Department for Communities and Local Government

Government response to the technical consultation on implementation of planning changes: Permission in principle and brownfield registers

March 2017
Department for Communities and Local Government

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at http://forms.communities.gov.uk/ or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: https://twitter.com/CommunitiesUK

March 2017

ISBN: 978-1-4098-5031-1

Contents

Introduction

We published the technical consultation on implementation of planning changes on 17 February 2016. The consultation was open for 8 weeks and closed on 15 April 2016.

The consultation covered detailed proposals to support implementation of the Housing and Planning Act, including enabling planning bodies to grant permission in principle and introducing a statutory register of brownfield land suitable for housing development. We also sought views on whether proposals impact on protected groups, to ensure that we take into account all relevant evidence in our consideration.

Respondents were invited to reply online using an internet survey package or to email or post written comments to the Department for Communities and Local Government.
We received 818 responses to the consultation overall. Respondents addressed some or all of the questions set out in the consultation paper, offered comments on the draft changes, and in some cases made specific suggestions for revised wording. This document sets out a summary of the responses made to Chapter 2 (Permission in Principle) and Chapter 3 (Brownfield Register) together with the Government's response.

Consultation responses

818 responses were received to the consultation overall. A breakdown of the types of respondent is shown below:

Response by type of respondent	**% breakdown**
Local planning authorities	**43%**
House builders/developers/housing associations (development sector)	**5%**
Businesses	**3%**
Public Sector Organisations	**5%**
Professional institutions/associations	**8%**
Industry representatives/bodies and trade organisations	**4%**
Individual/voluntary/charity/community/research organisations	**32%**
Total	**100%**

Consultation questions

The summary of responses is structured around the questions asked in the consultation document. We were grateful for all the responses received, including the alternative or additional text which some respondents offered. These have been given full consideration. It should be noted that in evaluating the responses to this consultation, the Government has carefully considered the arguments put forward in support of, or against, any particular proposal, rather than reaching a view based on the absolute number of respondents for or against a particular measure.

The rest of this report sets out an overview of the responses to individual questions, and provides more detail on the Government's proposals for implementing permission in principle and registers of brownfield land.

Public Sector Equality Duty

A number of responses were made on whether proposals impacted on protected groups. These responses have been carefully considered as part of our analysis and policy decisions. We do not consider that duties under section 149 Equality Act 2010 require us take account of any additional information.

Consultation responses

Chapter 2: Permission in principle

2.1 Permission in principle is a new consent route that will sit alongside existing routes for obtaining planning permission. It will establish the use, location and amount of housing led development. Permission in principle will help to make the planning system more certain and efficient and we are keen to see it taken up positively by local planning authorities, neighbourhood groups and applicants/developers. We consider that it has the potential to increase the number of suitable sites that are developed for much needed housing. We welcome the high level of response to the questions posed in our consultation.

2.2 We have worked closely with local government, developers, and other organisations to ensure that we get the detailed processes right and that permission in principle is a success. This engagement has helped us to refine the policy. It has informed secondary legislation providing for permission in principle on sites allocated in brownfield registers which has been laid in Parliament alongside the publication of the Government's response. It will inform secondary legislation to be published in due course to introduce permission in principle on application (for minor development) and for sites allocated in local and neighbourhood plans. We will also take the responses into account in formulating guidance that we intend to publish by June 2017.

Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle?
a) future local plans b) future neighbourhood plans; c) brownfield registers

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

2.3 There were 542 responses to question 2.1. The majority supported the use of local and neighbourhood Plans as qualifying documents. They recognised that Plans will already have tested sites and established the principle of suitability for development. Efficiencies in terms of time and financial savings were noted. However this support was qualified by many who expressed the need for sufficient information to support decisions and for decisions to have regard to national and local policies.

2.4 Those expressing concerns about the proposal were of the opinion that the processes involved, including engagement, would not be sufficiently rigorous. This

concern was articulated most strongly in relation to the use of brownfield registers as a qualifying document. Many respondents suggested that the role of registers should be to promote sites rather than as a vehicle to grant permission in principle. But if they are to be used, there were calls for more rigour in their preparation, particularly in terms of engagement. Some respondents asked for clarity on the relationship between brownfield registers and local plans.

2.5 Many of those responding to this question said that existing tools and processes in the planning system could be modified, if necessary, to achieve the same purpose. These included the outline planning permission and reserved matters processes, development orders and plan allocations. Others raised questions about the burden on local authorities and other bodies. Most respondents called for guidance on the process.

2.6 There were 480 responses to question 2.2. Respondents supporting and opposing the proposal were fairly evenly balanced.

2.7 Most of those supporting the proposal emphasised the need for decisions to be made in line with national and local policies and called for guidance to explain the operation of the system. Some said that obtaining permission in principle for small sites would help to de-risk development. Others suggested that the amount of development should be excluded from the 'in principle' matters for applications on minor development and there were suggestions for other matters to be considered, including environmental and traffic matters. There were calls for development affecting environmental and heritage assets to be excluded from permission in principle on application.

2.8 Those who did not support the measure felt it was unnecessary and that existing tools, including the outline planning permission and reserved matters process, pre-application service and permitted development rights could be modified if needed to deliver a more efficient process. Some of those opposing the proposal considered that information on a wider range of matters would be needed at the permission in principle stage. Others were concerned about the loss of fee income for local authorities.

Government Response

2.9 We welcome the support for our proposals for permission in principle. We have always made clear that decisions about whether to grant permission in principle should have regard to national and local policy and that the decision making process should be rigorous. Sections 59A(12) and 70(2) of the Town and Country Planning Act 1990 (as amended by the Housing and Planning Act 2016) require local planning authorities to have regard to development plan policies (so far as material to the

application), any other material considerations and any guidance issued by the Secretary of State. Secondary legislation will require engagement with communities and statutory agencies as part of the process for granting permission in principle through plans and registers and on application. We consider that some of the concerns about our proposals have arisen because of a misunderstanding about how permission in principle will operate in practice. Guidance will play an important role in explaining our policy for permission in principle in more detail, including the complementary role that it plays alongside other planning tools. It will also help to set out our expectations for the operation of the policy and its requirements. We will work closely with stakeholders to develop guidance.

Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?

2.10 There were 483 responses to question 2.3. The majority of respondents agreed with the 'in principle matters' proposed for a permission in principle, i.e. location, use and amount of residential development. Many argued that other matters, in particular, non-residential development; affordable housing; access and infrastructure requirements should also be considered at the permission in principle stage.

Government Response

2.11 We welcome the widespread support for our proposed 'in principle matters'. We note the suggestions for other matters to be included at the permission in principle stage and appreciate why they have been put forward. We do not, however, agree that the consideration of additional matters is necessary to reach an 'in principle' decision. Such matters can be more effectively addressed at a later stage in the process, when the detailed proposals will come forward.

2.12 Secondary legislation will ensure that where a permission in principle does not specify the uses and amount of non-residential development no such development is permitted.

Question 2.4: Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?

2.13 There were 456 responses to question 2.4. A number of suggestions were put forward in relation to applications for permission in principle. These included referring to information/validation requirements; providing a checklist alongside any description of the site granted permission in principle; allowing authorities discretion to describe anything necessary to make the development acceptable and providing a

statement or brief. Many respondents also suggested following the outline planning permission and reserved matters process which enables local planning authorities to attach conditions to a grant of outline permission. Where permission in principle is granted for sites allocated in plans, some respondents suggested that the parameters should take the form of policy requirements set out alongside the details of the site allocation.

Government Response

2.14 We are grateful for the wide ranging suggestions put forward for agreeing parameters in relation to applications for permission in principle and sites allocated in plans and registers. We consider that the approach to describing parameters at the permission in principle stage should be clearly stated but sufficiently flexible to allow local planning authorities to make the necessary adjustments when the detailed proposals come forward. We will set out the general principles for describing the parameters in guidance.

Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?

2.15 There were 441, 413, and 408 responses to questions 2.5 (a), 2.5 (b) and 2.5 (c) respectively. The majority of respondents were of the opinion that development falling within Schedule 2 of the 2011 Regulations should be excluded from permission in principle. There was a similar response in relation to development that is likely to have a significant effect on Special Areas of Conservation and Special Protection Areas and other sensitive sites, including sites of high environmental value. These arguments were based on a concern that there would not be enough detail at the permission in principle stage to carry out a robust assessment of the impact of these developments and establish mitigations needed. In these circumstances the majority thought that the full application route would be preferable.

2.16 There were calls for clarity about the Government's proposals in relation to permission in principle on application with a strong consensus that developers, rather than local authorities, should undertake the assessment.

2.17 Some respondents supported permission in principle for this form of development. They considered that the system overall provided sufficient protection and that a safeguard might be that permission in principle is granted subject to mitigation to be agreed at the technical details stage. Those supporting the measure were in general agreement that there needed to be sufficient information available, and that decisions should comply with national and local policy.

2.18 Many respondents called for guidance on the assessment processes and there were requests to define sensitive sites.

Government Response

2.19 We agree, and have made it clear, that permission in principle should only be granted where local planning authorities are able to meet the requirements in relation to environmental impact assessments, habitats and other sensitive areas. However, we believe that decisions about the suitability of sensitive or potentially sensitive sites should be for local authorities to make. Secondary legislation will ensure that permission in principle may not be granted through a brownfield register for development that falls within Schedule 1 of the EIA Regulations[1]. Development falling within Schedule 2 of the Regulations may be granted permission in principle through brownfield registers only where local planning authorities have sufficient information to screen the project and as a result of the screening determine that an environmental impact assessment is not required because the development is not likely to have significant effects on the environment. Also, permission in principle may not be granted through a brownfield register for sites where the development would be prohibited under habitats protection legislation. We will consider whether guidance would be helpful to clarify how we expect the policy to operate in relation to sensitive sites.

Question 2.6: Do you agree with our proposals for community and other involvement?

2.20 There were 493 responses to question 2.6 with widespread support for our proposals on engagement at the permission in principle stage. Many respondents agreed that existing consultation arrangements within local and neighbourhood plan-making processes provide an appropriate framework. Some added that statutory bodies would need additional information to provide informed advice to local authorities. On permission in principle applications, there was considerable support for setting consultation arrangements in line with current requirements for planning applications. Many respondents did not support a more flexible, non-mandatory approach to engagement at the technical details stage. Respondents added that requiring local authorities to undertake public engagement at the technical details stage was needed to ensure consistency, fairness and maintain public support for new housing development.

[1] Town and Country Planning (Environmental Impact Assessment) Regulations 2011, SI 2011/1824, as amended.

Government Response

2.21 We welcome the support for our proposals for engagement at the permission in principle stage across plans, brownfield registers and on application and we will take the proposals forward in their current form. We recognise the concerns about ensuring appropriate levels of engagement with communities and statutory agencies at the technical details stage and will mandate such engagement at this stage. Given that the public and statutory agencies will already have been involved at the permission in principle stage we will ensure that mandatory engagement at the technical details stage is proportionate.

Question 2.7: Do you agree with our proposals for information requirements?

2.22 There were 450 responses to question 2.7. The majority of respondents supported the proposals for information requirements though some voiced concerns about the robustness of the processes, particularly in relation to sites granted permission in principle through brownfield registers. Some respondents emphasised the need to make clear at the permission in principle stage what information is required as part of the technical details application. Those that did not support the measure were unsupportive of permission in principle more generally and felt that there would be insufficient information available to make a decision at the permission in principle stage.

Government Response

2.23 We welcome the positive responses to our proposals for information requirements. Secondary legislation will provide for the requirements which will be based on our consultation proposals. Where supplementary information is needed to support a decision on a technical details consent application, we would expect that information to be proportionate and to be provided in a single statement with an assessment of the impacts of the proposed development and a design justification.

Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application?

2.24 There were 433 and 422 responses to questions 2.8 (a) and 2.8 (b) respectively with a variety of views about the approach to setting fees. Some said that they should be on a cost recovery basis while others argued that fees should be linked to factors such as development size, value and local authority performance. Others suggested that we should base the fee structure on existing models. It was suggested that the fee for permission in principle applications should be low to incentivise take-up.

Government Response

2.25 We welcome the views and suggestions put forward for setting fees and have taken these into account in developing our proposals. We intend to set a fee for permission in principle and technical details consent applications. The fee for permission in principle applications for minor development will be designed to incentivise the use of this new tool but reflect the work undertaken by local planning authorities. It is our intention that the fee payable for technical detail consent applications, including applications that follow from permission in principle granted through registers and plans, will be the same as the fee for an equivalent reserved matters application.

Question 2.9: Do you agree with our proposals for the expiry of permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?

2.26 There were 422 responses to question 2.9 expressing a range of views about the duration for permission in principle granted through plans and registers. This was also the case in relation to the expiry of permission in principle on application. The majority of respondents supported the proposal to give local authorities the ability to vary the duration of permission in principle for shorter or longer periods.

Government Response

2.27 Section 59A(7) and (8) of the Town and Country Planning Act 1990 makes provision for permission in principle granted by plans or registers to expire after five years and after three years when granted on application. These provisions also allow local authorities to lengthen or shorten the duration of permission in principle. We consider that this will allow for local flexibility, for example to facilitate plan-led development.

Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

2.28 There were 433 and 411 responses to questions 2.10 (a) and 2.10(b) respectively with a range of responses to our proposals on determination periods and a significant number of respondents indicated that they considered that the proposed timescales are appropriate. Concerns were expressed by some respondents that the proposed determination periods do not allow the public and other interested parties enough time to comment and/or for proper consideration of the issues. Other respondents said that the proposed determination periods would not fit with the timing of planning committees.

Government Response

2.29 We welcome the support for the proposed maximum determination periods, but also acknowledge the concerns raised by some respondents. We consider that the maximum determination periods for existing types of planning application provide a strong indication that the proposed timescales will allow for the in principle and more detailed matters to be considered fully at the respective stages and for adequate engagement to take place. We also consider that local authorities will be able to make necessary adjustments to their decision-making arrangements to adapt to these timescales. We will therefore take forward the existing proposal for determination periods in secondary legislation.

Chapter 3: Brownfield register

3.1 Brownfield (previously developed) land has an important role to play in meeting the country's need for new homes. Through brownfield registers a consistent body of information about sites suitable for housing will kept up to date and made publicly available. This will help provide certainty for developers and communities and encourage investment in local areas. There was considerable interest in our proposals for registers and a high level of response to the questions posed in our consultation. In addition 73 local planning authorities have piloted the preparation of brownfield registers. The consultation responses and experience of the pilot authorities has helped to shape the policy and it has informed secondary legislation introducing the requirement for brownfield registers that has been laid in Parliament alongside the publication of the Government's response. The responses will also be taken into account in formulating guidance that we intend to publish by June 2017.

3.2 We are keen to continue working closely with local planning authorities and other interested parties to ensure that brownfield registers are effective in promoting suitable sites for housing with a positive approach to granting permission in principle on suitable sites.

Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

3.3 There were 457 responses to question 3.1. There was considerable support for the proposals for identifying sites and using the Strategic Housing Land Availability Assessment (SHLAA) process as the starting point. However some respondents emphasised the need to avoid duplicating that process to help minimise burdens.

3.4 Respondents put forward a wide range of suggestions for other sources of information to identify potential sites. These were predominantly existing data sources or suggestions that bespoke assessments should be carried out on specific issues.

3.5 There were 415 responses to question 3.2. There was considerable support for the use of the proposed criteria but this was qualified by comments that they should reflect the SHLAA process more closely and that guidance should be provided to clarify the process.

3.6 Many respondents suggested that decisions about entering sites on registers should take the National Planning Policy Framework and local plans into account. Some respondents were concerned that registers would undermine local plans and that there would be undue pressure on sites in other uses, such as employment land, to be considered suitable for housing. Other respondents sought the exclusion from registers of particular types of land, for example, sites of high environmental value.

3.7 There were detailed questions and suggestions, particularly from public sector bodies about the assessment of site suitability, including addressing constraints and mitigation. There were calls for the assessment of sites to be addressed in legislation or guidance to ensure a rigorous process. There were also requests from some respondents to set thresholds locally.

Government Response

3.8 We welcome the support for our proposals to identify potential sites and the proposed criteria to determine suitability. Secondary legislation will set a process for identifying potential sites that is aligned to the existing SHLAA process as far as possible. We will also encourage local authorities to use additional sources of information to help identify potential sites including, for example, the list of sources suggested for consideration in guidance when authorities carry out their housing and economic land availability assessments.

3.9 We have always made clear that decisions about the suitability of sites to enter onto registers should have regard to national and local policy and that the decision making process should be rigorous. There is a duty on local planning authorities to have regard to the development plan, national policy and advice and guidance when exercising their functions under the brownfield register regulations[2].

3.10 Consistency in the information held on suitable brownfield sites is vital if registers are to be a useful tool for developers and others who are interested in identifying suitable sites. For that reason we do not agree that thresholds should be set locally. While we are setting a criterion that sites should be capable of supporting five or more dwellings or be at least 0.25 hectares local authorities will be able to seek suggestions for smaller sites to include in their registers wherever possible.

3.11 We consider that some of the concerns about our proposals have arisen because of a misunderstanding about how brownfield registers will operate in practice. We will issue statutory guidance in relation to the secondary legislation for brownfield

[2] See section 14A(7) of the Planning and Compulsory Purchase Act 2004 (c. 5) which was inserted by section 151(1) of the Housing and Planning Act 2016 (c.22).

registers[3]. This guidance will play an important role in explaining our policy for registers in more detail, including the complementary role that registers are expected to play alongside local plans. Guidance will also help to set out our expectations for the operation of the policy and its requirements.

Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?

3.12 There were 371 responses to question 3.3. The majority of the respondents supported the approach that we set out in paragraph 3.18 of the technical consultation for sites that fall within Schedule 2 of the 2011 Environmental Impact Assessment Regulations (the EIA Regulations) and sites that are likely to have a significant effect on Special Areas of Conservation and Special Protection Areas. There was a variety of suggestions about how the process should operate in practice. Respondents not supporting our proposed approach were concerned that there would be insufficient information to screen the proposal and prepare an Environmental Statement if an environmental impact assessment was required. Concerns were also raised about the costs to local authorities and other public bodies with strongly voiced suggestions that costs should be borne by applicants/developers.

Government Response

3.13 We welcome the support for our proposed approach and suggestions about how the process should operate in practice. Our consultation made clear that authorities will need to meet the requirements in relation to environmental impact assessments, habitats and other sensitive areas. As indicated in paragraph 1.18 above, the secondary legislation will ensure that permission in principle may not be granted through a brownfield register for development that falls within Schedule 1 of the EIA Regulations. Development which might fall within Schedule 2 of the Regulations may be granted permission in principle through brownfield registers only where local planning authorities have sufficient information to screen the project and as a result of the screening determine that an environmental impact assessment is not required because the development is not likely to have significant effects on the environment and so it is not EIA development.

3.14 Secondary legislation also provides that permission in principle may not be granted through a brownfield register for sites where the development would be prohibited under habitats protection legislation.

[3] Under the power in section 14A(7)(c) of the Planning and Compulsory Purchase Act 2004.

3.15 Authorities will be best placed to judge what is sufficient information to decide whether development is EIA development or development that would be prohibited under habitats protection legislation. In practice this means that authorities must decide on the basis of objective evidence that sites are suitable to be granted permission in principle.

Question 3.4: Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?

3.16 There were 321 responses to question 3.4. Most supported our assessment about the potential for the 2004 Regulations to apply[4]. There were more detailed comments about the circumstances where Strategic Environmental Assessment (SEA) may be needed. Some respondents argued that SEA carried out for local plans would be a good starting point to help determine both the need for SEA and where an SEA is required its scope and content. Some respondents were keen to ensure that a proportionate approach should be adopted in line with the existing regulations on strategic environmental assessment. Others suggested that SEAs undertaken for local plans would not be broad enough. Some respondents emphasised the need for sufficient information to carry out the assessments. There were requests for further clarification and guidance.

Government Response

3.17 We welcome the range of comments on this matter. The responses have confirmed our assessment that there may be potential for the 2004 Regulations to apply, depending on the content of brownfield registers. But in our opinion, given the nature of registers, if and where necessary the content of any strategic environmental assessment is likely to be limited in scope, and it may be appropriate in some cases to use assessments undertaken during the preparation of local plans. We also consider that, depending on the context, subsequent reviews of registers may only need a strategic environmental assessment if it is considered likely that the addition of the new sites proposed for the register would lead to significant effects on the environment, including taking into account cumulative effects[5]. These decisions will be for local authorities to make taking into account the particular circumstances. We will consider whether it would be helpful to include advice on this matter as part of our guidance on the operation of secondary legislation and the policy.

[4] SI 2004/1633, as amended.
[5] See regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004 (S.I. 2004/1633).

Question 3.5: Do you agree with our proposals on publicity and consultation requirements?

3.18 There were 390 responses to question 3.5. The majority argued that consultation should be mandatory before land is entered on registers, where it is the intention to grant those sites permission in principle. Some respondents raised concerns about burdens on local authorities and statutory agencies and there were questions about the fees payable. There were calls for more details about our proposals to give local authorities discretion to consult their local communities and other interested parties before sites are included on registers, where those sites are not granted permission in principle through that entry on the register. Some respondents made more detailed suggestions about the scope and process for consultation.

Government Response

3.19 We welcome the comments received on this matter. We have made clear the importance of engagement at the permission in principle stage and are mandating engagement with communities and statutory agencies where authorities intend to grant permission in principle for sites on brownfield registers. The requirement will be modelled on our approach to engagement with the community and statutory bodies on existing requirements for planning applications. We do not intend to require authorities to consult communities and others about sites they have decided to enter onto brownfield registers without granting permission in principle. However we acknowledge that engagement on the intention to enter sites on registers may be helpful in certain circumstances and if that is the case we would encourage authorities to engage in a proportionate consultation process. Secondary legislation therefore provides the discretion to consult where land is placed on the register without granting permission in principle. We will consider the need for guidance on mandatory and optional engagement.

Question 3.6: Do you agree with the specific information we are proposing to require for each site?

Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?

Question 3.8: Do you agree with our proposed approach for keeping data up-to date?

3.20 There were 376 responses to question 3.6, 339 responses to question 3.7, and 388 to question 3.8. The majority agreed with our proposals for information requirements; publishing standardised data and keeping it up to date. There were calls by some respondents, particularly local planning authorities, for the process to be simple and aligned with the SHLAA process to minimise burdens. There was strong support for the Government to provide a template or proforma for registers. Many authorities

were concerned that the registers duplicated work required for SHLAAs, local plans and annual monitoring reports with calls to minimise the burdens on them.

Government Response

3.21 We welcome the support for our proposals about the information to be held on brownfield registers. Secondary legislation will require authorities to make their data available to the Secretary of State in a prescribed format which will help to ensure the consistency of data on suitable brownfield sites. It will also require authorities to update their registers at least once a year. We will also encourage more frequent updates where authorities wish to undertake them. That will ensure that the process is proportionate allowing authorities to respond to their particular circumstances. We will consider the role of guidance to support authorities and publish a document setting the national standard for data on brownfield registers to help set out our expectations for data collection, presentation, publication and review.

Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?

Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

3.22 There were 346 responses to question Q3.9 and 299 responses to question 3.10. The majority of respondents, in particular local planning authorities, did not support the policy based incentive proposed in our consultation. They were concerned that it would undermine plan-led development and encourage greenfield applications. Many local planning authorities argued that there needed to be a better understanding of the reasons why brownfield sites did not come forward for development before more specific measures are taken forward. Some authorities also took the view that the Government should provide levers to encourage developers to build-out new homes following planning permission, while some developers supported the use of sanctions against poor performing authorities.

3.23 There were calls for more detail on how the Government's commitment to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020 would operate in practice. Many respondents suggested that more resources and incentives were needed to enable authorities to meet the commitment, including more freedoms for good performing authorities.

Government Response

3.24 A flow of planning permissions on suitable brownfield sites will play an important role in helping to deliver much needed housing. We are therefore keen to ensure that local planning authorities make good progress in preparing and keeping their brownfield registers up to date with a positive approach to granting permission in principle on suitable sites. We will consider possible measures to drive progress, including incentives and sanctions, to drive up local authority performance.

3.25 We will measure progress in getting planning permissions in place on suitable brownfield sites annually. Our assessment will take into account planning permissions, including permission in principle, granted on sites that authorities have identified as deliverable, i.e. where there is a realistic prospect that housing will be delivered within five years. We intend to provide further details about this process and our expectations.