidence, assessed at examination and justified by the local affordable housing needs and the typical profile of development within the National Parks. It is important that local planning authorities continue to have this option to pursue policies based on local circumstances and evidence.</p> <p>The experience of the English National Parks and the Broads is that retaining the ability to set lower site thresholds for affordable housing is essential in rural areas. Within the South Downs National Park for example, over 60% of homes delivered are on sites of 10 dwellings or less. The delivery of affordable housing on small sites has also been a key driver for communities preparing Neighbourhood Plans. There are 31 ‘made’ Neighbourhood Plans in the South Downs, the vast majority of which allocate housing sites below the 40 – 50 dwelling threshold and include affordable housing provision.</p> <p>We therefore support the Government’s proposed approach to setting thresholds in rural areas and would call on the update to national policy and guidance to confirm that ‘designated rural areas’ include “<i>National Parks, the Broads, Areas of Outstanding</i></p>
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		<i>Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985."</i>
Q23	Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?	We do not have any detailed comments to make on this question.
<ul style="list-style-type: none"> Extension of the Permission in Principle consent regime 		
Q24	Do you agree that the new Permission in Principle should remove the restriction on major development?	Paragraph 86 of the consultation document states that Permission in Principle, "...is designed to separate decision making on 'in principle' issues addressing land use, location, and scale of development from matters of technical detail, such as the design of buildings, tenure mix, transport and environmental matters. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to work up detailed plans and commission technical studies. It also ensures that the principle of development only needs to be established once." This process is already provided for through the Local Plan-making process – where site allocations typically set out an overall quantum of development; or the outline planning permission process – where again the principle and parameters of development are established. It is unclear what Permission in Principle for major development would add to these existing mechanisms that are available to developers.
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.	Given the concerns we have raised in response to Q24 on the principle of extending the Permission in Principle route to major development, we do not have a view on this.
Q26	Do you agree with our proposal that information requirements for Permission in Principle by application for major development	Paragraph 105 of the consultation document states, "...for the <i>Permission in Principle</i> stage, we intend to apply broadly the same information requirements as for minor development

	should broadly remain unchanged? If you disagree, what changes would you suggest and why?	<i>applications – that is, the developer would only have to provide information as to: the minimum and maximum net number of dwellings, and a map or plan of the site (drawn to an identified scale).</i> ” This does not seem to be sufficient for major development proposals, the impact of which would be proportionately greater than for minor applications.
Q27	Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.	Given the concerns we have raised in response to Q24 on the principle of extending the Permission in Principle route to major development, we do not have a view on this.
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.	If Permission in Principle is to be extended to cover major developments, it would be logical and reasonable to proportionately extend the publicity arrangements.
Q29	Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?	We do not have any detailed comments to make on this question.
Q30	What level of flat fee do you consider appropriate, and why?	We do not have any detailed comments to make on this question.
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.	This proposal appears logical and will assist in raising the profile of the Brownfield Land Registers maintained by local planning authorities.
Q32	What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle?	We would query how the proposal to extend the Permission in Principle to major developments differs from the existing ‘outline application’ route; or what is achieved through a development

	Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.	plan site allocation – both of which establish the principle of development. It is noted that Permission in Principle will not be suitable for sites in areas where, applying the Conservation of Species & Habitats Regulations 2017, there is a probability or risk that the project is likely to have a significant effect on a European site (unless the application was accompanied by an appropriate assessment demonstrating there was unlikely to be significant impact on the site). In accordance with legal case law (e.g. the ‘Sweetman’ judgement), in some National Parks/The Broads all applications for net new housing must go through an appropriate assessment, and so it is unclear how beneficial extending the Permission in Principle process would be.
Q33	What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?	Introducing a further type of planning permission is likely to cause confusion within local communities. Planning authorities already have to explain what status land has when it is allocated in a development plan; when land is on a Brownfield Register; when outline permission has been granted and subsequent applications are submitted for reserved matters; or when prior notification or prior approval proposals are submitted. Adding a further category will add to this complexity.
Q34	To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.	Based on our experiences as the local planning authorities for our respective areas, it is unclear the extent to which landowners and developers would use the extended ‘Permission in Principle’ measures. Developers already have the option of obtaining outline permission which establishes many of the same principles that an extended ‘Permission in Principle’ process offers. Unless the proposed measure is cheaper and quicker than an outline consent (or even a very detailed pre-application response), it is unclear how much value it would add over and above what happens now.
Q35	In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful	We do not have any detailed comments to make on this question.

	<p>discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?</p> <p>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?</p>	
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For Further Information:

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