

Report to the Cabinet

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2020



**Epping Forest
District Council**

Portfolio: Planning and Sustainability - Cllr. N Bedford

Subject: Government Consultation on the Planning White Paper '*Planning for the Future*' published on 6 August 2020

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Recommendations/Decisions Required:

To agree the response to the Government White Paper '*Planning for the Future*' issued on 6 August 2020 for consultation attached as Appendix B to this report.

Executive Summary:

The Government White Paper "Planning for the Future" sets out significant changes to the planning system for consultation. The White paper states specifically that it "has not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation." The focus is on ideas rather than details of implementation but it signals an intention to change the system in a holistic manner, including the introduction of new legislation. This includes a signal to speed up and simplify both the production and role of Local Plans and the management of planning applications. The emphasis on outcomes is focused on delivering housing development and detailed design of proposals. The proposed changes are in many ways radical, and if they are implemented will require new ways of working, new skill sets and, it appears, a very significant amount of resources.

This report provides members with a synopsis of the key proposals in the White Paper. Appendix A provides more detail on the proposals and Appendix B contains the suggested response from the Council to the questions posed in the consultation.

Reasons for Proposed Decision:

- To ensure that members are kept fully up to date on proposed changes to the Planning System.
- To enable the Council to make a formal response to the Governments proposals.

Other Options for Action:

Not to make a formal response to the White Paper consultation. This would mean that the Council misses the opportunity to influence further thinking on future changes to the Planning System that will be required prior to implementation.

Report:

1. The White Paper ‘*Planning for the Future*’ 6 August 2020 <https://www.gov.uk/government/consultations/planning-for-the-future> proposes significant changes to the planning system that, if implemented, will change both the nature and content of Local Plans and the operation of the development management process. The White Paper is clear that the intention is to replace the raft of current planning legislation with new legislation and to introduce new ideas and concepts into the system. It is therefore not always easy to compare the ideas against current concepts and practice.
2. The measures are set out under three ‘pillars’: Pillar 1: Planning for Development; Pillar 2: Planning for beautiful and sustainable places; and Pillar 3: Planning for Infrastructure and connected places, but the measures are to be viewed as a whole. This report provides members with a synopsis of the key proposals in the White Paper with more detail set out in Appendix A. The consultation questions are replicated in Appendix B with suggested responses to the questions posed.
3. The opening section of the White Paper contains a list of what the Government considers to be the failings of the current system, and a second list of the measures taken by the Government to improve it. In essence the current system is seen as overcomplex, inefficient and opaque. A key flaw is identified that planning decisions are discretionary rather than rules-based: nearly all decisions to grant consent are undertaken on a case by case basis, rather than determined by clear rules for what can and cannot be done. The consequent, cost, risk and disincentive to innovation is criticised. Furthermore, many decisions are often overturned at appeal.
4. The changes proposed are intended to ‘*create a new system suitable for the 21st century*’. The proposals cover five main areas:
 - i) *Streamline the planning process with more democracy taking place more effectively at the plan making stage and replace the entire corpus of plan making law to achieve this.* The main proposals are:

Simplified role for Local Plans: Three types of land to be identified

Growth areas suitable for substantial development, where outline approval for development would be automatically secured for forms and types of development specified in the Plan; with identified sub-areas for self and custom-build homes

Renewal areas suitable for some development, such as gentle densification

Protected areas where development is restricted.

Local Plans – further details

- **state clear rules** rather than general policies for development
- **far greater public engagement in plan-making**
- **subject to a single statutory “sustainable development” test** abolishing the requirements for subsequent tests. Requirements for assessments to be updated (including on the environment and viability) and abolishing the Duty to Cooperate.

- **visual and map-based**, standardised, based on the latest digital technology, and supported by a new standard template

Statutory 30 month timetable for the production of local plans for local authorities and planning inspectorate, with sanctions on planning authorities that fall behind. Claim is that this reformed system could halve the time it takes to secure planning permission on larger sites identified in plans.

- strengthened enforcement powers and sanctions
- comprehensive resources and skills strategy for the planning sector to be developed to support the implementation of the reforms

ii) *Introduce a radical digital first approach to modernise the planning process. The means moving from a process based on documents to a process driven by data. The main proposals are:*

- **Digital tools for civic engagement** - Support local planning authorities to use digital tools to support a new civic engagement process for local plans and decision-making
- **Digital Planning** - Insist local plans are built on standardised, digitally consumable rules and data: interactive maps that show what can be built where
- **Supporting data** - Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on, including planning decisions and developer contributions
- **Digital planning application process** - Work with tech companies and local authorities to modernise the software used for making and case-managing a planning application
- Engage with the UK PropTech sector through a **PropTech Innovation Council**

iii) *Bring a new focus on design and sustainability*

The main proposals are:

- **Climate and environment** - Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits, “by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.”
- **Energy efficiency** - Facilitate ambitious improvements in the energy efficiency standards for buildings – (the Code for Sustainable Homes was withdrawn by Government in 2015)
- **Beauty and placemaking** - expecting new development to be beautiful, and to create a ‘net gain’ not just ‘no net harm’, with a greater focus on ‘placemaking’ and ‘the creation of beautiful places’ within the National Planning Policy Framework
- **Fast track for beauty** – quicker planning process for proposals for high-quality developments where they reflect local character and preferences.

- **Environmental Assessment** - quicker, simpler framework for assessing environmental impacts and enhancement opportunities
- **Local design guidance and codes** – rules for the design of new development – locally prepared, with community involvement
- **Design code delivery support body** - a new body to support the delivery of design codes in every part of the country
- **Chief officer for design and place-making** – for each local planning authority
- **Homes England’s strategic objectives** to give greater emphasis to delivering beautiful places.
- **Protection for historic areas and buildings** with consent regime fit for the 21st century.

iv) *Improve infrastructure delivery and ensure developers play their part through reform of developer contributions*

The main proposals are:

- **Infrastructure levy** - CIL and developer contributions (S106 agreements) to be replaced with a nationally set, value-based flat rate charge (the ‘Infrastructure Levy’. A single rate or varied rates could be set. It will be extended to cover new homes delivered through permitted development.)
- Use of levy funds
 - o Affordable housing
 - o Wider range of powers for local authorities to determine how the funds are used, including both new and existing communities

v) *Ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres*

The main proposals are:

- Housing requirements - A new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans
- Faster delivery by more builders working simultaneously - National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together.
- Control of land - consult on options for improving the data held on contractual arrangements used to control land
- Public land and investment - to support renewal and regeneration

5. The next steps are that the Government intends to bring forward legislation. It has not comprehensively covered every aspect of the system in the White Paper and has stated that the detail of the proposals will need further development pending the outcome of the consultation. A draft of the proposed response to the consultation questions from the Council is set out in Appendix B. Some of the questions appear to be aimed more at the

public than a local authority and it is not proposed to respond to these.

Conclusion

6. Subject to the outcome of the consultation, legislation and policy changes will be brought forward and further consultation on details will be undertaken. Local Plan reform, changes to developer contributions and development management will require primary legislation followed by secondary legislation. Changes to NPPF will be made in line with the new legislation

Resource Implications:

The resource implications of the White Paper proposals are profound and unmeasurable without additional details.

Legal and Governance Implications:

Depending on the legislation that is brought forward there are likely to be legal and governance implications.

Safer, Cleaner and Greener Implications:

These will become apparent in relation to the White paper proposals when further detail is published.

Consultation Undertaken:

Internal consultation with senior officers

Background Papers:

Planning for the Future 6 August 2020 White Paper MHCLG

Planning for the Future: planning policy changes in England in 2020 and future reforms 20 August 2020 House of Commons Briefing Paper Number 8981.

Risk Management:

The Council must continue to monitor proposed reforms in order to be prepared for changes to the Planning System and consequent resource demands and process changes.

Pillar One – Planning for development

A NEW APPROACH TO PLAN- MAKING

1. A new role is proposed for Local Plans and a new process for making them, by replacing existing primary and secondary legislation. The role for Local Plans is to identify land for development and sites that should be protected and be clear about what development can take place in those different areas.

Proposal 1

2. **Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal Areas* suitable for development, and areas that are *Protected*.** All areas of land are to be placed in one of these categories.
3. ‘Growth’ areas “suitable for substantial development” (the term ‘substantial’ will be defined) includes land suitable for comprehensive development including new settlements and urban extension sites, and areas for redevelopment such as former industrial sites or urban regeneration sites. Areas of flood risk and subject to other important constraints would be excluded from this category. There is no further definition of such other constraints. ‘Growth areas’ would be granted the equivalent of an outline planning permission (later noted as Permission in Principle) on adoption of the Local Plan.
4. ‘Renewal areas’ “suitable for development” would cover existing built up areas where smaller scale development is appropriate. It would include the ‘gentle densification’ and infill of existing residential areas, development in town centres, and in rural areas not designated as ‘Growth’ areas. There would be a statutory presumption in favour of development being granted for uses specified as being suitable in the Local Plan in each area. The statutory presumption in favour of development may be stronger than in the current system.
5. Areas that are ‘Protected’ would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. It would include areas such as Green Belt, Areas of Outstanding Natural Beauty, Conservation Areas, Local Wildlife Sites, areas of significant flood risk, and important areas of green space. It would also include areas of open countryside outside of land in ‘Growth’ and ‘Renewal’ areas. Some ‘Protected’ areas would be defined in national policy, and others locally but all would be shown on the Local Plan map and referenced to the relevant restrictions in the National Planning Policy Framework (NPPF). It appears that development within these ‘Protected’ areas would be subject to the process of full planning application similar to the current position.
6. The new style of Local Plan would comprise an interactive web based map, with the different areas distinguished, and linked to explanatory descriptions in the key and accompanying text. In ‘Growth’ and ‘Renewal’ areas the key and accompanying text would include suitable uses as well as limitations on height and/ or density that could be specified as sub areas. National policy, guidance and legislation including the National Model Design Code (to be issued) would apply. In ‘Growth’ areas, sub areas specifically for self and custom build homes and community led housing developments will be allowed. For ‘Protected’ areas the key accompanying text would explain what is

permissible by cross reference to the NPPF.

Proposal 2:

7. **Proposal 2: Development management policies established at national scale and an altered role for Local Plans.** Development management policy in the Local Plan restricted to clear and necessary site or area specific requirements including broad height limits, scale and/ or density limits for land in 'Growth' and 'Renewal' areas. Generic development management policy to be set in the NPPF such as that for Listed Buildings. The government is interested in views on the future of optional technical standards. The intent is to turn Local Plans into a set of specific development standards. Local Plans and Neighbourhood Plans would also produce design codes to reflect local character and preferences about the form and appearance of development. These design codes would ideally be produced on a 'twin track' with the Local Plan for inclusion within it or as supplementary planning documents. The intent is that these will ultimately be written in machine readable format so that computers can automatically screen development proposals.

Proposal 3

8. **Proposal 3: Local Plans should be subject to a single statutory 'sustainable development' test, replacing the existing tests of soundness.** The sustainable development test would be in accordance with policy issued by the Secretary of State. Specifically the intent is to:
 - Abolish the Sustainability Appraisal System and develop a simpler process for assessing environmental impact of plans which would continue to satisfy the requirements of international and UK law.
 - Remove the Duty to Co-operate test (though further consideration is to be given to the handling of strategic cross boundary issues and the scale at which plans are best prepared in areas facing significant strategic challenges).
 - A slimmed assessment of the deliverability of the plan would be incorporated into the 'sustainable development' test. However, sites should still only be included if the infrastructure upon which they rely has a reasonable prospect of being put in place.

Proposal 4

9. **Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that land is identified in the most appropriate areas and housing targets are met.** Local Plans will identify areas to meet a range of development needs for a minimum 10 year plan period. A standard plan requirement for housing would be set by government and binding on the Local Authority to meet. The aim is to distribute the national housebuilding target of 300,000 dwellings per annum and one million homes by the end of this Parliament.
10. The standardised method would have regard to:
 - a. The size of existing urban settlements

- b. Relative affordability of places
 - c. Extent of land constraints in the area including designated areas of environmental and heritage value, the Green Belt, and flood risk.
 - d. Opportunities to better use brownfield land including through higher densities.
 - e. The need for an allowance for non housing land
 - f. Inclusion of a buffer to ensure enough land is provided to account for the drop off rate between permissions and completions and offer sufficient choice to the market.
11. The Local Authority would decide where to allocate the land and make the choices between for example increasing densities, and new settlements. Green Belt policy will remain as existing. In the context of joint planning arrangements authorities can decide on distribution between them for example in Mayoral authorities.
12. This proposed approach is intended to ensure that enough land comes forward and replaces the five year housing land supply requirement. However, the Housing Delivery Test will remain to ensure delivery.
13. A separate consultation has been published on changes to the standard method for calculating housing need alongside other short term changes in “Changes to the Current Planning System” August 2020. This consultation closed on 1 October 2020.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

Proposal 5

14. **Proposal 5: Areas identified as Growth Areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.** In Growth areas further details would be agreed with full permission achieved through streamlined and faster consent routes with a focus on design and resolving site specific technical issues. Detailed permission could be secured in one of three ways:
- a. A reformed reserved matters process for agreeing the issues which remain outstanding
 - b. A Local Development Order which could be prepared in parallel with the Local Plan and linked to a master plan and design codes
 - c. For exceptionally large sites the government wish to explore the value of a Development Consent Order under the Nationally Significant Infrastructure Projects regime.
15. In ‘Renewal’ areas a general presumption in favour of development would be established in legislation. Consent for development in these areas would be granted in one of three ways:
- a. For pre specified forms of development such as the redevelopment of certain building types, through a new permission route that gives an automatic consent if

the scheme meets design and other prior approval requirements.(Refer Proposal 14).

- b. For other types of development a faster process where determination is in the context of the Local Plan description for what the area or site is appropriate for, and referring to the NPPF.
 - c. A Local or Neighbourhood Development Order
16. In 'Growth' and 'Renewal' areas a proposal can still come forward not envisaged by the Local Plan but this is expected to be the exception and would require a specific planning application. In 'Protected' areas proposals will come forward through detailed planning applications judged against the NPPF.
17. Consideration is to be given to the most effective means for neighbours and interested parties to engage at this point in a system where the principle of development is already decided.

Proposal 6

18. **Proposal 6: Decision Making should be faster and more certain, with firm deadlines, and make greater use of digital technology.** Government seeks more streamlined digitally enabled processes with the 8 or 13 week time limit from validation to decision as a firm deadline. Proposals include:
- a. Greater digitalisation of the application process. For the Spending Review a specific investable proposal for modernising planning systems in local government will be made.
 - b. New software to automate routine processes.
 - c. Shorter and more standardised applications. A national data standard for smaller applications, and for major development beyond drawings and plans one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and NPPF.
 - d. Nationally monitored, searchable planning application registers
 - e. Standardised, open and digitally accessible data including planning decisions and developer contributions
 - f. Digital template for planning notices
 - g. Greater standardisation of technical supporting information e.g. about local highways, flood risk and heritage. Clear national data standards and templates developed with statutory consultees.
 - h. Clearer more consistent planning conditions, with standard national conditions for common issues.
 - i. Streamlined approach to developer contributions (see Pillar Three)
 - j. "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 judgement"

19. To incentivise speed in decision making the proposals could include automatic refund of the planning fee for failure to determine in time, and government wants to explore whether automatic permission should be granted for some developments if not determined in time such as schools, hospitals and GP surgeries.
20. Secretary of State will continue to have a power of call in and applicants can appeal against decisions by local authority. *“To promote proper consideration of applications by planning committees, where applications are refused, we propose that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal”.*

A NEW INTERACTIVE, WEB- BASED MAP STANDARD FOR PLANNING DOCUMENTS

Proposal 7

21. **Proposal 7: Local plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.** Government will publish a guide to the new Local Plan systems, data standards and principles, and levels of evidence required to support Local Plans. A model template will be produced for the Local Plan, including text accessible by smart phone.
22. To support open access and improve public engagement in the plan making process, plans should be fully digitised and web based, rather than document based, accessible in different formats on different devices with the user in mind. Geospatial information should also be standardised and available (such as sites and areas) and new digital services can be built on this. In addition, the longer term aim is that these are all online in machine readable format.
23. Government considers that these tools can transform how people engage with plan making including through social media and via mobile phones. Interestingly early pilots from local authorities using emerging digital civic engagement tools have shown increased public participation from a broader audience with one PropTech company reporting 70% of users are under the age of 45.
24. Government wants *“to support local authorities to radically rethink how they produce their Local Plans and profoundly reinvent the ambition, depth and breadth with which they engage communities”*. They will set up pilots that could include measures to improve access to live information and data or the use of 3D visualisations and other tools to support good community engagement.

A STREAMLINED, MORE ENGAGING PLAN – MAKING PROCESS

Proposal 8

25. **Proposal 8: Local Authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there will be for those who fail to do so.** The process is as follows:
 - a. Stage 1 [6 months] call for suggestions for areas under the three categories

including public engagement on where development should go and what it should look like.

- b. Stage 2 [12 months] draw up Local Plan, produce evidence.
- c. Stage 3 [6 weeks] simultaneously:
 - i. Submit Plan to SoS for examination with a Statement of Reasons explaining why the plan has been drawn up as it is.
 - ii. Publicise the plan for public comment. Comments seeking change to explain how the plan should be changed and why.
- d. Stage 4 [9 months] Planning Inspector decides whether the three categories in the Local Plan are 'sustainable' against statutory test and national guidance and makes binding changes. There would be a right to 'be heard' for LPA and those submitting comments. Inspectors report states agreement with whole or parts of the Councils statements and or comments submitted by the public.
- e. Stage 5 [6 weeks] Local Plan, key, map and text are finalised and come into force.

26. Transition arrangements are proposed as follows:

- a. 30 months from legislation being brought into force
- b. 42 months for LPAs who have adopted a Local Plan within the previous three years or where they have submitted a plan. If they have submitted a plan the 42 month period starts on the latter of the legislation coming into force or adoption of the most recent plan.

27. A requirement for review of plans at least every 5 years applies with the same 30 month period if the conclusion of review is the need for update. Failure to comply will be met with intervention and such decisions will have regard to: the level of housing requirement in the area; the planning context of the area including co operation to get plans in place across local authority boundaries; and any exceptional circumstances presented by the authority.

Proposal 9

28. **Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.** The government wants to consider whether the content of Neighbourhood Plans should become more focused to reflect the proposals for Local Plans, explore the opportunities for the use of digital tools, and consider whether they could be applied to very small areas such as streets.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10

29. **Proposal 10: A stronger emphasis on build out through planning.** Masterplans and design codes for sites prepared for substantial development should seek to include a

variety of development types by different builders which allow more phases to come forward together.

Pillar Two – Planning for beautiful and sustainable places

CREATING FRAMEWORKS FOR QUALITY

30. The planning system should set clear expectations for the form of development in different locations, in ways that reflect the local character and community preferences. The National Design Guide is to be accompanied by a National Model Design Code this autumn. This will set out *“more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision”*.

Proposal 11

31. **Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.** These will sit within the context of the national guidance and be bought forward by: Local authorities to provide a visual dimension to the Local Plan; through neighbourhood planning groups; or by applicants. These current routes should remain but all to include effective community engagement (to be attributed weight in the planning process) *“considering empirical evidence of what is popular and characteristic in the local area”*. Where no local codes are in place policy will advise how the National Design Guide, National Model Design Code, and Manual for Streets should guide decisions.

Proposal 12

32. **Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally- popular design codes, and propose that each authority should have a chief officer for design and place-making.** The government recognises that these proposals will require a step change in the skills in local government, prioritisation of the design agenda and leadership as well as support for local authorities. The intention is to set up a new body to help authorities make effective use of design guidance and codes that could draw on the expertise of recognised experts in the sector.
33. Proposals will also be bought forward later this year for improving the resourcing of planning departments more broadly and the suggestions for streamlining plan making are expected to allow some re-focusing of professional skills. Effective leadership is proposed through the chief officer for design and place making which was a recommendation of the Building Better, Building Beautiful Commission.

Proposal 13

34. **Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.** Government will engage Homes England, as part of the forthcoming Spending Review process to consider this matter.

A FAST TRACK FOR BEAUTY

35. A proposal from the Building Better, Building Beautiful Commission was a fast track for proposals that come forward which comply with pre established principles of what good design looks like to expedite development through the planning process.

Proposal 14

36. **Proposal 14: We intend to introduce a fast track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.** In three ways:

- a. through updating the NPPF to make it clear that developments compliant with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval
 - b. In 'Growth' areas legislate to require a masterplan and site specific code to be agreed as a condition of the permission in principle granted through the Local Plan. *"These masterplans and codes could be prepared by the LPA alongside or subsequent to preparing its plan at a level of detail commensurate with the size of the site and key principles to be established."*
 - c. Propose legislation to widen and change the nature of permitted development to enable *"popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities, but in accordance with important design principles."* The White Paper refers to the use of 'pattern books' to articulate standard building types, options and associated rules such as height. In 'Renewal' areas they seek to allow pre approval of popular and replicable designs through permitted development. Government considers that this will foster innovation and support industrialisation in house building, enabling modern methods of construction to be developed and deployed at scale.
37. *"We intend to develop a limited set of form- based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied – enabling increased densities while maintaining visual harmony in a range of common development settings (such as semi detached suburban development). These would benefit from permitted development rights relating to the settings in which they apply. Prior approval from the LPA would still be needed for aspects of the design to ensure the development is right for its context e.g. Materials, and other considerations such as flood risk."* The intention is that these pattern books could be further modified by local orders produced by the LPA or Neighbourhood Planning group. A pilot programme will be developed.
38. The intention is also to legislate so that prior approval for exercising rights such as upward expansion and demolition and rebuilding takes into account design codes.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

39. Government has not included questions in respect of this section of the White Paper. In

addition to protecting the places of environmental and cultural value which matter to us in line with the 25 Year Environment Plan the reformed system is to play a proactive role in promoting environmental recovery and long term sustainability. This includes a strong part in efforts to mitigate and adapt to climate change, reduce pollution, increase green space quality and tree cover etc. Measures currently before Parliament in the Environment Bill include mandatory net gains for biodiversity in development proposals, and Local Nature Recovery strategies and the government is committed to making all new streets tree lined. In addition, they are assessing the extent to which planning policies and processes for managing flood risk may need to be strengthened along with developing a national framework of green infrastructure standards. Once the proposals in this paper begin to be implemented it will be important for authorities to consider how the identified categories and areas in Local Plans can most effectively support climate change mitigation and adaptation.

Proposal 15

40. **Proposal 15: We intend to amend the NPPF to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.** This provides an opportunity to strengthen the way that environmental issues are considered through the planning system. Government wants to be clear about the role that local, spatially specific policies can continue to play such as identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated.

Proposal 16

41. **Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.** This proposal addresses concerns that the current appraisal frameworks including Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment duplicate processes and can lead to unnecessary delay. To succeed, a new system will need to meet several objectives:
- a. to be quicker and speed up decision making, consider the environmental aspects of a plan or project early in the process.
 - b. To be simpler to understand and consolidated in one place if possible so that the same impacts and opportunities do not need to be considered twice
 - c. To allow us to take advantage of opportunities for environmental improvements as well as meeting our domestic and international obligations for environmental protection. This is to be the subject of a separate and more detailed consultation in the autumn.

Proposal 17

42. **Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.** Local Plans will identify the location of internationally, nationally and locally designated heritage assets, as well as locally important features such as protected views. They also want to ensure that historic buildings play a part in renewal of cities, towns and villages and respond to climate change and energy efficiency measures that support the zero carbon objectives. Therefore, government will review and update the planning framework for listed buildings and conservation areas to ensure

their significance is conserved whilst allowing appropriate sympathetic changes to support continued use and address climate change. In so doing they want to explore whether there are better ways to secure consent for routine works, including exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

Proposal 18

43. **Proposal 18: To complement our planning reforms, we will facilitate ambitious improvement in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.** The Future Homes Standard consultation last year included proposal that from 2025 government expects new homes to produce 75-80% lower CO2 emissions compared to current levels, and that these homes will be 'zero carbon ready' with the ability to become zero carbon homes over time as the electricity grid decarbonises without the need for retrofit of measures. The government will respond to the consultation on The Future Homes Standard in the autumn and review the roadmap to the standard to ensure that implementation takes place to the shortest possible timeline. The ambition is that new homes built under the new planning system will not need retrofitting in future. They will also explore options for the future of energy efficiency standards beyond 2025 and the role that LPA can play in setting energy efficiency standards for new build development.
44. They also seek more focus on monitoring and enforcement of the design, environmental performance and safety of new and refurbished buildings, and for local authorities to reassign resources for this purpose.

Pillar Three – Planning for infrastructure and connected places

45. Currently there are two routes to achieving developer contributions to infrastructure: planning obligations through section 106 agreements and the Community Infrastructure Levy (the latter being discretionary). Government seeks to simplify this situation to: reduce the time taken in negotiations on S106 agreements; remove the inflexibility to market conditions of CIL payment being set with permission and due on commencement of development: and reduce the risk for the developer in respect of cash flow challenges. The reforms seek transparency, responsiveness, consistency and simplicity as well as buoyancy to market conditions. They also seek to capture a greater proportion of the land value uplift that occurs through the grant of planning permission and use it to enhance infrastructure delivery.

CONSOLIDATED INFRASTRUCTURE LEVY

46. **Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.** A reformed extended 'Infrastructure Levy' based upon a flat rate, valued-based charge, set nationally, at either a single rate or at area-specific rates. It would aim to increase revenues nationally compared to the current system, believed to be more effective at capturing increases in value and reduce risk for developers. In areas where land value uplift is not sufficient to support significant levels of land value capture, some or all of the development value would be below the threshold of the levy. In higher value areas, a much greater proportion of the development value would be captured.
47. LA's could borrow against Infrastructure Levy revenues to forward fund infrastructure. This, alongside shifting collection to completion stage of development is expected to

incentivise LAs to deliver enabling infrastructure. The Mayoral CIL and similar strategic CIL in combined authorities could be retained as part of the Infrastructure Levy to support strategic infrastructure.

Proposal 20

48. **Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.** This approach would increase the levy base. The exemption for self and custom build housing would remain.

Proposal 21

49. **Proposal 21: The reformed Infrastructure Levy (IL) should deliver affordable housing provision.** As developer contributions currently deliver around half of all affordable housing, most of which is on site, it is considered important to maintain this position. Currently S106 delivers this, CIL cannot be spent on it, with a reformed IL authorities could use funds to deliver affordable housing. *“This could be secured through in-kind delivery on site, which could be made mandatory where an authority has a requirement, capability, and wishes to do so”.* As presently a registered provider could purchase dwelling at a discounted market rate but this would be considered as in-kind delivery of the IL. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability of the Levy. First Homes, sold by the developer direct to the customer at a discount to market price, would offset the discount against the liability.
50. It is recognised that some risk is transferring to the LPA and this must be mitigated to maintain existing levels of on site affordable housing delivery. Government believes that policy design will enable, in the event of a market fall, to allow the LPA to ‘flip’ a proportion back to market units which can be sold by the developer, if Levy liabilities are insufficient to cover the value secured through in kind contributions. As an alternative it could be required that value secured through in kind units is greater than the final levy liability, then the developer cannot reclaim overpayments. Standardised agreements could be provided by government to codify risk sharing.
51. To ensure developers build to the right quality local authorities would have the option to revert to cash payments if no registered provider was willing to buy the properties. Infrastructure payments in the form of land within or adjacent to a site could also be accepted by the local authority who, through borrowing against further IL receipts, other sources of funding or in partnership with registered providers could then build affordable housing.

Proposal 22

52. **Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy.** The Neighbourhood Share (25%) of the Levy would be retained for spend on local priorities by Parishes. They are interested in ideas about how to engage communities more on how this share is spent.
53. There is scope for more flexibility on spending, once core infrastructure obligations are met, local authorities could spend receipts on their policy priorities including improving services and reducing council tax. In this scenario it may be necessary to consider ring fencing a certain amount of Levy funding to deliver on site affordable housing.

Delivering Change

54. The White Paper goes on to highlight aspects of provision that will be needed to manage a transition to a new planning system, and the four shorter term measures it is also consulting upon:
- a. Changes to the standard method for calculating housing need
 - b. Securing First Homes
 - c. Temporarily lifting the small sites threshold for affordable housing up to 40 or 50 units
 - d. Extending the current Permission in Principle to major development.
55. Provisions relating to the use of government owned land to support renewal of town and city centres and to support SME and self build sectors are also noted. As are delivery mechanisms such as Development Corporations.
56. Probably of most immediate importance to the new system though is the need for the new system to have the right people and skills to succeed. It is recognised that the proposals would have profound implications for how local authorities operate in the future. Leadership, expertise, transformed digital systems and culture change will be needed. Government will consider how best to support the planning profession, the planning inspectorate. The government does not pose a question on this matter but it has been raised in many other suggested responses in this paper.

Proposal 23

57. **Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we proposed this strategy will be developed including the following key elements:**
- a. Costs of operating the new system to be principally funded by landowners or developers rather than the national or local taxpayer
 - b. Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. Greater regulation should be applied to discretionary pre application charging.
 - c. If a new approach to development contributions is implemented then a small proportion of the income should be earmarked to cover overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.
 - d. Reform should be accompanied by a deep dive regulatory review to remove outdated regulations that increase costs to LPAs especially in decision making.
 - e. Some local planning activities should still be funded through general taxation and time limited funding will be available in line with the new burdens principle to support the transition to the new system in the next Spending Review
 - f. A new performance framework for LPAs ensuring continuous improvement across all planning functions and enabling early intervention if problems emerge

with individual authorities.

- g. The Planning Inspectorate and statutory consultees should become more self financing through new charging mechanisms and be subject to new performance targets.
 - h. Workforce planning and skills development, including training, should be principally for the local government sector to lead on, working closely with Government, statutory consultees, planning consultancies and universities.
 - i. Reform should be accompanied by a significant enhancement in digital and geospatial capability across the sector
58. It is recognised that a resourcing and skills framework that works for all authorities and government will work with LPAs and professional bodies to do ensure views about implementation are considered.

Proposal 24:

59. **Proposal 24: We will seek to strengthen enforcement powers and sanctions** through a review of powers and sanctions available, the introduction of more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity. This includes implementing commitments from the Governments response to the consultation on unauthorised development and encampments, and ensure temporary stop notices are more effective. They will also consider what more can be done in cases where Environment Agency's flood risk advice on planning applications is not followed.

Appendix B – Consultation questions in the Planning White Paper and suggested response

Q1. What three words do you associate most with the planning system in England

Q2. Do you get involved with planning decisions in your area?

Q2 (a) If no, why not?

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

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 for existing heritage buildings or areas/ Other – please specify

No response is proposed to the above questions as they appear to be directed more to members of the public

Proposal 1

Q5: Do you agree that Local Plans should be simplified in line with our proposals?

No, whilst a simpler form of plan making is welcomed, the Council has two key areas of concern. First, the strategy for the Local Plan and cross boundary strategic planning and second, the process of identifying the three types of area.

The White Paper is silent on the matter of an overall ‘strategy’ that will underpin the Local Plan, perhaps this is taken as read, but to be clear the Council considers that even in a simplified more zonal system the Local Plan should still be underpinned by a robust sustainable strategy to guide decisions in respect of the future of the area. How would that strategy be arrived at? What evidence would be required to support a strategy that is less than that collected under the current system? A response on cross boundary strategic planning is set out under the response to Proposal 3 below.

It is not clear how the identification process for these three types of area in a plan will be simpler than the present process. There will be a limit to the reduction in evidence

required to produce such plans since the decisions made during the production of the plan will need to be rooted in some degree of evidence. Given that the adoption of the Local Plan will grant Permission in Principle/Outline Permission, a wide range of material planning considerations would still need to be addressed to reach a conclusion on: the delineation of the areas; the category into which they fall; the type of development; and the form of development. The extent of detail needed for site allocations/area delineation would be greater than the current Local Plan system. These matters of detail will be established at the same time for all areas in the plan when at present they are addressed as they come through the planning application process. This presents a clear resource draw that is not to be underestimated.

The frontloading of the decisions on development to the plan making stage is not of itself of great concern. It is the resources needed, clarity in respect of the material considerations pertinent to the decisions, and the specifics of the underlying evidence base that are of concern and require greater clarity and resolution in the proposals for change.

Proposal 2

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, the removal of duplication of effort through the use of National Development Management policies is welcomed. However, the White Paper identifies, delineated areas, master plans and design codes, and development management policy as constituting the plan making process. This omits the local policy that currently sets certain parameters for development in the local plan for example, local parking standards, the local policy associated with a green infrastructure network, or open space standards, the need to address specific local issues such as basement development, glasshouse development and those for Special Areas of Conservation or other designated areas. If it is accepted that for 'Growth' areas these matters will all be specified, then for other areas they will need to be identified. This should be clarified in the proposals.

In respect of optional standards the Council supports the making of these as mandatory in terms of minimum space standards for dwellings, accessibility and adaptability standards for people with limited mobility and in respect of zero carbon energy efficiency standards. If these currently optional standards were made obligatory national development management policy or standard building regulations, then significant steps will have been made toward improving the quality of homes, future proofing homes for people as they age, and contributing to a zero carbon future.

The principle of using design codes to influence the appearance of development is most welcomed, and consideration should be given to how these can also be used to address the internal aspects of dwellings noted above i.e. a minimum space standard for homes, producing lifetime homes and zero carbon homes. This would level the playing field for all developers and the market would adjust accordingly. Much time and effort is spent within the current system trying to achieve better standards. Upskilling more of the planning profession in these design skills will be particularly important to the success of the proposals.

Proposal 3

Q7(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?

Q7(a) Yes, the Council recognises the important part that assessments play in plan making and welcomes a simpler approach if based on the outcome of understanding impacts. Any consolidated test of sustainable development would still need to consider the economic and social consequences of proposed plans as well as the environmental effects. (Further comment is made in response to Proposal 16).

The abolition of the Tests of Soundness raises a number of questions. If this sees the removal of the “positively prepared” test will there still be testing of whether the plan meets statutory requirements (including presumably the housing requirement)? Without the ‘justified’ test will there be consideration of whether the plan represents a suitable strategy, is supported by evidence, and has been produced through the consideration of reasonable alternatives (the latter being a requirement of the SEA legislation currently). How will the deliverability aspect of the ‘effective test’ be incorporated into the new sustainable development test? Presumably the national policy test will be a fundamental part of a new sustainable development test?

Q7(b). How could strategic, cross- boundary issues be best planned for in the absence of a formal Duty to Co-operate?

Q7(b) Whilst the Duty to Co-operate Test has not been a perfect replacement for genuine sub regional and regional planning it has been an impetus for co-operation. If it is to be removed, there needs to be some form of binding sub regional and regional arrangements for managing strategic cross boundary matters, even if these are limited to managing key infrastructure and impacts of very large developments such as new settlements. An example could be a standing assembly of relevant partners including statutory bodies at a suitable spatial geography, that enters into memorandum of understanding on key matters.

Proposal 4

Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Q8 (a). A standardised method to reach binding housing requirements handed down by Government *is not welcomed*. Although it would reduce the time and resources spent resolving the matter locally it ignores the democratic process at a local level and the specific circumstances and constraints in each local authority. Affordability is an issue in many parts of the country, the worst affordability levels include areas containing Green Belt which is noted as a policy area that will survive into the new system unchanged and is a deliberate restriction on land supply. The White Paper therefore does not resolve this inherent tension with the need to provide more homes and in a District such as Epping Forest District with 92% Green Belt it is difficult to see how the number of homes proposed by the recent methodology published – for the District the number was 863 compared to a housing requirement in the emerging local plan of 518 could be set out in allocations.

It is difficult to conceptualise how the assessment of constraints can be made by Government without a very significant level of evidence in the form of regional and sub regional studies identifying how needs can be accommodated to support the conclusions. In the case of areas subject to Green Belt it is also difficult to understand how housing requirements can be arrived at without either first

undertaking a Strategic Review of Green Belts across the country as one key piece of such evidence, or stating that no further Green Belt land will be released. This could then inform the requirements for individual areas.

Numerous additional questions arise: how would the land requirement for any non residential development be identified?; In cases where the housing requirement would fall below the unconstrained calculation would this be lost or be added to other authorities requirements?; How could potential from densification be assessed without recourse to the particular local circumstances as viability would not allow significant densification in some parts of the country? Would a local authority be able to challenge the requirement handed down if it has clear evidence that it cannot be met?

Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

Q8(b). Not sure. Whilst the Council considers that affordability and the extent of existing urban areas are reasonable indicators to future need, it is not a simple equation. In many of the places where affordability is at its worst, the land supply is not available and so increasing requirements will not necessarily deliver the required outcome. A focus on providing more additional affordable housing (without the additional market housing) where affordability is poor would be a more sensitive response. In addition, the focus on the extent of urban areas could be at the expense of the need to support rural settlements. The approach also continues 'business as usual' in distributing further growth to the areas already having experienced growth in development and population.

Proposal 5

Q9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Q9(a) It is not clear what the difference is between an allocation in a local plan which effectively sets the acceptable land uses and would seem to negate the masterplanning approach for strategic sites. If it is proposed that this is done at plan making stage it is hard to see how it can be achieved in the proposed time frames. The level of resources and work required would be considerable to reach a designation of 'Growth' area if this granted an automatic outline permission (when compared to the proposed timeline – see Proposal 8 response). Currently, in coming to a view about the principle of development in dealing with an outline planning application, the LPA has to address all considerations. These particular considerations will depend on the circumstances of the site and development envisaged, but may include: the proportion of affordable housing; infrastructure requirements; green space requirements; the protection of features on site; mitigation measures for biodiversity or impact on neighbours; prior site investigations such as contamination or archaeology; and statutory consultee considerations. The same considerations would apply to delineation in a Local Plan.

In addition, conditions on matters normally applicable to an outline permission would need to be addressed within the plan, and it is not clear how matters managed by Section 106 Agreements might be addressed should they survive the new system. (Refer also the response to Proposal 19). As a result it may be that, given this position, and the need to meet a strict timetable, authorities may defer potential

'Growth' areas to smaller sites and 'Renewal' areas in plan making. In addition it will require a significant outlay for landowners and developers unless the burden of such investigations are expected to land on the local planning authority which would then create further demands on resources. Given that the plan making process is the place that will set these details there would rightly be a great degree of scrutiny by communities and councillors of the emerging proposals.

Therefore, the Government should take account of the considerable work involved in preparing such plans, its relationship with the proposed timetable, and recognise that this front loading of the process of achieving consent will require significant resources.

Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected Areas?

Q9(b) Yes, but further clarity in respect of the policy expected to accompany the Renewal area would be valued – for example, would there be sub areas identified for different types of development, which seems logical? The concept of a pre specified form of development gaining automatic consent is of interest, but more detail is needed to be able to understand the impact in the District, and whether the local authority will be able to specify the areas to which this would apply rather than being a blanket approval for the 'typical' development in any location. The faster route through comparison to the Local Plan is in theory attractive but the management of the detailed matters in relation to the relationship with neighbouring existing development in particular is not clear and would need to be considered. The use of Local or Neighbourhood Development Orders is supported particularly since these could address the detailed issues of immediate impact of the development on neighbours.

Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

Q 9 (c). No. The Council considers that *there is not* a case for bringing new settlements into the NSIP process but close liaison with the local authority would be needed to ensure that there is communication between parties/ because this entirely removes the matters from any local control and community engagement.

Proposal 6

Q10. Do you agree with our proposals to make decision-making faster and more certain?

Not sure. The Council welcomes ways to speed up decision making and it is clear that some of the frontloading processes for Local Plans are intended to do so. It is also clear that the process of dealing with planning applications will differ depending upon the designation in the Local Plan. Overall, the standardisation of process and use of digital technology as much as possible is most welcome but will require significant investment in systems and training.

The Council has two primary concerns, first, how due diligence on material matters of detail are to be managed and still speed up the process, and second, the role of the elected member. There must be a clear explanation on the part of government how the local authority is expected to manage details on applications. The concept of a 50 page supporting statement for the details of a 'reserved matters' application from a Growth area approval on adoption of the Local Plan is relatively easy to

conceptualise due to the level of work that will go into the designation in the Local Plan. However, due diligence may not be achievable on an application within a 'Renewal' area which it appears may need less site specific evidence at the Local Plan stage. In this case a 50 page statement may not be enough, given the range of site assessments (in some instances) required to be clear that the site is suitable for the development. The same applies to dealing with applications in 'Protected' areas or those not envisaged in the plan. Finally, there will need to be clear information in respect of the expected environmental performance of development proposals if we are to achieve net zero carbon. It is unlikely that this too can be included in a 50 page limit.

The automatic refund of application fees for a range of situations appears draconian.

Proposal 7

Q11. Do you agree with our proposals for accessible, web-based Local Plans?

Yes, on the whole these proposals are welcomed, but significant investment will be needed in systems and skills. In addition, those without access to technology should not be forgotten, and are often members of the more deprived communities - this potential discrimination should be addressed in the system.

Proposal 8

Q12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

No, as noted in the response to earlier questions the Council considers that there is unlikely to be enough time to produce the plans required in this timeline. It is also difficult to conceptualise how an 18 month pre submission period fits with being able to engage the public properly, enabling them to influence proposals or for officers to undertake the technical work required. That said, the concept of increasing public engagement at plan making stage is welcomed and the principles of the examination appear consistent with the other measures proposed. If the timescale is to be achieved the government will need to ensure that statutory bodies are provided with appropriate funding so that they are able to engage in a timely manner.

Proposal 9

Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Q13 (a) Yes, Neighbourhood Plans should be retained.

Q13(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?

Q13 (b) The process would presumably focus on design codes and guides for small areas and groups would need to be given the resources to participate in their plan making process digitally.

Proposal 10

Q 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, and if the variety noted could be stipulated in the new system that would be helpful.

Q 15. What do you think about the design of new development that has happened recently in your area?

Q16. 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

No suggested answer is given here since Q15 and Q16 appear to be aimed at the public.

Proposal 11

Q 17 Do you agree with our proposals for improving the production and use of design guides and codes?

Yes, subject to two matters. First, it would be helpful for government to produce guidance on successful methods of public engagement in design code production since there is likely to be a body of knowledge within at least an international if not national context. Second, given that there is always difference in opinion on design matters, how does the Government propose that the Local Authority finally arbitrates on the precise codes?

Proposal 12

Q 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, the new specialist body is welcomed, though it is unclear how such a body could support all of the Local Authorities in the Country at one time to deliver plans on time to the Government deadline. The additional resources required to implement the new system must be of an appropriate level and are welcomed. A chief officer for design and place-making is welcomed but it is not clear whether the expectation is the nominal or actual Chief Planning Officer is replaced by a chief officer for design and place making?

Proposal 13

Q19 Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives of Homes England?

Yes, it is critical that government agencies lead by example.

Proposal 14

Q20. Do you agree with our proposals for implementing a fast – track for beauty?

Q 20. Not sure. Increased use of design codes is welcomed as is the measure to ensure that a masterplan or design code is agreed to steer substantial developments in 'Growth' areas. It is not entirely clear how the 'popular and replicable' criteria for development to achieve extended permitted development rights would actually work in practice and this proposal requires greater clarity and explanation to enable any confidence in response.

Proposal 15

Council's Response – the Council welcomes a strengthened role for the planning system in mitigating and adapting to climate change and maximising environmental benefits but this must come alongside mandatory changes to the requirements in respect of building standards, energy efficiency and zero carbon developments. (Refer to response to Proposal 2). The mandatory biodiversity net gain measures in the Environment Bill are supported and more national leadership in climate change is required when local discretion is often fettered in this regard. Setting stringent national standards for new buildings is one of the key planks for achieving a zero carbon future.

Proposal 16

Councils Response – the Council welcomes the separate detailed consultation in the autumn and hopes for a simpler system that still ensures that the impacts of development on receptors in the environment are understood and effectively mitigated including by refusing development.

Proposal 17

Council response – The Council welcomes the aims of this measure and recognises the balance of conservation and future use is sometimes very sensitive. Any measures to be introduced should seek to ensure that extensive damage is not done to the significance of heritage assets.

Proposal 18

Councils Response – the Council considers that it would be far more efficient in time and resource for the government to introduce mandatory zero carbon standards including energy efficiency within a shorter timescale than currently envisaged. This is preferable to the current situation of individual Local Plan policy that is reliant on viability testing. If all housebuilders are required to meet a zero carbon standard it will remove uncertainty and ratchet up performance. Passive design measures for energy management in housing are preferred, and renewables used for any residual energy requirements.

Q21. 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

In a rural setting such as EFDC which is 92% green belt and where settlements are spaced on average between 3 and 5 miles apart with many outlying areas as small rural villages, key to this proposal is how we link the settlements by sustainable transport systems whilst at the same time cutting emissions and placing more emphasis on healthier living, linking settlements by cycleways and walkways would need considerable funding and possible additional state aid.

Proposal 19

Q22(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?

Q22(a). No, the flexibility of the Section 106 agreement is an important aspect of managing the specifics of particular development on particular sites, and ensuring the relevant infrastructure required for the development comes forward. It is also an important source of affordable housing delivery.

Whilst a simpler approach to the CIL in the form of an Infrastructure Levy would be welcomed, it would be difficult to see how the baseline could be set at anything but a low level to manage massive variations in viability across the Country. It is not clear whether the intention is to have different levels for different types of development which would be logical since they have varying levels of viability and return to the developer. A twin approach of an Infrastructure Levy and the use of S106 Agreements should continue.

Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area specific rate, or set locally?

Q22(b). The Infrastructure Levy could best be set nationally at an area specific rate to manage differing levels of viability of development across the country and seek to maximise revenue.

Q22(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?

Q22(c). If feasible the Infrastructure Levy should aim to capture more value than presently.

Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Q23(d) Yes, local authorities should be allowed to borrow against future Infrastructure Levy receipts which would avoid the current situation where authorities have to build up CIL payments for many years to collect enough to pay for the infrastructure causing delays in delivery.

Proposal 20

Q 23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes, the uplift in value achieved through for example commercial to residential development is significant in some circumstances and should be captured.

Proposal 21

Q24(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?

Q24(a) Yes, but it is not clear how the Government proposals would actually achieve this, including how it would, coupled with the First Homes proposals, ensure that Local authorities are actually able to deliver the number, type and tenure of affordable housing that is needed in their area.

Q24(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?

Q24(b) The Council agrees that an in kind payment would certainly seem to be designed to encourage developers to include more affordable housing on a site and would add to affordable housing stock in perpetuity. In-kind payments most closely mirror the current system and the risk shouldn't be any greater, if reflected properly in the land value. The complication is whether the Levy is enough to deliver the required affordable housing in the tenure and form to address local housing need; as well as providing other essential infrastructure

Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

Q24(c) Yes. If the Levy is not set at a sufficient level to support the infrastructure required in the Local Plan and maintain existing levels of on-site affordable housing in the tenures required to address local housing need, then the Government mitigation should be capital funding to support the on-site affordable housing provision in the quantum/tenure identified in Local Plan policies.

Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Q24(d) Yes, the introduction of mandatory space standards as noted in our response to Proposal 2, coupled with the ability of Local authorities to determine the mix of tenure of affordable housing.

Proposal 22

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Q25(a). If yes, should an affordable housing 'ring-fence' be developed.

No, the purpose of the Infrastructure Levy is to provide required infrastructure and it should be retained for this purpose. Currently, the CIL and S106 contributions generally assist with, but do not fill, a funding deficit. It is unlikely that any such system will collect enough to be able to theoretically spend on items other than necessary infrastructure – there will still be a funding gap that other programmes of funding will need to fill. Indeed, the measure in Proposal 23 to fund the Planning

Service through the Infrastructure Levy makes it all the more unlikely that there will be adequate funds to distribute beyond paying for Infrastructure and Planning services. However, should the restrictions be relaxed then affordable housing should be ring fenced.

Proposal 23

Council's Response – The Council welcomes recognition of the significant input of resources needed to make the new system work. It considers it unlikely that all if any, Councils will be able to fund their planning services based on a 'small proportion of the income' from the Infrastructure Levy and fund essential infrastructure. It will be critical to allow time for the new skills to become widespread before the imposition of time limits on plan making.

Proposal 24

Council's Response – a strengthening of enforcement powers is welcomed but the local discretion to use them must remain.