

Planning White Paper August 2020: The Questions

MHCLG published the Planning for the Future White Paper on 6 August 2020.

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| Pillar One – Planning for development |
| Q1. What three words do you associate most with the planning system in England? |
| Political Complex (because of the need to balance issues and make balanced decision weighing up a range of Planning decisions). Contentious |
| Q2. Do you get involved with planning decisions in your local area? [Yes / No] |
| Yes, this is a response from Epsom and Ewell Borough Council. |
| Q2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify] |
| N/A |
| Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify] |
| <p>The first part of this question is a statement rather than a question. In response to the second part of the question, the Council would support a range of methods to ensure the greatest access, largest audiences and that is most effective.</p> <ul style="list-style-type: none"> • Social media: should be utilised, it's not resource intensive, it's quick and has the potential to capture a wide audience- however not everyone has access to the internet and it cannot be sole source of information. In addition to this, as a platform for discussion, social media has its drawbacks, if responses are not moderated there is a risk of inappropriate comments being published. Moderating comments requires sufficient resources to manage information. Social media has it's place but as a supplemental facility. • Online news / Newspaper: the uptake of newspapers have generally declining in recent times, the cost of placing notices in newspapers can be expensive and it's hard to know the effectiveness it has. • By post: Although resource intensive, letters to Neighbours on individual planning applications is the most direct and effective in getting the information to those directly affected. However if the proposal is to focus consultation at the Plan making stage, then it may be the case that letters will be needed to all households. At the moment, most authorities will only send letters to those who have registered to receive or be notified of the information at plan making stage. Sending letters out at the plan making stage will incur significant costs and resources but may be necessary if all consultation will be frontloaded at plan making stage and streamlined at planning application stage. Borough wide newsletters could be an alternative to formal letters but this would need to be distributed to all households. • Other methods include public displays/exhibitions, site notices, posters/leaflets at public buildings, meeting with stakeholders. All of which due to the pandemic have temporarily stopped or may have proceeded with additional precautions |

- Email: Has minimal physical resource implications and provides a quicker communication method compared with postal communication although it requires careful monitoring and management to avoid data breaches and potentially requires quicker response turnaround times which has implications on team resources overall. There are also potential restrictions around document size, any large documents/files being sent over email as these are often incompatible with IT systems which have limitations around maximum documents sent over email.

Information on planning should also be proportional to the proposal being considered. All of these would generally be supported.

Q4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

It is difficult to list the top three priorities but in terms of the top Planning priorities the top three priorities are considered to be :

- Protection of green spaces
- The environment, biodiversity and action on climate change
- Increasing the affordability of housing

In addition the **Licensing and Planning Policy Committee and the Council adopted Six Key Principles to guide the future planning of the borough on 14 November 2019:**

These are underpinned by the Council's priorities are set out in its Four Year Plan:
These are:

Green and Vibrant

Clean streets, parks and green spaces.

Protected and improved local amenities and an increase in biodiversity

Reduction in Carbon dioxide emissions

Reduction in waste and improved recycling rates

Address air quality

High quality, sustainable and energy efficient buildings which include new green spaces

Safe and Well

Wellbeing is improved and health inequalities are reduced

Reduced levels and impact of crime and anti-social behaviour

Residents feel safe and secure

Cultural & Creative

Strong cultural and creative identity

Shared knowledge of Epsom and Ewell's unique history

Programme of local community cultural and sporting events

Opportunity & Prosperity

Thriving communities

Progress made on meeting housing needs of the borough

Strong business economy

Thriving town centres offering great shopping, cultural and leisure activities

Smart & Connected

More sustainable transport options

Improved digital connectivity

Support networks enabled

Q5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

No. There is definitely room for simplification in the planning system, but the proposals are a complete overhaul of an established system and the ideas lack detail and clarity. Therefore the Council does not support the proposals in their entirety. It's difficult to understand why a whole system should be scrapped and started from scratch on an unfounded notion that the planning system 'is broken', being lengthy and complex. Planning is lengthy and complex because that is the nature of Planning, it requires the weighing up and balancing of a range of issues, where decision making is embedded in local democracy.

- Nationalising some development management policies is supported and would allow consistency throughout. However there is concern that there would be no opportunity for any local policies.
- Proposals to streamline planning process with more democracy at plan making stage and the suggestion that there will be less opportunity for consultation at the development management stage could undermine making balanced decisions at the detailed application stage leading to poorly prepared schemes.
- Whilst restricting democracy at Plan Making may lead to quicker decisions, it is watering down the effectiveness of local communities and elected members having a clear role in the development management stage.
- Reducing Local Plans to effectively become a binary rule book removes balanced decision making. Planning is not binary.
- Local Plans already include sites for allocation. This process is lengthy because it requires balancing a variety of issues, and planning effectively for growth in a sustainable manner. Proposal to divide whole authority areas into 3 binary land categories is not supported. Not all areas fit comfortably into these categories and the land categories do not allow a flexibility of uses or balanced decision making.
- Defining all land into broad categories will result unintended consequences e.g. land values will be inflated even where there is no realistic prospect of development opportunities on a site.
- If the entire area is to be divided into categories then there needs to be more than 3 categories.
- Whilst a single 'sustainability test' is supported, the contents of this single test should cover all aspects what is currently covered in the separate tests such as HRA, SA, viability. It would therefore be a consolidation of information rather than eliminating the assessments altogether.
- Provided there is a clear structure in place and responsibilities of strategic issues are clear, co-operation will continue regardless of the duty being in place. The removal of this is supported and will hopefully result in more collegial cooperation between authorities and key stakeholders.
- Local Plans are already required to include Proposals Map as part of a complete Local Plan. Reducing Local Plans to effectively just a map and binary tool to search for sites is short sighted and undermines the ability for any balanced decision making at the detailed

application stage. It may ultimately mean more permissions granted but there is no guarantee that schemes will be delivered.

- The proposed statutory deadline of 30 months for plan making is too ambitious and inflexible particularly given the proposal to frontload democracy at this stage. The proposal is effectively frontloading the decision on the principle of development of all land in the Borough/District whilst at the same time squeezing the amount of time for making these important decisions, putting increased pressure on already overstretched planning resources.
- The statutory deadline of 30 months does not have regard to the resources the complexities of land constraints in the Borough, political/governance structures, evidence base needed to make decisions on the suitability of land, specialist knowledge, availability of technology.
- In recent years there have been numerous, frequent changes to the national planning system. These changes can often result in delays in the plan making process, especially for smaller authorities with more limited resources. Local planning authorities and their communities would benefit from a sustained period of consistency in national policy to enable Local Plans to be progressed in confidence.
- Local Plan 'rules' rather than 'policies' may seem a good idea in theory, but it removes any element of subjectivity, good or bad. This does not sit comfortably in a system that is embedded in local democracy/decision making.
- Design codes may be appropriate for some areas but there is a question whether they are good in all cases, there is a risk of reducing everywhere down to a set of codes which could lead to uninspiring places that all look the same.
- Whilst the consultation focuses on duplication of national policies in local plan policies it fails to recognise that the local plan is often the delivery mechanism for a variety of Council priorities e.g. climate change with all these decisions to be taken centrally, local democracy and decision making in planning is being eroded in these proposals

Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. Whilst national development management is generally supported, this would ensure consistency and certainty. It is concerning that there will be no opportunity for any development management policies at a local level. There are reservations whether national development management policies will suffice on their own. At the moment, National policies work because they focus on strategic issues and set out the framework for detailed policies to be prepared. It is questionable whether national policy will work when drilling down to the details. The devil will be in the detail (or lack of it perhaps) whether these alone would be adequate with no further local level policies.

At the moment development management policies are prepared where there are gaps in national policy or lack of clarity. Whilst the consultation focuses on what it considers the problem with Local Plan policies e.g. potential duplication of national policies in local plan policies it fails to point out that the local plan policies do not simply duplicate national guidance, in fact it is written in national policy (NPPF) and guidance that policies they should 'avoid unnecessary duplication' and Inspectors will challenge policies where it is considered that it is simply duplication of national policy. Local Development Management policies provide clarity where it is unclear or where national policy is silent on matters and whilst there is room for some consolidating at a national level, there continues to be a need for some local level policies.

Local policies are often the delivery mechanism for a variety of Council priorities e.g. climate change, if all these decisions are to be made centrally, the concern is that local democracy and decision making in planning is being eroded in these proposals.

The Council would prefer the alternative approach, to allow local authorities flexibility to set development management policies but with the exception where the duplicate national policies.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

Not Sure. It is agreed that the numerous tests/assessments required for Plan Making can be confusing, where some of the data and information required for the individual assessments often overlap. A consolidated assessment/test is supported. The act of consolidating the information will simplify the process without the need to over-engineer what the new test should be. Whilst a single ‘sustainability test’ is supported, the contents of this single test should cover the aspects that are currently covered in the separate tests such as HRA, SA, viability.

In terms of the duty to cooperate, provided there is a clear structure in place and responsibilities of strategic issues are clear to the relevant bodies, co-operation will continue regardless of the duty being in place.

Deliverability needs to be demonstrated otherwise the Local Plan becomes an irrelevant tool, if there is no need to demonstrate deliverability, the local plan becomes aspirational with no certainty of anything identified being delivered.

It is agreed that infrastructure planning is integral to plan making however no regard has been made to how this is coordinated with plan making. Infrastructure planning requires different agencies working together. If Local Authorities are required to prepare Local Plans within a 30 month deadline, then infrastructure agencies and providers will be consequently held to the same deadline- with respect to some infrastructure providers this is not in the Government’s control. If they are unable to engage in the process because of the unreasonable short periods for the preparation of Local Plan then there will be a risk that Local Plans are unfit for purpose with insufficient evidence/coordination alongside key infrastructure planning. Planning for and delivering appropriate infrastructure is a significant factor for local communities in terms of the acceptability of new development.

Deliverability of the plan must be the responsibility of all partners, including the development industry. There must be tools in place to address the non-delivery of sites within the new planning system.

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The existing duty to co-operate process is cumbersome and contentious and is frequently the cause of plans being rejected or paused at the examination stage. The proposal to abandon the duty to co-operate requirements is welcomed. There needs to be a clear structure in place where those involved are clear on the roles and responsibilities. Historically, cross boundary issues were resolved at a regional level through Regional Spatial Strategies. Local Enterprise Partnerships have to some extent taken over this role but perhaps in an unofficial informal structure. None of the past structures proved effective either. It may be useful for Government to identify a larger regional approach which co-ordinates only the largest infrastructure requirement where national significant infrastructure plans would affect Local Plan making and the creation of forums where those authorities in these areas can meet regularly to discuss and share information.

Infrastructure issues often raise cross boundary issues at the local level. This may be best addressed through Infrastructure Delivery Plans and a requirement for collaborative working between local authorities as well as infrastructure providers.

Also in the context of Government's proposal to set national development management policies and to mandate the housing need requirements, this will reduce the need for 'duty to cooperate' on certain matters which will be now decided at national level. The removal of cooperation as a 'duty' will hopefully lead to more constructive cooperation that does not focus on how to distribute housing.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

Yes

The Council would support a housing requirement that truly takes into account the constraints of the Borough as well as being in line with household projections which have consistently demonstrated lower projections in 2016 and 2018 household projections. It will be essential that the parameters used to take account of constraints are transparent and consistent. This is particularly important in relation to Green Belt issues, which can be a cause for delay/uncertainty in the plan making process. Advice can often be conflicting and confusing in this area

It is agreed that debates over the figures can be time consuming and ineffective.

The Government has a political mandate to set an ambitious target of 300,000 new homes annually.

This Council profoundly disagrees with the arbitrary imposition of the local targets that are emerging from both the existing and currently proposed formula for calculating the local housing target without taking account of the significant constraint of the green belt, fragile environmental habitats, historic buildings and landscapes, and climate change. Ultimately this is an arbitrary number that is skewing the requirement to levels that simply cannot be achieved. The Council is not suggesting that there shouldn't be growth, but that perhaps it should be a more realistic target, particularly in the context of climate change and the issues that have arisen from the pandemic and the impact on the economy and high streets. Is it reasonable and realistic to push forward towards exponential growth particularly in the current position we find ourselves in?

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

No. A combination of indicators to determine the level of development that can be achieved is supported. In reference to each bullet point set out in paragraph 2.25

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed).
 - How will you define which areas could 'absorb' more housing, Will you just target the areas with the largest urban settlements? Will you look at other parameters e.g. density, the existing character of the area – heights, bulk, massing?
- the relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development);
 - This alone will focus development in the South East, affordability will need to be balanced with other issues. It also noted that this is not a physical constraint like

the other constraints and affordability data has no regard for the physical constraints in area that might limit development

- the extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk. For example, areas in National Parks are highly desirable and housing supply has not kept up with demand; however, the whole purpose of National Parks would be undermined by multiple large scale housing developments so a standard method should factor this in;
 - Agree all land constraints should be taken into account, including all those listed above.
- the opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account;
 - Optimisation is supported but this needs to be balanced with the character of an area
- the need to make an allowance for land required for other (non-residential) development; and
 - Agree, there is a risk that housing is being looked at in isolation. It is agreed that there needs to be consideration of other development types and infrastructure that will serve housing. Businesses and commercial uses, schools, health services, playgrounds, greenspace, transport infrastructure.
- inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market.
 - It is difficult to see how effective a buffer is. Whilst it provides an element of contingency, there is evidence of plenty of applications being permitted and not being implemented. Ultimately the market determines implementation rate.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

It is difficult to see the difference or benefits of automatic outline permission for identified growth area that is different from the existing system. At present, the allocation of sites in local plan establishes the principle of development. The difference between the existing and proposed system is that we are required to allocate every inch of the Borough/District. Once the principle has been established in Local Plans then developers usually go directly to a full planning permission without going to outline first in any case.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

Yes

The proposals include:

Renewal areas,

- where areas that would be areas of general presumption in favour of development
- pre-specified forms of development allowed
- faster planning application process in the context of local plan description

Protected area

- planning applications will determine whether proposals go forward.

This appears to be largely the same as it is now, although 'renewal areas' are what most would consider as 'the built up area', where most types of development would be supported provided it had good sustainable transport options and other detailed matters being resolved. Protected areas are all areas which are constrained in some form or another but have just be lumped in together, and would not appear to change at all.

There are parts of the Government proposals that appear to be reinventing a system but with no clear reason why.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

The Council has little experience with respect to the scale of development as New Towns, but is aware of Development corporations working effectively elsewhere such as Oxfordshire, Cambridge. The Council does not have any further comments on this.

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

A cautious yes

We are cautious because the proposal has no regard to the complexities involved and resources of planning authorities, development management officers are under constant pressure to make decisions under tight deadlines. Officers will often have caseloads of 50- 80 applications at a time. The language used to describe the existing system as officers trying to *get around* determination deadlines through extensions and the proposed introduction of a refund where decisions aren't taken in the new 'statutory' time frames is frankly unfair to officers who work tirelessly to get most applications done within the current 'non-statutory' timeframes. A statutory timeframe could potentially lead to poor decisions being made in order to meet the deadline.

Also, despite the consultation paper describing the proposals of refunds to developers as incentivising local planning authorities to make decision making faster. This is in fact a penalty not an incentive and further reduces the capacity for Local Authority planning departments to remain financially sustainable and resourced which is concerning. It will be inevitable that planning departments which are already stretched will experience reduced fees by way of a refund to developers. These reductions will likely lead to the need for local Authorities to reduce staff which would be unlikely to allow good planning decisions to be made within a 'statutory timeframe'. The proposed refund to developers will result in a catch 22 scenario with planning departments unable to meet the aspirations proposed within this White Paper and would also be at odds with aspirations to make decision-making faster. The drive to speed up decision making in planning should reasonably acknowledge and remedy the impacts that stretched resources have on timely decisions within planning and should consider the wider factors and contributors which impact on decision making. It is deeply unfair and unreasonable to constantly blame planners for matters that are not the responsibility of the planning system, but one driven by the market.

In reference to each bullet point set out in paragraph 2.39

- the greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with local planning authorities. In particular, the validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process. For Spending Review, the

Government will prepare a specific, investable proposal for modernising planning systems in local government;

- greater digitalisation and efficiencies in how a planning application is submitted and validated is supported. However, again the proposals have little regard to operational aspects of the current system. These differ from authority to authority. Some authorities have Support Teams to validate applications and some don't, so there is a resource element involved. If applicants don't submit the correct information then they are given the opportunity to submit that information. Greater digitisation of the planning process is more a matter of how planning applications are submitted so there would need to be changes at the planning portal end of the process.
- A new, more modular, software landscape to encourage digital innovation and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, which will support faster and more certain decision-making. We will work with tech companies and local planning authorities to modernise the software used for case-managing a planning application to improve the user-experience for those applying and reduce the errors and costs currently experienced by planning authorities;
 - This is supported, however this is likely to take some time and adequate training to establish a new system. Local authorities have their own software that vary from authority to authority and it will be difficult to consolidate these into a single national model. The skillset in each authority will also vary. At present local authorities fund their own systems and as such there is varying capacity and IT systems which would undoubtedly need to be brought up to date to be fit for purpose and facilitate digital innovation - will this new software be directly funded by central Government? The cost of developing something entirely new would be astronomical and not guaranteed to work.
- shorter and more standardised applications. The amount of key information required as part of the application should be reduced considerably and made machine-readable. A national data standard for smaller applications should be created. For major development, beyond relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and National Planning Policy Framework;
 - The amount of information needs to be proportionate to the development being proposed. Whilst described as shorter and more standardised in the consultation, it is hard to see how this could work. How will one ensure that the 'standardised planning statement' contains the complete and necessary information required? Machine readable doesn't necessarily mean it is able to 'interpret' that the information is complete. If you have a form which requires certain information to be filled in, the software may be able to recognise the box has been filled in but not whether the information is relevant or correct.
- data-rich planning application registers will be created so that planning application information can be easily found and monitored at a national scale, and new digital services can be built to help people use this data in innovative ways
 - This is supported, however this is likely to take some time to establish. It is a huge logistical task and it should not be underestimated how long it will take.
- data sets that underpin the planning system, including planning decisions and developer contributions, need to be standardised and made open and digitally accessible;

- This is supported, data is available at the moment but only to those who pay a subscription
- a digital template for planning notices will be created so that planning application information can be more effectively communicated and understood by local communities and used by new digital services;
 - Not entirely sure what is meant by this but a digital notice is supported if the surrounding site can accommodate this format however other formats may still be required to address equality issues
- greater standardisation of technical supporting information, for instance about local highway impacts, flood risk and heritage matters. We envisage design codes will help to reduce the need for significant supplementary information, but we recognise there may still need to be site specific information to mitigate wider impacts. For these issues, there should be clear national data standards and templates developed in conjunction with statutory consultees;
 - the point above is repeated, whilst the proposed system is described as simplified, it is difficult to see how this could work standardise all the information. You can standardise a form and the information required, but that does not mean that data provided is relevant or complete. Also these assessments may not necessarily fall easily into standard boxes. It is forcing issues of subjectivity into objectivity.
- clearer and more consistent planning conditions, with standard national conditions to cover common issues;
 - this is generally supported, however some instances flexibility should be allowed to amend conditions so they are locally specific
- a streamlined approach to developer contributions, which is discussed further under Pillar Three;
 - see response to Q23
- the delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.
 - This is a significant divergence from the existing system. The White Paper proposals suggesting a more centralised decision making framework and the gradual erosion of local democracy and decision making on planning issues. This is not supported.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Yes

Proposals to make Local Plans more accessible and web based is supported, with user friendly map based system and easily accessible data however this will be an significant logistical task. The proposal of 'pilots' to test the new technology is supported but again, the amount of time it will take for pilots to be up and running and issues to bed in needs to be factored into the overall timescales for proposed reform of the system.

With regards to how Local Plans will be streamlined to the extent that it is a map and a set of rules, it is difficult to fully understand what the true benefits would be and why it necessitates a complete reform of the existing established system.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

No.

There appears to be little appreciation for the reasons at present why local plans take on average several years to complete. The length of time it takes to prepare a Local Plan reflects the complexities involved. The White Paper outlined streamlined process assumes all things are equal at every LPA, the resources available, specialist expertise available, the extent of land constraints. The timescales do not factor in the move for consultation to be focused at the plan making stage with a more streamline process at development management. The proposals appear to be diminishing public consultation rather than making it more meaningful as suggested. The suggestion is that consultation will take place twice, one at the very beginning and again simultaneously when the LPA submits the Local Plan to the Secretary of State. It is difficult to see how this level of consultation will be more effective and meaningful than the current system, particularly in combination with a more streamlined consultation at development management stage.

The 30 month deadline has little regard to consultation with statutory bodies and infrastructure bodies/providers, plan making requires balancing growth with the needs of the population and key infrastructure provisions, these are not easy decisions and these complexities reflect the current time taken.

It is agreed that the alternative options outlined would risk sufficient scrutiny around plans as stated in the White Paper.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Yes

However, it is difficult to see where Neighbourhood Plans would sit in this new system. If more decisions and policies are to be centralised and Local Plans are to be reduced to a map with a set of rules and design codes then Neighbourhood Plans will have limited scope on what the Neighbourhood Plan could cover. If the whole planning system is being reformed then Neighbourhood Planning will also need reforming.

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Not sure, see response to question 13(a).

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Yes

There is currently a disconnect between permissions granted and build out rates and whilst we would support a stronger emphasis to build out development, it is difficult to see what measures can be realistically put in place to force developers to build out permissions. The introduction of penalties could be effective, e.g. Council tax on units that have permission but are not being delivered on stalled schemes.

It is evident that in the proposals in the White Paper there are no obvious answers to this question and hence no options are outlined. Government would rather overhaul the whole planning system and simplify it to an extent that makes a more attractive environment for development to come forward but with no proposals or options on how to ensure there is actual delivery taking place once permission is granted.

Pillar Two – Planning for beautiful and sustainable places

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

As the planning authority for the area, good design is important to the Council, we have a design and conservation officer advising on design aspects on development proposals which ensures that development coming forward is meeting a high standard.

The views of the general public vary considerably. Design and beauty is frequently perceived subjectively and creating an arbitrary set of objective criteria risks over simplifying the concept and undermining the outcomes we seek to achieve.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Other, all of the above.

Sustainability is a balance of social, economic and environment objectives. It has never been one dimensional and therefore all of the above are relevant. Other aspects of sustainability are about balancing growth with needs and livelihood in a sustainable manner and that is resource efficient.

The council has declared a climate emergency in the borough and is currently working on delivering an action plan to achieve its climate goals.

17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

Yes

The Council supports more detailed guidance on Design however there is concern that the proposed overuse of design codes will lead to over prescription of how an area should be designed to the extent that character will be eroded through the lack of innovation with proposals sticking rigidly to a set of rules that may create sterile, clone environments. The proposals suggest a rule based system that removes any element of subjectively in order to increase speed. Government is choosing speed over more well thought out design proposals, despite the suggestion that design will be more integrated into the system.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

Yes

There needs to be a clear purpose for the new design body, is it an advisory body or is it a statutory body?

The appointment of a chief officer for design in each authority is a good idea but how LPAs resource and fund such a role needs to be considered. We await Governments further proposals later this year for improving the resourcing of planning departments.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Yes

This is generally supported, effectively demonstrating how Government is leading by example.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

No.

It is difficult to see how one can possibly fast track for “beauty”, whilst general principles can be applied to achieve good design. It is not something where you can apply an algorithm and get an answer.

Pillar Three – Planning for infrastructure and connected places

22. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Other-All of the above

The question itself betrays a fundamental misunderstanding of the infrastructure needs associated with bringing forward new development. It is not a question of having one priority, the council has many priorities to deliver for its communities. New development needs to demonstrate it is sustainable development, through compliance with local policies. It is a balanced judgement based on all of the above.

23(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

Yes with regard to the infrastructure levy, but we consider the need for S106 agreements in certain circumstances will remain.

The Council will support a national infrastructure levy in place of the current system. This would ensure consistency and certainty. To ensure viability is not affected a strategic assessment should be carried out. A mixed rate is supported over a flat rate, this would allow consideration of the area and type of development. The Council supports a greater range of development being subject to the levy but perhaps set at different rates to take into account the social value of proposals adds.

The Council does not agree that affordable housing should be included in the levy, this should be continued to be secured separately. If affordable housing is to be secured through the same levy, then monies toward it should be at least be at the existing levels and be ring-fenced to ensure it is used to deliver affordable housing.

That said, under the current system, affordable housing contributions are often negotiated downwards due to viability issues. Support would be given to a system which defines affordable housing contributions as a fixed cost of development. This would help provide local authorities and their communities with certainty that development will deliver much needed affordable housing, which has not historically been the case. Any system would need to be transparent and fair to avoid unnecessary negotiation and delay. Being a tax, CIL is considered to have been successful in sense.

23(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]

The Council will support a national infrastructure levy in place for the current system where the revenues will continue to be collected and spent locally. A mixed rate is supported over a flat rate, this would allow consideration of the area and type of development. The Council supports a greater range of development being subject to the levy but perhaps set at different rates to take into account the social value of proposals adds.

23(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

The Council would support an infrastructure levy that captures more value than currently does. Whilst it agrees that developers should be confident that schemes achieve a sufficient profit, the revenues gained through the levy at present is simply not enough to deliver the infrastructure needed. Local authorities have to make difficult decisions on where to spend the limited funds.

23(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]

Not sure.

24. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Yes, Development which places increased pressure on local infrastructure should make a contribution. This is fair and reasonable. Therefore changes of use through permitted development rights which increase pressure on infrastructure should be included. That said, it is difficult to answer as there's insufficient detail to how the new Levy will operate. However, what this question highlights is the problem with trying to combine the CIL with S106, whilst CIL is a straightforward tariff based on the increase of floorspace, S106 can secure other infrastructure on a case by case basis depending on the impact the proposal would have.

25(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]

Yes, if affordable housing is to be secured via the new levy then it should secure at least the same amount of affordable housing and on site provision that it does at present.

That said, we believe that affordable housing should remain a separate development contribution to the standard levy.

25(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]

Not sure what an "in-kind payment" is defined as.

We need genuinely affordable housing to be delivered "in-kind" on site to meet our local criteria.

The Council believes that affordable housing should remain a separate development contribution to the standard levy- this will avoid difficulty in trying to marry a standardised system with one that requires further consideration and negotiation of other issues.

25(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? 53 [Yes / No / Not sure. Please provide supporting statement.]

See response above

25(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

See response above.

26. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Yes

Fewer restrictions would be supported. Local authorities are responsible public bodies and should have the freedom to spend the levy receipts on capital or revenue projects as they see fit in for their areas. There should be a clear idea what the priorities are and where funds will be focused, otherwise there is a risk that there would be an uncoordinated approach to spending funds on schemes that may not achieve the greatest benefits.

The problem is not so much the restrictions on how the revenue is spent but that there simply is not enough funds being collected to make sufficient dent on the wide range of infrastructure needed.

26(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

The Council believes that affordable housing should remain a separate development contribution to the standard levy. If it is to form part of the standard infrastructure levy then 'Yes', it should be 'ring-fenced' to ensure that affordable housing is delivered.

27. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

No comment. MHCLG should undertake the necessary assessment of the impact of its proposals.