



Department for  
Communities and  
Local Government

# Building more homes on brownfield land

Consultation proposals



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## Ministerial Foreword

The Government knows that local authorities share its ambition to maximise housing delivery on brownfield land. In June last year we announced that we expect to see local development orders being used to get permissions in place on over 90% of suitable brownfield land by 2020, and we made a commitment to implementing a package of measures to support authorities in delivering this goal. Since then local authorities taking forward local development orders for housing on suitable brownfield sites have started to receive support and today I am inviting authorities to bid for a further round of funding.

I am confident that most authorities will make good progress in putting local development orders for homes in place. This Consultation proposes ways in which local authorities can collect and share information on suitable brownfield land in an open and transparent manner so that progress will be clear to all. The Consultation also seeks views on measures that may be needed in more exceptional circumstances where further action is needed to drive progress.

I hope that as many authorities, development partners and other organisations and individuals as possible respond to this consultation to help us ensure that we have the best system in place to help deliver the homes that we need.

**Brandon Lewis MP**

Minister of State for Housing and Planning

## Basic Information

<b>Topic of this consultation:</b>	Measures to underpin the delivery of housing on brownfield land
<b>Scope of this consultation:</b>	Seeks views on a range of proposals to support authorities further in identifying and recording brownfield land suitable for housing, and to encourage them to make good progress in getting permissions in place for housing through local development orders.
<b>Geographical scope:</b>	England
<b>Body/bodies responsible for the consultation:</b>	Planning Directorate, Department for Communities and Local Government.
<b>Duration:</b>	6 weeks (ending 11 March 2015)
<b>Enquiries:</b>	For enquiries please contact: <a href="mailto:UnderpinningMeasures@communities.gsi.gov.uk">UnderpinningMeasures@communities.gsi.gov.uk</a> 030 3444 1706
<b>How to respond:</b>	<p>You can either respond to the consultation using the online Survey Monkey form at: <a href="https://www.surveymonkey.com/s/TTKRPYP">https://www.surveymonkey.com/s/TTKRPYP</a></p> <ul style="list-style-type: none"> <li>• Or you can email your response to the questions to <a href="mailto:UnderpinningMeasures@communities.gsi.gov.uk">UnderpinningMeasures@communities.gsi.gov.uk</a></li> <li>• If you need to provide a written response, please make it clear which questions you are responding to.</li> <li>• Written responses should be sent to:            Anne Wood            Department for Communities and Local Government            Third Floor            Fry Building            2 Marsham Street            SW1P 4DF</li> </ul> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> <li>• your name,</li> <li>• your position (if applicable),</li> <li>• the name of organisation (if applicable),</li> <li>• an address (including post code),</li> <li>• an email address, and a contact telephone number</li> </ul>
<b>Getting to this stage:</b>	<p>The Government announced in June 2014 that it expected to see local development orders in place for homes on more than 90% of brownfield land suitable for new housing by 2020.</p> <ul style="list-style-type: none"> <li>• A £5 million fund has been made available to support up to 100 local development orders.</li> <li>• A package of support for local authorities will be made available to encourage the preparation of local development orders, including local development order templates.</li> <li>• £400 million of government funding is being invested to create housing zones to support development on brownfield land.</li> </ul>

# Introduction

1. The Government is committed to increasing the level of house building in England to ensure that communities can access the homes that they need. A significant level of investment and other support has already been committed to unlock housing sites and encourage house building, including:
  - A £474 million Local Infrastructure Fund which is helping to free up large-scale housing developments.
  - A £500 million Get Britain Building investment fund which is providing finance to unlock smaller stalled sites.
  - A £525 million Builders' Finance Fund which will provide development finance for smaller sites to support the construction of up to 15,000 new homes.
  - £720 million through the Growing Places Fund to deliver the infrastructure needed to bring forward stalled schemes that will promote economic growth and build homes.
  - The New Homes Bonus has allocated almost £3.4 billion since April 2011, recognising delivery of over 700,000 homes and over 100,000 long-term empty homes brought back into use.
  - £150 million Estate Regeneration fund which will help kick start and accelerate the regeneration of housing estates.
  - Over £200 million direct funding has been made available to bring empty property back into use.
  - The Public Sector Land Programme which has identified land with a capacity for over 100,000 homes, and the Strategic Land and Property review which has identified scope to generate £5 billion of receipts from Government land and property between 2015 and 2020.
2. The Government is also investing £200 million to help create around 10 Housing Zones outside London with a further £400 million being invested jointly with the Mayor of London for around 20 new Housing Zones in the Capital. It is also seeking powers to create an Urban Development Corporation for the Ebbsfleet area to accelerate the construction of a garden city development that will help to deliver up to 15,000 homes.
3. We have also reformed the planning system to ensure that it supports the delivery of housing, including homes on brownfield land. The National Planning Policy Framework makes clear that planning should encourage the effective use of land by

re-using brownfield sites, provided they are not of high environmental value<sup>1</sup>, and that local councils can set locally appropriate targets for using brownfield land. We have also amended planning practice guidance to stress the importance of bringing brownfield land back into use.

4. Planning regulations have been amended to make it easier to change the use of an existing building from commercial, retail and agricultural use to residential use. Permitted development rights have been expanded, including for flats above shops and allowing for new temporary uses. Budget 2014 announced our intention to further extend these flexibilities.
5. Changes to Community Infrastructure Levy rules now provide an increased incentive for brownfield development, and extended exemptions for empty buildings being brought back into use. We have also introduced changes to national policy to lift Section 106 burdens on vacant buildings being returned to use or demolished for re-development.
6. This investment and support is already delivering results. Over 700,000 additional homes have been delivered in England since 2009, including over 217,000 affordable homes. Housing starts are at their highest since 2007. Housing construction orders have doubled since 2009 and the number of empty homes is at a ten year low in England.
7. But the Government wants to go further to deliver more new homes. Brownfield land suitable for housing has a vital role to play in meeting the country's need for new homes while protecting the countryside, and for this reason the Government wants to maximise the number of new homes on suitable brownfield land.
8. The planning system plays a key role in facilitating housing, and local planning authorities through their policies and decisions have the potential to drive up the number of homes coming forward on brownfield land. Historic data suggests that there is enough suitable brownfield land to accommodate up to 200,000 homes, and the Government wants to see local planning authorities taking a proactive approach to realising this potential, through the use of local development orders.
9. Local development orders are an important way of speeding up the planning process and providing certainty for developers and investors. The Government therefore expects that permissions on brownfield land suitable for housing will in future be granted by local development orders, demonstrating the local planning authority's commitment to creating planning certainty to deliver growth in their area. To underpin this ambition the Government has set an objective that by 2020 local

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<sup>1</sup> Paragraph 17 of the National Planning Policy Framework

development orders should be in place on over 90% of brownfield land suitable for housing, and which does not already benefit from planning permission.

10. We know that local authorities and communities share the Government's ambition to maximise the use of brownfield land, and we want to support them in driving up the number of homes permitted on suitable sites. We are already providing financial support to some authorities who are developing local development orders for housing and have launched an Invitation to Bid for further support in tandem with this consultation.
11. This consultation document seeks views on the Government's proposals for identifying suitable brownfield land and sharing data openly and transparently, measuring progress towards the Government's goal for housing permissions on brownfield land, and options to support authorities where additional action is needed to get permissions in place.



# Identifying brownfield land suitable for new housing

12. Robust and up-to-date information will be essential if we are to know what brownfield land is available and suitable for housing, and to what extent local development orders are being put in place. Local planning authorities are best placed to lead on this, building on good practice. The Government is keen to support authorities to put in place open and transparent data. This section sets out the Government's proposals for identifying suitable land and how this information can be shared in an open and transparent manner.

## Defining brownfield land suitable for new housing

13. 'Brownfield' (previously developed) land is defined in Annex 2 of the National Planning Policy Framework as:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:*

- *land that is or has been occupied by agricultural or forestry buildings;*
- *land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;*
- *land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and*
- *land that was previously-developed, but where the remains of the permanent structure have blended into the landscape in the process of time.*

14. This is a very broad definition and (apart from the exclusions) covers all land in England where there are or have been buildings or other development. Much of this land is already in productive use and would not be suitable for new housing. If we are to ensure progress towards the Government's objective of having local development orders in place on more than 90% of suitable brownfield land by 2020, it will be important to have good quality data about land that can be used for this purpose. We are therefore proposing that local planning authorities should identify land which follows the definition in the National Planning Policy Framework and also meets the following criteria:

## **Deliverable**

- The site must be available for development now or in the near future. This will be a site not in current use, or a site in use (though not for housing) or under-utilised where the local authority has evidence that the owner would be willing to make the land or buildings available for new housing, provided planning permission can be obtained.

## **Free of constraint**

- Local planning authorities should not identify as suitable for housing any land which is subject to severe physical, environmental or policy constraints, unless the constraints can realistically be mitigated while retaining the viability of redevelopment. Contaminated land should also be excluded if there is clear evidence that the cost of remediation would be out of proportion to its potential value, making re-development unviable.
- The Government attaches great importance to the Green Belt and the National Planning Policy Framework makes clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Inappropriate development on brownfield land in the Green Belt should not be approved except in very special circumstances.

## **Capable of development**

- The site must be in a condition and location that would make it a genuine option for developers: that is, it must be clear to the local planning authority that there would be interest from developers in purchasing the site and building housing there in the near future.

## **Capable of supporting five or more dwellings**

- This criterion is intended to provide a proportionate threshold and is in line with the Government's advice in Planning Practice Guidance to local planning authorities when conducting their Strategic Housing Land Availability Assessments. For this reason local planning authority progress in meeting the Government's 90% objective will be measured in relation to sites capable of supporting five or more dwellings. However authorities should also aim to get permissions in place on smaller sites whenever possible because of their valuable contribution to meeting overall housing supply.

15. Much brownfield land suitable for new housing will be easily identifiable and clearly fall within the definition. But some will not, and we recognise that in these cases the

local planning authority will need to take an informed view. We would, though, encourage local authorities to be as proactive and constructive as possible. They should reject sites only if they can demonstrate that there is little realistic prospect of them being used for new housing.

**Question 1: Do you agree with our proposed definition of brownfield land suitable for new housing and the criteria that are applied to define land suitable for new housing?**

**Sharing information on progress**

16. Local planning authorities are already asked to compile and publish an objective assessment of housing land availability as part of the evidence base for their Local Plans. Authorities will want to be aware of potential new housing sites that may have the capacity to meet local need. Publishing the details of land suitable for housing should also attract interest from house-builders.
17. We propose, therefore, that local planning authorities share a small subset of this data which would include: authority name, site reference, name, address, co-ordinates (for mapping), size, an estimate of the number of homes the site would be likely to support, planning status, and ownership (by type, for example public sector). We would welcome thoughts on other data that would have to be included. Local planning authorities will also be free to add to the list as they see fit.
18. We envisage that local planning authorities would publish data that is updated at least once a year at source on their own websites, in an open, accessible format. Publishing data openly and transparently will allow a broad range of individuals and groups to assess and, if necessary, challenge the inclusion or exclusion of particular sites as brownfield land suitable for housing. This will help to ensure the robustness of the local planning authority's data.
19. We propose that data should be published to an agreed, common standard and specification. Publication in a standardised form would benefit local authorities – for example, by enabling an authority to compare its brownfield land with that in neighbouring areas, and thereby aid compliance with the Duty to Cooperate on the allocation of housing land. Others could use this open, standardised data too: for example to generate innovative new mapping and data visualisation tools for developers seeking to identify sites, including those that cross local authority boundaries.
20. We also believe that standardised, open data sets will encourage the development of innovative new on-line services – for example, to harvest brownfield information from individual local sources, and aggregate and present it to different audiences. These audiences could include local authorities themselves – for example, to assist

with tracking or benchmarking development of housing on brownfield land amongst a group of neighbouring authorities.

**Question 2: Do you agree that local planning authorities should be transparent and publish the small subset of data at source, and update it at least once a year, to a common standard and specification?**

**Question 3: Do you have views on how this common standard and specification should be developed?**

### **Assessing progress towards meeting our objective**

21. The Government's objective is to see local development orders in place on more than 90% of suitable brownfield land that does not already benefit from planning permission by 2020. As sites are developed and new sites become available, authorities will need to review their stock of brownfield land and its permission status on a regular basis. The Government expects this to be at least once a year. This means that both the baseline against which local planning authorities are making progress and their achievement against that baseline will be rolling rather than set against a single fixed point. This will help to support the Government's objective to maximise the scope for new housing on suitable brownfield land.

**Question 4: Do you agree that local planning authorities should review their baseline and progress regularly, at least annually, to ensure that information about permissions on suitable brownfield land is current, reflecting changes in the availability of suitable housing sites?**

# Measures to encourage progress

22. The Government and local authorities have a shared ambition to maximise housing delivery on brownfield land. The financial support already in place for local planning authorities developing local development orders on larger housing sites, together with the [further funding](#) announced alongside this Consultation will help authorities achieve this shared goal. In addition we are supporting local planning authorities developing orders for smaller sites through the Planning Advisory Service, and advice – including local development order templates – will be published to support the wider use of orders for smaller sites. The Government expects, therefore, that most authorities will make good progress in getting local development orders in place on suitable brownfield land, but where additional action is needed we are proposing two options which are described in this section.

## Designations

23. Under section 62A of the Town and Country Planning Act 1990, local planning authorities can be designated as under-performing where the speed or quality of their decisions has fallen below a prescribed threshold. Our proposal is to extend this measure so that authorities could also be designated as under-performing where they do not meet the objective for bringing forward sufficient coverage of local development orders on brownfield land suitable for new housing, or where authorities have failed to provide sufficient evidence that this objective is being met. Where an authority is designated, applicants would then have a choice of applying directly to the Secretary of State for planning permission. This would be implemented through a change to primary legislation, and by revising the criteria for designation and de-designation.<sup>2</sup>

24. The designation process has been in operation since October 2013 and is well understood by local planning authorities. It has also shown itself to be an effective measure in driving improvements in the time taken to determine applications for major development. The latest statistics show that between July and September 2014 local planning authorities decided 78% of applications for major development on time<sup>3</sup>, up from 69% a year earlier and a low point of 53% in January-March 2012.

25. If this approach is to be extended to planning positively for brownfield land, it needs to be aligned with the overall objective of the policy, which is to allow residential

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<sup>2</sup> Existing criteria document available from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/319849/Improving\\_planning\\_performance\\_-\\_criteria\\_for\\_designation\\_revised\\_2014\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319849/Improving_planning_performance_-_criteria_for_designation_revised_2014_.pdf).

<sup>3</sup> Within the relevant statutory period, or such longer period as had been agreed in writing with the applicant.

development to come forward more easily on suitable brownfield sites. For this reason, we propose that only applications relating to brownfield land would be capable of being submitted to the Secretary of State where an authority is designated. In addition, applications would need to be consistent with the size threshold proposed in this consultation of five residential units or more.

**Question 5: Do you think that the designation of under-performing planning authorities in the way suggested would provide an effective incentive to bringing forward planning permissions on brownfield land?**

26. The Government is committed to seeing local development orders in place on at least 90% of brownfield land suitable for new housing, and which does not already benefit from planning permission, by 2020. Therefore we are proposing that this would be the threshold that would trigger any designations in that year.
27. However, this consultation makes clear that the baseline against which local planning authorities report their progress should be kept up to date. That baseline could fluctuate significantly where additional large brownfield sites become available. We recognise that it may not be possible for an authority to put local development orders in place on at least 90% of suitable brownfield land where large sites become available shortly before 2020. Because of this we propose that authorities would be assessed on the extent to which brownfield land suitable for housing identified the previous year was covered by local development orders. For example, at 2020 authorities would be liable for designation where they had not put local development orders in place on 90% of the brownfield land they had identified as suitable for housing in 2019 (and which did not already benefit from planning permission at that date).

**Question 6: Do you agree that:**

- a) Authorities should be designated from 2020 if they have not met the 90% objective?**
- b) Performance against the 90% objective should be calculated on the extent to which the brownfield land suitable for housing identified a year earlier is covered by local development orders?**

28. We also propose to assess the progress of authorities against an intermediate objective in 2017. This would give local planning authorities time to implement the policy while leaving sufficient time to improve before 2020 where this is necessary. We are proposing that local planning authorities should work towards an objective of putting local development orders in place on 50% of their brownfield land suitable for housing by 2017 (where the land does not already benefit from planning permission), but we would welcome your views on alternative percentages.

**Question 7: Do you agree that:**

- a) Authorities should be assessed against an intermediate objective in 2017?**
- b) Having local development orders in place on 50% of brownfield land identified as suitable for housing (and which does not already benefit from planning permission) in the preceding year is an appropriate intermediate objective?**

29. Where local planning authorities have not made sufficient progress against the intermediate objective at 2017, our proposed approach is to designate the authorities concerned: these authorities would then be invited to prepare an action plan and offered support to improve, and would be considered for de-designation after 12 months provided their performance then exceeds the 50% objective under which they had been designated. Other potential approaches exist, such as publishing a list of those authorities not meeting the objective, so that it is clear where more rapid action is required (and where peer support or other forms of assistance is most needed). However, we would need to ensure that the approach is sufficiently robust to encourage real progress in those areas where more needs to be done.

**Question 8: Do you agree that authorities should be designated from 2017 if they have failed to make sufficient progress against the intermediate objective?**

30. Once 2020 is reached, we would make designations once a year, in the spring. We would identify authorities as being at risk of designation where the data they have published on their websites suggests that the authority had not, at the time of the assessment, put local development orders in place on 90% of their brownfield land identified a year previously as suitable for housing.

31. Under the existing criteria, authorities at risk of designation are given two weeks in which to set out any data corrections or to offer exceptional circumstances as to why a designation would be unreasonable, which are assessed prior to designations being confirmed. We propose that this approach would also be appropriate when considering whether to designate authorities for their performance in bringing forward local development orders on suitable brownfield land.

32. The existing criteria document sets out two general tests that are applied in considering whether exceptional circumstances apply:

- a) whether the issue significantly affects the reasonableness of the conclusions that can be drawn from the recorded data for the authority, over the assessment period; or
- b) whether the issue had a significant impact on the authority's performance, for reasons that were beyond its control.

We would welcome your views as to whether similar tests should be set out for brownfield performance.

33. For consistency with the existing approach to performance, where authorities are designated at or after 2020, we would consider them for de-designation once a year, on the basis of their performance against the 90% objective. Authorities would remain designated until their performance reaches the appropriate level, unless exceptional circumstances apply.
34. Where authorities are designated under this policy, and an applicant applies to the Secretary of State for planning permission, we would mirror the provisions that already exist in relation to designations<sup>4</sup>. The key principles of these provisions include:
- The Planning Inspectorate receiving the application fee for any applications submitted directly to it;
  - The process for determining applications made to the Inspectorate mirrors, as far as possible, that which usually applies when an application is submitted to a local planning authority;
  - The relevant local planning authority would be required to carry out a small number of administrative functions in relation to the application; and
  - A presumption that public hearings would be held in most cases to inform the decision of the Inspector.

**Question 9: Do you agree:**

- a) With our proposed approach to identifying and confirming designations, including the consideration of whether exceptional circumstances apply?**
- b) With our suggested approach to de-designating authorities from 2020?**
- c) That the provisions for handling applications made to the Secretary of State should be the same as where an authority is designated under the existing performance measures?**

### **Policy-based incentive**

35. A second option would be to amend the National Planning Policy Framework. The policy change would mean that local planning authorities that had failed to make sufficient progress against the brownfield objective would be unable to claim the existence of an up-to-date five year housing land supply when considering applications for brownfield development, and therefore the presumption in favour of

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<sup>4</sup> More details can be found in the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (available from <http://www.legislation.gov.uk/ukxi/2013/2140/contents/made>), the Town and Country Planning (Section 62A Applications) (Hearings) Rules 2013 (available from <http://www.legislation.gov.uk/ukxi/2013/2141/contents/made>), and the Town and Country Planning (Section 62A Applications) (Written Representations and Miscellaneous Provisions) Regulations 2013 (available from <http://www.legislation.gov.uk/ukxi/2013/2142/made>)



sustainable development would apply. For the effective implementation of this approach, authorities should maintain up-to-date information on the extent to which suitable brownfield land in their area has local development orders in place, so that their performance against the objective can be reflected in decisions on planning applications and appeals.

36. This measure would benefit applicants as it would make it easier to obtain planning permission on brownfield land where authorities had failed to make sufficient progress towards the Government’s objective for permissions on brownfield land.
37. We propose that this measure would take effect fully from 2020, and would apply to any local planning authority that had not met the 90% objective by that date. However, in light of the need for local planning authorities to make continuous progress towards the 90% objective, we also propose that there would be a series of intermediate objectives to which this policy would apply; so from 2017 local planning authorities would be unable to claim the existence of an up to date five year supply of land for housing when considering applications for brownfield development, where they had failed to put local development orders in place on the following percentages of brownfield land identified as suitable for housing:

<b>Year</b>	<b>Percentage below which the policy would apply</b>
2017	50%
2018	60%
2019	75%
2020	90%

**Question 10: Do you:**

- a) Think the policy-based approach would provide an effective incentive for authorities to put local development orders in place on suitable brownfield land?**
- b) Agree with the proposed thresholds and dates at which this measure would take effect?**

**Dealing with data gaps**

38. The options that we have set out will work most effectively where regular information on progress in getting local development orders in place on brownfield land is published by local planning authorities. Where authorities consistently fail to publish information on progress, we consider that it will be reasonable to assume that insufficient action is being taken. Therefore we propose that either designation or the policy measure would be applied automatically where a local planning authority has not published data within the last year preceding the objective dates of 2017 and 2020, and in subsequent years.

39. Under the designation approach, this would mean automatic designation; with authorities being considered for de-designation only once data was provided that showed them to be above the 90% objective (or 50% objective in the case of authorities designated in 2017). For the policy approach, it would mean that authorities would be unable to claim an up-to-date five year housing land supply when considering brownfield applications, until the data had been published and showed them to be above the relevant objective for that year.

**Question 11: Do you agree that the measures proposed for failing to publish information on progress are proportionate and effective? If not, what alternative would you propose and why?**

### **Other approaches**

40. This consultation has outlined two specific measures to encourage improved progress where insufficient action is being taken to bring forward local development orders on suitable brownfield land, but we would welcome suggestions of other approaches that could be taken.

**Question 12: Do you have any other suggestions for measures that could help to deliver local development orders on brownfield land suitable for new housing?**

# Implementation

41. Meeting the Government's objective for getting local development orders in place on suitable brownfield land is consistent with the objectives for planning in the National Planning Policy Framework and is a recognised part of the Government's wider policy for housing delivery. Local planning authorities are already required to collect housing data, including information on brownfield land, for their Strategic Housing Land Availability Assessments and to inform their Local Plans. We do not think that publishing this data locally would constitute a new burden for local planning authorities. However, we will use the responses to this consultation to verify our conclusions.

# Summary of Questions

## Identifying brownfield land suitable for new housing

**Question 1:** Do you agree with our proposed definition of brownfield land suitable for new housing and the criteria that are applied to define land suitable for new housing?

**Question 2:** Do you agree that local planning authorities should be transparent and publish the small subset of data at source and update it at least once a year, to a common standard and specification?

**Question 3:** Question 5: Do you have views on how this common standard and specification should be developed?

**Question 4:** Do you agree that local planning authorities should review their baseline and progress regularly, at least annually, to ensure that information about permissions on suitable brownfield land is current, reflecting changes in the availability of suitable housing sites?

## Measures to encourage progress

**Question 5:** Do you think that the designation of under-performing planning authorities in the way suggested would provide an effective incentive to bringing forward planning permissions on brownfield land?

**Question 6:** Do you agree that:

- a) Authorities should be designated from 2020 if they have not met the 90% objective?
- b) Performance against the 90% objective should be calculated on the extent to which the brownfield land suitable for housing identified a year earlier is covered by local development orders?

**Question 7:** Do you agree that:

- a) Authorities should be assessed against an intermediate objective in 2017?
- b) Having local development orders in place on 50% of brownfield land identified as suitable for housing (and which does not already benefit from planning permission) in the preceding year is an appropriate intermediate objective?

**Question 8:** Do you agree that authorities should be designated from 2017 if they have failed to make sufficient progress against the intermediate objective?

**Question 9:** Do you agree:

- a) With our proposed approach to identifying and confirming designations, including the consideration of whether exceptional circumstances apply?

- b) With our suggested approach to de-designating authorities from 2020?
- c) That the provisions for handling applications made to the Secretary of State should be the same as where an authority is designated under the existing performance measures?

**Question 10:** Do you:

- a) Think the policy-based approach would provide an effective incentive for authorities to put local development orders in place on suitable brownfield land?
- b) Agree with the proposed thresholds and dates at which this measure would take effect?

**Question 11:** Do you agree that the measures proposed for failing to publish information on progress are proportionate and effective? If not, what alternative would you propose and why?

**Question 12:** Do you have any other suggestions for measures that could help to deliver local development orders on brownfield land suitable for new housing?

# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups who wish to respond are asked to include a summary of the people and organisations they represent and, where relevant, of any other party they have consulted in reaching their conclusions.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your information technology system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not, or if you have other observations about how we can improve the process, please contact:

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