



Changes to the Current Planning System Consultation Response

Response submitted by the National Trust to the Ministry of Housing Communities and Local Government

September 2020

With our staff, members, volunteers and supporters, the National Trust is the biggest conservation charity in Europe. We protect and care for places so people and nature can thrive. Many millions share the belief that nature, beauty and history are for everyone. So we look after the nation's coastline, historic sites, countryside and green spaces, ensuring everyone benefits. For everyone, for ever.

Introduction

The National Trust welcomes the opportunity to comment on this consultation. We have framed our response to the key issues at the start of the submission, capturing some of our concerns not picked up within the questions. Following on from this we answer the specific questions from the consultation document.

The National Trust has significant reservations regarding many of the Government's proposed changes to the existing planning system. A key, overarching concern relates to the cumulative impact and disruption that will be caused by rushing in interim measures in advance of anticipated major planning reform. One of the reasons for delays in local plan preparation is the continual moving of the goal posts.

Housing need calculation is an area of particular concern. While local plans are currently based on locally agreed housing targets, a new standard method for calculating housing need has recently been introduced. The Government as part of its White Paper, *Planning for the Future*, is now proposing to replace this with a revised standard method that takes account of constraints such as Green Belt. While we wait for this method to be developed and refined, we strongly believe that it is not wise to introduce a third standard method as an interim measure. Doing so will undermine existing local plan preparation and may result in delay until the substantive reforms are introduced. Authorities whose local plans are at an advanced stage, but who cannot meet the challenging transition timescales set out on pages 16-17, will be forced to go back to the drawing board.

We are also very concerned that delays and uncertainty will ultimately increase the scope for planning by appeal and inappropriate development of greenfield and Green Belt sites, through the engagement of the tilted balance as plans become out-of-date, with housing land supply and delivery increasingly assessed against the figures in the standard method. To exacerbate this issue, the ease with which poorly thought out and under-assessed development could be put forward would be increased by the extension of Permission in Principle (PiP) to major greenfield development.

In addition, we note that several of the proposed changes, notably the new housing method and broadening of Permission in Principle, appear to anticipate the major planning reforms that are proposed in Planning for the Future. These changes take significant steps towards implementing the reformed planning system and as such should be subject to further public consultation and Parliamentary scrutiny, not least to avoid legal challenge as recently made to permitted development rights and change of use. We believe that a holistic and integrated reform, involving appropriate consultation, would be vastly preferable to the introduction of further piecemeal and uncoordinated changes. This is particularly important given additional expected reforms in relation to the existing Environmental Impact Assessment procedure and to local government through the upcoming Devolution White Paper.

We strongly urge that the Government exerts restraint in introducing untested and potentially disruptive changes to the current planning system.

Summary of the National Trust's response

The Standard Method for assessing housing numbers in strategic plans

The National Trust has significant concerns about the duration of the transition period and the scope of the transitional provisions in relation to the standard method need figure. With the calculation expected to be revised again following the Planning White Paper, we believe an interim method will undermine existing local plan preparation and question its necessity.

Furthermore, the nature of the revisions to the standard method as set out in this consultation could have wide-spread consequences. In many areas, including those with significant environmental or policy constraints, the new figures would be much higher than those in current plans - leading to some areas with high designation of Green Belt seeing increases of over 300% and some areas that are predominantly AONBs seeing increases of up to 250%. We anticipate that in areas of high constraints, the standard method proposed by the White Paper would produce significantly lower numbers, so some areas will see vast increases and then reductions in a short space of time.

We are also concerned that if the revised standard method figures are to be used for 5-year housing land supply assessment, those authorities with figures much higher than existing local plan targets would face a difficult, and potentially impossible, task in demonstrating a 5-year supply of deliverable housing land. This would leave them continually facing the 'tilted balance', with the implication that there would be more development that is not plan-led, on greenfield sites and in less suitable locations.

Supporting small and medium-sized developers

The National Trust has concerns that raising the small site thresholds even for a limited period will have serious long-term negative impacts on the delivery of affordable housing, particularly in rural communities. We do not believe there is any evidence to support the

idea that lifting the affordable housing threshold will automatically lead to swifter delivery of homes.

We are concerned that lifting the thresholds to 40 – 50 houses, even on a time limited basis, will lead to many local authorities losing the ability to address local housing needs. This will inevitably cause long term implications for communities. Affordable housing delivery should not be viewed as a burden, but as part of a positive strategy to deliver the homes the country needs in the right places at this time of change. There may be other mechanisms available to better support SMEs that would not have such serious impacts on affordable housing delivery.

Ensuring affordable housing delivery is at the centre of a strategy for recovery and incentivising builders that bring forward affordable housing schemes, would lend direct support to SME builders, provide for local needs and bring wider benefits for communities.

Extension of Permission in Principle consent regime

The National Trust believe that extending the Permission in Principle (PiP) route to include major development is significantly more complex and riskier than for minor sites. We are not confident that key issues, including heritage and environment, will be considered at an early enough stage. These issues go to the heart of whether a site is acceptable as a matter of principle for the development proposed. Furthermore, once the principle of development is established it is more difficult to accommodate the sensitivities of the site, or the mitigation hierarchy required under the Habitat Regulations, and this is at odds with the evidence-based approach required to make the proposals proposed in the Planning White Paper a success. In addition, we believe that the proposal risks undermining the planning system's core purpose of achieving sustainable development, at a time when the public's need and appreciation of high quality natural green space has been widely acknowledged, particularly in urban/peri-urban environments.

A different but equally important concern is that these changes will lead to an even more confusing system with multiple routes to permission in existence for large sites. Fundamentally, we do not believe that the Government's aims of speed or certainty will be achieved by this proposed change.

The National Trust also has specific concerns related to archaeology and other below ground and unknown assets. Pre-screening must be undertaken before PiP can be granted. It is not enough to take account of only designated archaeology, nor to simply extend this to undesignated sites that have been noted on Historic Environment Records. There needs to be a way of determining what the risk of finding unknown archaeology might be and, if previous unforeseen archaeology is found once development begins, there needs to be a way of ensuring this is managed and that no significant evidence is lost.

The National Trust does not believe that Permission in Principle has been a popular route so far and does not believe that the process has delivered a significant amount of homes. The way the PiP process is currently framed it does not remove risk associated with development nor the costs to progress the details of a scheme which are still required, but

just pushed to a later stage. The National Trust does not therefore believe that it will be well used by developers and suggests that it will not in turn lead to the swifter delivery of sites that the Government anticipates.

Response to consultation questions

The Standard Method for assessing housing numbers in strategic plans

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?

The National Trust has concerns about the duration of the transition period and the scope of the transitional provisions. The radical planning reforms advanced in the White Paper, Planning for the Future, and further reforms directly and indirectly affecting the planning system in the interim, suggest a need for a holistic approach to transitional working over the next few years. This should aim to ensure that the system remains clear, predictable and workable; that good progress is made on plan preparation and adoption; and that the planning system meaningfully contributes to the objectives of building back greener and better, as well as faster.

The revisions to the standard method potentially have wide-spread consequences. The consultation paper states that 141 local authorities (excluding London Boroughs) would have a change in figure of over 25% when compared to the higher figure of what areas have most recently planned for or the number produced by the current standard method. Work by the planning consultancy Lichfields has shown that in many areas, including those with significant environmental or policy constraints, the 'need' figures under the revised standard method would be much higher than those contained in current plans, those deriving from the existing standard method or actual completions. Based on the Lichfields analysis, eight local authorities¹ with green belt covering more than two-thirds of their areas would have increases of more than 40% compared to the existing standard

¹ Bromsgrove, Chiltern, Rochford, South Staffordshire, Tonbridge & Malling, Wakefield, Warwick, West Lancashire, Green belt data from MHCLG Green Belt Statistics Live Table 2018/9

method figure, with Wakefield's increasing by 104% and Bromsgrove's by 83%. Ten local authorities² which are more than two-thirds Green Belt would face figures from the revised standard method which are more than double their current local plan requirement, with Tandridge (326% higher), Chiltern (365%) and Sevenoaks (397%) all having figures more than 300% higher. Turning to nationally important landscapes, Cotswold District, which is 80% AONB, would see a 148% increase in its standard method figure – with the new figure being 188% higher than its current local plan requirement. Rother District, which is 82% AONB, would see a 59% increase in its standard method figure, with the new figure being 250% higher than its current local plan requirement³. This is completely at odds with the principle of sustainable development and will lead to unacceptable and irreversible consequences for the environment, heritage and landscape.

A significant change to the housing need figure part-way through plan preparation would require significant additional work before the plan can be adopted, if it became the basis from which the plan must start. There would be implications for the evidence base, environmental appraisal and public engagement in addition to work on re-drafting plan proposals and working through the duty to co-operate with neighbouring authorities. This would cause significant delay in the adoption of Local Plans that don't meet the transition timetable. The National Trust believes that the short transition period proposed would be counterproductive. A longer transition period would allow more plans to reach adoption more quickly.

In terms of scope, we are concerned at the lack of transition proposals in relation to the revised standard method's implications for adopted local plans and for development management. These are not addressed in the consultation paper at all and no transition proposals have been suggested by the Government. As they are not mentioned in the paper, we are addressing them in some technical detail.

Government guidance is clear that the introduction of the 2018 standard method was a significant change requiring early review of adopted local plans, where it resulted in a number significantly higher than that used in plan preparation (Planning Practice Guidance, Paragraph: 062 Reference ID: 61-062-20190315). As already mentioned, the revised standard method would leave many authorities with figures significantly higher than those used in the preparation of adopted plans. However, the revised standard method would be a relatively short-lived step along the path of planning reform. The White Paper proposes introduction of a different standard method taking account of constraints and other considerations to produce binding figures. We anticipate that in at least some areas, particularly those with high levels of constraints, the White Paper method would produce significantly lower numbers than the method set out in the Current Changes consultation. The National Trust questions the point, practicality and realism of mass early

² Chiltern, Hertsmere, Mole Valley, Reigate & Banstead, Rochford, Sevenoaks, South Bucks, South Staffordshire, Tandridge, Three Rivers, and Tonbridge & Malling data from MHCLG Green Belt Statistics Live Table 2018/9

³ AONB coverage data obtained from the spatial portrait in each authority's local plan

reviews of Local Plans prior to the introduction of the White Paper reforms, particularly in constrained areas which would face a significant increase through the interim method but which would expect to see a significant reduction in their figure in future. If the interim standard method is taken forwards, the approach to transitional provisions must address this.

The Government has stressed that the standard method is only the first step in the current local plan process, stating, “the numbers generated for an area’s housing need will not necessarily be the same as their ultimate targets.” (Christopher Pincher MP, Minister for Housing, 2nd September 2020). However, current government policy means that the standard method figure has consequences for development management where the adopted plan is over 5 years old. The White Paper reports that fewer than 50% of local authorities have an up to date local plan, as of June 2020.

The standard method affects development management through two mechanisms, both set out in the National Planning Policy Framework. These are 5-year housing land supply assessment, which looks at availability of deliverable sites going forward; and the housing delivery test, which looks at past delivery of housing. These individually and in combination can determine whether the NPPF ‘tilted balance’ is engaged. The implication of this is that there will be more development that is not plan-led, on greenfield sites and in less sustainable locations.

If an adopted Local Plan is over 5 years old, government policy requires assessment of a 5-year supply of deliverable housing land against the standard method figure for housing need (NPPF paragraph 73 and footnote 37). The figures contained in the Local Plan’s strategic policies cease to be relevant for this purpose. If the revised standard method figures are to be used for 5-year housing land supply assessment, those authorities with figures much higher than existing local plan targets would face a difficult, and potentially impossible, task in demonstrating a 5-year supply of deliverable housing land. This would leave them continually facing the ‘tilted balance.’ If the revised standard method is introduced, transitional provisions are required in relation to its introduction to the assessment of housing land supply.

The Housing Delivery Test contains a similar provision. When a Local Plan is over 5 years old, delivery from 2018/19 onwards is already to be assessed against the standard method figure (Housing Delivery Test Rule Book). The consultation paper does not specify how the revised standard method would be used in the Housing Delivery Test, but presumably it is intended to take effect at some point. Current Government policy states that from November 2020 onwards, if housing delivery in a local authority area is below 75% of housing required, the tilted balance is engaged (NPPF paragraph 215 and footnote 7). This happens even if the authority can demonstrate a 5-year supply of deliverable housing land. The delivery test considers completed homes, not permissions granted. It is affected by the lag from permission to commencement to completion. It is affected by market forces and the capacity and willingness of the local house-building industry to build out their consents at pace. The difference between actual completions and the revised standard

method figures in some areas is so large that it is unrealistic to expect that completions would meet the revised standard method figures in the short term, if ever. This would again leave local authorities facing the 'tilted balance.' If the revised standard method is introduced, transitional provisions are required in relation to its introduction to the housing delivery test.

Even if a local authority meets the 75% delivery test and the 5-year land supply requirement, the two tests can work in combination to engage the tilted balance if delivery is below 85% and the authority is unable to demonstrate a 5-year supply plus 20%. This in turn introduces a high risk that unplanned and potentially unsustainable development will come forward.

Delivery of First Homes

While we have no objection to the Government's interest in delivering First Homes, we believe that this should not be at the expense of 'affordable housing for rent' (as defined by the NPPF) for those who are in the greatest need. As with housing targets in general, we believe that any changes to affordable housing provision should be carefully considered and introduced as part of the comprehensive planning reform instigated by the White Paper, Planning for the Future.

Supporting small and medium-sized developers

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

No. The National Trust has concerns that raising the small site thresholds even for a limited period will have serious long-term negative impacts on the delivery of affordable housing, particularly in rural communities.

Whilst understanding the ambition to support the economy and lift financial constraints arising from the Covid pandemic on SMEs, the consultation paper is not supported by any evidence that lifting the affordable housing threshold will automatically lead to swifter delivery. Affordable housing is not the only constraint to site delivery and as the consultation paper suggests [para 83] in addition to planning contributions, there may be many reasons why SME builders are unable to access and progress developable sites during this time.

In addition, there are large variations in viability around the country (even within regions and counties) so it is hard to see how a blanket threshold could be equitable. Indeed, it could be very detrimental in some areas where the provision of affordable housing is critical in terms of creating sustainable communities.

Some market schemes still have a part to play in some areas providing the next step on the ladder and thereby releasing existing units that are affordable/first homes, but this has to be done in our opinion, in conjunction with some level of affordable housing provision.

In practical terms, affordable housing policies in Local Plans apply a percent guideline requirement for provision and of itself this is a readily understood policy mechanism, the issue is where developers seek to negotiate the percent downwards which leads to delays in S106 negotiations. If the affordable housing element is what is stopping the viability of the site, viability should still need to be demonstrated, but there may be ways to explore simplifying the viability assessment process.

The National Trust is concerned that lifting the thresholds to 40 – 50 houses, even on a time limited basis, will lead to many local authorities losing the ability to address local housing needs. For example, in village and market town locations where sites of such size may be the only source to deliver affordable housing over the life of the local plan. This will inevitably cause long term implications for communities.

Affordable housing delivery should not be viewed as a burden, but as part of a positive strategy to deliver the homes the country needs in the right places at this time of change. There may be other mechanisms available to better support SMEs that would not have such serious impacts on affordable housing delivery.

The unintended consequence of raising the threshold as suggested to 40-50 units may well be that larger scale developers become more interested in smaller sites, making the environment even more challenging for SMEs.

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

i) Up to 40 homes

ii) Up to 50 homes

iii) Other (please specify)

iii) Other

The National Trust considers the appropriate level of threshold should be looked at against the Council's own local housing needs assessment. A development of 50 units, without a single affordable unit in a community desperate for affordable housing may create a short-term boost for the SMEs, but it would have long term implications for the supply of units in the community.

No statistical evidence has been supplied as to how the figure of 40 or 50 units has been reached. We do not have a specific view on what this figure might be, but a modest increase from 10 units to 15 - 25 units would seem to offer the potential to create a better balance between supporting SMEs, whilst still enabling Local Planning Authorities to secure affordable housing in what would be large schemes in some areas.

An alternative approach could be to let local authorities set a sliding scale with locally defined thresholds, based upon the local communities' housing needs assessment.

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

No.

The proposal to scale up the site size threshold proportionally at the same time as increasing the numbers of homes thresholds requires some clarity, as a 40-50 unit scheme may well be a site of some 2-2.5 hectares and in our view, this would not be considered 'small sites policy'. In rural areas, such as the edge of a market town, this would be a substantial site and in urban areas such as London, a scheme of high density would deliver significantly higher numbers than the thresholds. The National Trust believes that a site of this size should be delivering affordable housing and we, therefore do not agree with scaling up the sites on this basis.

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

Yes, however, whilst we agree there is an obvious need for affordable housing in rural areas and the setting of lower thresholds often provides a useful supply for many rural authorities, the viability in smaller schemes, especially around conversions makes this particularly challenging. This is especially the case where the constraints associated with the conversion of heritage assets and derelict buildings are involved. We consider that additional flexibility would be helpful and would support exemptions for small schemes that bring heritage assets (designated and non-designated) back into use.

The National Trust would support a simpler viability approach to help speed up delivery in smaller schemes and provide greater certainty for applicants.

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

The National Trust believes that a combination of ensuring affordable housing delivery is at the centre of a strategy for recovery, with directly incentivising builders that bring forward affordable housing schemes in areas of need, would lend direct support to SME builders, provide for local needs and bring wider benefits for communities.

The viability associated with the development of small sites can often be significantly impacted by the requirement for S106s or CIL payments, sometimes stopping smaller schemes before they get started. A CIL scheme with greater use of staged payments and essentially deferring the tax may support the industry.

Although house prices have rebounded since lockdown there are concerns that they may fall sharply in the medium term⁴. In an uncertain economic climate, where there is potential for a significant drop in house prices, SMEs may feel less inclined to proceed with housing schemes that have slim profit margins. To take the risk out of the process the Government could consider an offer of security to buy back constructed units in the event that falling house prices render a scheme unviable.

Extension of Permission in Principle consent regime

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

No

The National Trust believes that extending the Permission in Principle (PiP) route to include major development is significantly more complex and riskier than for minor sites. We are not confident that key issues including heritage and ecology will be considered at an early enough stage, and these go to the heart of whether a site is acceptable as a matter of principle for the development proposed.

Once the principle of development is established it is more difficult to accommodate the sensitivities of the site and this is at odds with the evidence-based approach required to make the proposals in Planning for the Future a success. We believe that major sites need to go through suitability testing first and that applications for major development should be evidence based and front loaded. There are real risks that heritage and environmental assets could be adversely impacted and that these changes would facilitate development across large areas that currently maintain and support natural capital provision. It is our understanding that the new arrangements could be in place for several years until the transition to further planning reforms as set out in the White Paper can be implemented.

We are also concerned that these changes will lead to an even more confusing system with multiple routes to permission in existence for large sites. The short timescales for determination and inherent lack of detail/information could result in Local Planning Authorities (LPAs) increasingly refusing applications for PiP for major development.

Overall, we do not believe that the Government's aims of speed or certainty will be achieved by this proposed change and the effect of bringing in this will simply move the risk and costs to later in the process. The National Trust do not believe that this is beneficial to developers, particularly in relation to major sites, however the existing outline and reserved matters routes to permission are adequate.

Furthermore, we have concerns that LPAs will bear the risk of compensation and we believe that developers also need to exercise due diligence when deciding to invest in a site. There is a question over whether PiP provides this requirement and where the liability

⁴ Financial Times, 27 September 2020, Fears of UK house price bust rise after summer sales boom

would lie if a site granted permission in principle turned out not to be capable of development within the approved parameters when it came to consideration of the technical details consent. We do not believe the liability should be borne by the LPA.

If extending PiP for major developments is to be progressed the Trust would want to see further information on:

- Research to understand how effectively the current PiP regime is working, and whether developers agree that this would provide a sufficiently 'certain' route to major development. This should include an understanding of LPA refusal rates, appeal dismissal rates for PiP under the current regime and whether, and in what circumstances it is a 'faster way of obtaining planning permission' (Changes to the current system consultation document para 85). This could also include an understanding of appeal success rates to understand how effectively LPA's are making decisions, clarity around how many PiPs are reaching Technical Details approval and subsequently being implemented.
- Consideration of the existing and proposed routes to permission and analysis of what this change would add in terms of value.

If the Government introduces PiPs for major development, the regulations should clearly identify areas with particular sensitivities where this route would not be available. Our suggested exclusions are:

- All sensitive areas as set out in the current EIA regulations (SSSIs, National Parks, the Broads and AONBs, World Heritage Sites, Scheduled Monuments and European sites). These need to be excluded for a number of reasons: first, the thresholds set in schedule 2 of the regulations don't apply in sensitive areas. Secondly, because national policy protects these areas from unsympathetic development. Finally, because national policy normally requires applicants to provide information addressing potential impacts on these areas when proposing development in them.
- Areas identified as existing importance for biodiversity or habitat or of potential importance for biodiversity or habitat, as part of a Local Nature Recovery Strategy (LNRS).
- Areas most at risk of flooding, those which are identified as flood zone 3 for fluvial or coastal flooding. These are areas which are clearly defined spatially and where government policy opposes housing development, for a reason that is fundamentally about the principle of the suitability of the location for the type of development. Government policy also requires applicants to submit information addressing flood risk where applications are submitted to develop in areas prone to flooding.
- Areas at risk of coastal erosion which are identified through Shoreline Management Plans and Coastal Change Management Areas. These are areas where government policy opposes development on the grounds of suitability and sustainability of location.
- Conservation Areas
- Registered Parks and Gardens
- Registered Battlefields
- Areas of Archaeological Importance
- Listed Buildings and their curtilages

Conservation Areas, Registered Battlefields, Registered Parks and Gardens, and Listed Buildings and their curtilages are all designated heritage assets of national importance, protected and subject to national policy requiring applicants to assess their significance and the impacts of proposals on them. Listed Buildings and Conservation Areas are also subject to statutory duties that may be more difficult to fulfil without information supplied by applicants.

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.

Permission in Principle was introduced as a mechanism for housing-led development. We do not consider that a simple majority of floorspace would be an adequate test for ensuring that the proposals coming forward are genuinely housing led.

Further, it is unclear how not having any limit on commercial floorspace would work with thresholds for assessment purposes as currently defined in the NPPF, where for example proposals for retail and leisure development outside town centres require an impact assessment over a locally set threshold or default figure of 2,500sqm of gross floorspace [NPPF para 89]. Where a development is above these thresholds it is not clear how an authority would be able to assess the suitability of a site in principle in the absence of such assessment.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

No

Extending PiP to major sites increases the risks to sensitive areas and heritage. If this route to permission is to be extended to include major development then, even within the context of only considering the location, type and amount of development these are the matters of principle that require a certain degree of information to be provided in accordance with National Policy. For instance, in regard to flooding, coastal erosion, heritage and biodiversity and environment.

Furthermore, there are specific concerns around archaeology and other non- visible i.e. below ground assets. Pre-screening (the equivalent of pre-determination assessments) must be undertaken before PiP can be granted. It is not enough to take account of only designated archaeology, nor to simply extend this to undesignated sites that have been noted on Historic Environment Records. There needs to be a way of determining what the risk of finding previously unrecorded archaeology might be and, if previous unforeseen archaeology is found once development begins, there needs to be a way of ensuring this is managed and that no significant evidence is lost.

As a minimum, there should be a requirement for extra information, be that through desk based and/or field assessment, where undesignated below ground archaeology has been identified on the Historic Environment Record (HER) or where no archaeology is recorded on the HER professional judgement identifies a strong possibility remains may be present. This should also apply to other below ground and unknown concerns, such as potential contamination and instability. Sensitivity mapping (screening) might be a solution to this challenge provided there is a clear commitment to ensure it is properly undertaken and correctly resourced. However, there is currently a lack of clarity around who would do this and how it would be funded, the National Trust would welcome further discussion on this issue.

In addition, it is unclear what impact the proposed extension of PiP will have on the Local Nature Recovery Strategies. Measures should be put in place to optimise the contribution - quality development can make towards both LNRS and accessible, green infrastructure that benefits local communities. The proposed PiP extension, especially on brown field sites, risks undermining the government's stated 25 Year Environment Plan ambition to leave the natural environment better protected and enhanced for the future.

Any such extension of PiP should be underpinned by robust and transparent screening to ensure that sites with demonstrable environmental value are excluded and to avoid future delay. For example, when such sites are reviewed under the relevant environmental legislation, including HRA & EIA Regs and local authorities s40 NERC duties for the conservation of biodiversity.

In our response to question 27 we comment on the potential for PiP to be used for specific types of housing that require special justification. We believe that any application seeking to use these justifications would need to contain the information to demonstrate the justification.

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

Yes. The requirement for height parameters would help to establish the principle of the development as appropriate, particularly if commercial development is to be included. However, in order to assess suitable height parameters a masterplan layout and more detail is needed as suggested in the White Paper. The National Trust believes that bringing in a height parameter in isolation will be ineffective.

If the PiP regulations are to be changed, we believe that there is an opportunity to address a weakness with the existing system. A fundamental characteristic of the PiP route is that it doesn't allow the imposition of planning conditions or a S106 agreement, although conditions and obligations can be imposed at the Technical Details Consent stage. This makes the PiP route an unsuitable mechanism for promoting developments seeking approval under policies that address needs for specific types of housing. These are largely, although not exclusively, for minor development and include affordable housing on exceptions sites, self-build housing, agricultural needs dwellings and dwellings providing tourist accommodation. We suggest that there is the opportunity to introduce an additional parameter relating to the type of development in these special circumstances by way of a

limitation on the Permission in Principle. This would define the permission sufficiently to provide certainty while allowing the details to be picked up in the subsequent Technical Details Consent application.

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.

iv) disagree

We don't believe that options i) and ii) alone, or in combination, are adequate. The National Trust believes that there should be an explicit commitment to engaging local communities in the planning process and that publicising applications for major development is a pre-requisite. We would support exploration of more innovative ways of engaging communities and advertising planning applications in line with the ambition around increased digitisation as set out in the Planning White Paper. We are mindful though, that communities who are less able to access digital information should not be excluded.

The National Trust firmly believes that a 5-week determination period and 14-day consultation period will not be sufficient to allow statutory consultees and neighbours to respond. Furthermore, it won't enable the LPAs to consider the information needed and could lead to increased refusals (see answers to Q25, Q26 & 27 also).

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, the National Trust agrees that any brownfield site that is granted PiP through the application process should be included in Part 2 of the Brownfield Land Register.

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.

The National Trust would welcome guidance which we believe would support applicants and LPAs on the following:

- Advice to applicants on when PiP applications are appropriate versus outline consent, given the numerous routes to permission available.
- To what extent applicants can provide additional information voluntarily.

- Advice to applicants and local planning authorities on the proportional information required to enable consideration of the location, type and amount of development with respect to:
 - Heritage Assets including setting
 - Effects on valued landscapes and heritage coasts
 - Impacts on Green Belt openness
 - Habitats and species
 - Flood risk
 - Coastal erosion
 - Contaminated land
 - Proposals for self-build housing and other special justifications
 - Trees on and adjoining sites
 - Cumulative impacts

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

Since the ability to submit applications for small schemes using PiP was introduced in 2018, there appears to have been little monitoring of its uptake. The National Trusts' limited access to a planning application database suggests 79 approvals with 89 applications refused. Other commentators have highlighted some 55 applications pursued to planning appeal with only 9 allowed. This suggests the route is not a popular one so far and the success rate at application with more than half refused (and less on appeal) suggests the process is not delivering more homes. There may be many reasons as to why this is the case, and we would recommend that research is commissioned to assess what might be limiting their success before widening this to major applications.

We are aware of one scheme in West Lancashire [2019/1140/PIP] where the developer elected to submit an outline planning application following the grant of PiP, because it was not possible to determine site access through the PiP route. The absence of certainty over matters such as site access is one example of the difficulties with PiP. If the system is expanded to cover major developments without revisions this is likely to continue. Even where applicants wish to submit information voluntarily to commit to mitigation for a site, which might overcome concerns, they are unable to do so and such information cannot be taken into account in the decision-making process by the local authority. The opportunities for applicants and local authorities to work collaboratively are therefore lost.

Our understanding of the market is that developers require certainty in order to allow investment decisions to be made with confidence. The way the PiP process is currently framed does not remove risk associated with development nor the costs to progress the details of a scheme which are still required, but just pushed to a later stage. The National Trust does therefore not believe that it will be well used by developers and that it will not in turn lead to the swifter delivery of sites that the Government anticipates.

We are aware that a similar Planning Permission in Principle route has operated in Scotland for over 10 years and it may be beneficial for the Government to review whether any lessons can be learned from its operation. It appears they have proved most popular for smaller sites, but less so with larger proposals. We note in the Scottish system there is

the ability for local authorities to request the submission of further information and to work more collaboratively with applicants, which is likely to be beneficial for all parties involved in the application process.

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