

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 19 October 2020

SUBJECT: Response to Planning White Paper – Planning for the Future

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DATE: September 2020

EXTN: x 37839

PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

On 6 August, the Government published a White Paper – Planning for the Future – for consultation. The consultation period expires on 29 October 2020.

Consultation description;

‘The Planning for the future consultation proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.’

RECOMMENDATIONS:

That Cabinet notes the contents of, and proposals within, the White Paper, and agree to the responses to the consultation questions contained with Appendix 1.

1. BACKGROUND:

1. On 6 August, the Government published a White Paper – Planning for the Future – for consultation. The consultation period expires on 29 October 2020. This report discusses the proposals in the consultation document and provides a response to the consultation questions at Appendix 1.

At the same time, the Government also published a ‘sister’ consultation; Changes to the Current Planning System. The response to this was submitted on 30 September 2020 (as the deadline was 1 October) following consultation with Group Leaders and Portfolio Holder for Planning.

2. The Prime Minister introduces the document by stating:

'Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs.'

'That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.'

The Secretary of State goes on to state;

'Our proposals seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, in which smaller builders can thrive alongside the big players.'

3. This White Paper is a complete about turn from the proposals that were brought forward in the Localism Act 2011. That Act sought to end centrally imposed building targets and gave Council's more freedom for their Local Plans. The reality however was that it didn't work out that way. This Act was intended as a fundamental change to Planning but it clearly failed to deliver what it was intended to.
4. The White Paper describes some of the issues with the current planning system that it is attempting to rectify. These include;
 - It's too complex
 - Planning decisions are discretionary
 - It takes too long to adopt a local plan
 - Assessment of housing need is too complex
 - It has lost public trust
 - Negotiating developer contributions is complex
 - There is not enough focus on design
 - It does not lead to enough homes being built

It is difficult to disagree with these observations and the issues we have now are as a result of many years of tinkering with the planning system adding more and more requirements to it.

5. There are five strands to the proposals within the White Paper that will be expanded upon below but they can be summarised as;
 1. Streamline the process with more democracy taking place at the plan making stage
 - Simplifying Local Plans. Identifying Growth, Renewal & Protected areas.
 - General development management policies will be set nationally.
 - Local Plans to be subject to a single 'sustainable development' test
 - Abolish Duty to Cooperate
 - Local Plans will be map based and standardised
 - Statutory timetable of 30 months to produce a Plan

2. Digital first approach to planning process
 - Enable interactive mapping
 - Increased access to data and decisions
3. New focus of Design & Sustainability
 - Supports efforts to combat climate change
 - Improvements in energy efficiency
 - Creation of beautiful places
 - Design Guidance & Codes to be prepared locally
 - Each local authority to have a chief officer for design and place making
4. Improve Infrastructure delivery
 - A new nationally set flat rate charge
 - Ability to secure more affordable housing
 - More powers to determine how contributions are used
5. More land to be available for homes and support renewal of town centres
 - Nationally determined housing requirements
 - Speed up construction
 - Promote competition
6. The Consultation document is divided into three Pillars. Within these Pillars, there are a series of 24 proposals. I will summarise these below. The proposals are intended to be implemented by the end of 2024.

Pillar One – Planning for Development (page 24 of Planning for the Future)

Proposal 1: The role of land use plans should be simplified. It is proposed 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.

Growth areas are areas that will be suitable for substantial development. This will include urban extensions and other such large sites. Any sites included within a Local Plan for this purpose would automatically benefit from outline planning permission. It has been suggested that applicants would pay a fee at this stage for this, but the White Paper is silent. Renewal areas would cover existing built up areas for smaller scale development and small sites on the edge of villages. These would benefit from a presumption in favour of development. Protected areas are areas where more stringent controls would be applied and would include areas such as AONB's, Conservation Areas and open countryside.

In defining such areas, the Plan would set out suitable development uses as well as limitations such as height or density.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

Development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements. The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans. Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process. It is proposed to abolish the Sustainable Appraisal and Duty to Cooperate systems.

Proposal 4: A standard method for establishing housing requirement figures. The housing requirement would factor in land constraints and opportunities.

A standard requirement would differ from the current system of local housing need in that it would be binding, in order to drive greater land release. The standard method would make it the responsibility of individual authorities to allocate land suitable for housing to meet the requirement, and they would continue to have choices about how to do so: for example through more effective use of existing residential land, greater densification, infilling and brownfield redevelopment, extensions to existing urban areas, or new settlements.

It is stated that the proposed approach should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a five-year supply of land. It is proposed to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.

MHCLG have indicated that a further consultation on the standard housing methodology will take place in 2021.

Proposal 5: Areas identified as *Growth* areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development.

There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development. In areas suitable for substantial development an outline permission for the principle of development would be conferred by adoption of the Local Plan.

In areas suitable for development, there would be a general presumption in favour of development established in legislation. In areas where development is restricted any development proposals would come forward as now through planning applications being made to the local authority and judged against policies set out in the National Planning Policy Framework.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

The White Paper proposes the greater digitalisation of the application process and shorter and more standardised applications. 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 proposals state that there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template

Interactive, map-based Local Plans will be built upon data standards and digital principles. This will support standardisation of Local Plans across the country. The text-based component of plans should be limited to spatially specific matters. Plans should be fully digitised and web-based following agreed web standards.

Proposal 8: Local authorities be required through legislation to meet a statutory timetable for key stages of the process.

Period would be shortened to 30 months for the preparation of a Local Plan. The effect of these reforms would be to greatly simplify and shorten the plan-making and development process, ensuring more land comes through the system and does so at pace.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input.

The consultation wishes to consider whether their content should become more focused to reflect the Governments proposals for Local Plans.

Proposal 10: A stronger emphasis on build out through planning

Masterplans and design codes for sites prepared for substantial development (discussed under Pillar Two) 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 (page 38)

Proposal 11: To make design expectations more visual and predictable, the Government will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

The Government expects the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities but it recognises that it is important that local guides and codes are prepared wherever possible.

The Government intends to make clear that designs and codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, the Government will also make clear that decisions on design should be made in line with these documents. Where locally-produced guides and codes are not in place, the Government also propose to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.

Proposal 12: The Government 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 are to explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. It is suggested that there will be some proposals later this year for improving the resourcing of planning departments more broadly.

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.

Proposal 14: The Government 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.

Through updating the National Planning Policy Framework, the Government intends to make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval. Further, where plans identify areas for significant development (areas), it is proposed to legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan.

To take this approach forward, the Government intends 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.

Proposal 15: Amend the National Planning Policy Framework 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.

The Government considers that this will provide an opportunity to strengthen the way that environmental issues are considered through the planning system.

Proposal 16: 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.

Requirements for environmental assessment and mitigation need to be simpler to understand and consolidated in one place so far as possible, so that the same impacts and opportunities do not need to be considered twice.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

It is proposed review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.

Proposal 18: To complement our planning reforms, the Government will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

From 2025, the Government expect new homes to produce 75-80% lower CO₂ emissions compared to current levels. These homes will be ‘zero carbon ready’, with the ability to become fully zero carbon homes over time. To work towards ensuring that all new homes are fit for a zero-carbon future the Government will also explore options for the future of energy efficiency standards, beyond 2025.

Pillar Three – Planning for infrastructure and connected places

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

The current system of planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'. This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would be charged on the final value of a development and levied at the point of occupation.

The single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.

It includes proposals allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

The scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

With Section 106 planning obligations removed, the Government propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure 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.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

There is scope for even more flexibility around spending. The Government could also increase local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax.

Proposal 23: As the Government develop final proposals for this new planning system, they will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.

As local planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.

Proposal 24: The Government will seek to strengthen enforcement powers and sanctions

To review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system.

Conclusion

7. The proposed responses to the specific questions raised in the consultation are attached to the report at Appendix 1. In summary, the main proposals raise the following issues;

- Nationally set development management policies would potentially remove the ability to have local policies that reflect the specific characteristics/circumstances of the area.
- The proposals for the streamlined Local Plans raise serious issues around the ability of the public and stakeholders to engage in meaningful consultation.
- The issue of having permission in principle in a Local Plan potentially results in a significant shift in responsibility to prepare specific site-based evidence onto the local planning authority.
- The White Paper is exceptionally weak on climate change and the opportunity should be taken to make significant progress to carbon zero development.
- It is unclear what a 'fast track for beauty' actually means in practice and how they would benefit from automatic permission.
- It is unclear whether local authorities would be required to produce the binding 'design codes' and what the process for this would be.
- Whatever the standard housing figure might be, there are significant issues around delivery that this Paper does not address.
- The proposal for a single 50 page planning statement that would replace all current technical studies is concerning in that it would appear impossible to properly assess the impact of applications.
- The requirement for each local authority to have a 'chief design officer' raises issues around funding as well as the ability to recruit.
- The proposal that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal is unfair and will encourage poor quality approvals.

List of abbreviations

- SEA (Strategic Environmental Assessment)
- HRA (Habitats Regulation Assessment)
- SA (Sustainability Appraisal)
- MHCLG (Ministry for Housing, Communities and Local Government)
- LP (Local Plan)
- GIS (Graphical Information System)

<ul style="list-style-type: none"> • NDP (Neighbourhood Development Plan) • CIL (Community Infrastructure Levy) • RSL (registered Social Landlord) 		
2. PROPOSAL(S): To agree the proposed response to the consultation within Appendix1.		
3. OPTIONS: To either amend the response or to submit no response.		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		
6. IMPLICATIONS: As a consultation document, there are no implications at this time. Depending upon the response to the consultation and what proposals eventually come forward, there could be significant implications for the Council.		
7. REASON FOR THE DECISION: The Council should respond to such consultation containing such fundamental changes.		
8. EFFECTIVE DATE OF THE DECISION: 28 October 2020		
9. BACKGROUND PAPERS: https://www.gov.uk/government/consultations/planning-for-the-future		

<https://www.gov.uk/guidance/planning-for-the-future-explained>

MHCLG White Paper : Planning for the Future

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

- Overloaded
- Complex
- Permissive

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

Yes

3. 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?

n/a to local planning authority.

4. What are your top three priorities for planning in your local area?

Genuine affordable housing

Climate change

Delivering high quality sustainable development

5. Do you agree that Local Plans should be simplified in line with our proposals?

Yes. Support the principle of having simpler more user-friendly Local Plans. Plans address a 20-year time horizon and reconcile many competing demands and need to align infrastructure investment plans. However, as a result of large amounts of changes over the years, they are too complex. The following issues should be considered: -

- Within the proposals, there is a great burden on local planning authorities to front load and commission an evidence base for the preparation of a local plan; e.g. Plan and development viability studies, Retail studies, Economic studies, Sustainability Appraisal, Habitats Regulation Assessment, Landscape Assessment, Strategic Flood Risk Assessment, Historic buildings, infrastructure capacity studies, Transport Assessment etc. These all cost on average £40,000 some significantly more. These need iterative updating at the different plan stages at great expense in time and money
- A plan may typically cost over £1m over its preparation cycle (only to be out of date a few months later)
- There is an added burden to meet land use monitoring and key data standards e.g. inform government housing delivery tests

It may assist however, if

- there is a greater division of function between utilities and infrastructure providers, developers and the local planning authority on their respective roles so that the planning authority is not 'doing' everything;

- the principle of streamlining evidence base nationally and making it more joined up across a region/sub region would simplify the process – e.g. national indicators of viability and standards could standardise the approach and remove the need for local duplication - as for the Standard Housing Methodology – where each district has indices of housing affordability (average earnings to house prices) data – this could be extended to housing market area and land viability indices which then determine, from a menu or sliding scale of standards, what should apply locally that is affordable
- a process of local engagement before setting these national standards would help to determine local weighting and margins to adjust the menu of standards to local circumstances including differentiating between regional/sub regional, urban, rural and suburban locales
- infrastructure providers must also take responsibility for delivery of services alongside development through working with landowners and utilities on delivery
- plan making would be simplified if the delivery of an agreed housing trajectory, was the responsibility of landowners. A great deal of time and work is put into direct engagement with large landowners to understand their intentions to deliver sites. If proposed zoning of land is to work with permission in principle or outline at allocation - landowners must take responsibility within those zones to bring sites forward in a timely fashion by directly engaging with the developers and infrastructure providers;
- where landowners are unwilling to sell their land because a developer is facing low market values on sales, increasing a housing target does not resolve the problem. There is a need for market intervention/adjustment e.g. through a subsidy and or dispensation, to sell.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Not sure. This may help reduce the burden and increase capacity by eliminating duplication and ensure more standardisation and consistency across a number of common policy areas nationally - improving certainty, consistent implementation and thereby reducing appeals and legal challenges.

However, in a Climate Emergency, many authorities seek to achieve zero carbon targets by 2030 - much earlier than the national target to 2050 - through innovative approaches to planning and development and engagement with the development industry and providers. Removing the Development Management function in this specific area may, therefore, prevent necessary progress and stifle innovation at the local level. However, if the carbon neutral standards to be set nationally are progressive and permissive to allow flexibility to achieving carbon neutrality by 2030 then this would gain significant support.

Clarity is needed on how local variation fits in the proposed new system. There will always be topic focused issues that cannot be dealt with at either the national level due to regional/sub regional differences in circumstances and cross boundary strategic coordination is critical (e.g. Solent mitigation scheme; nitrates). There is also a difference between urban and rural, semi-rural, inland

and coastal locales.

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?

Not sure.

EU Directives for SA/SEA and HRA regulation assessments are enshrined in UK law for plans and programmes. If SA and so commonly SEA, were to be removed from the plan policy test and relegated to growth and/or renewal areas to demonstrate via allocation (outline consent) and permission in principle, the following matters would need to be addressed and clarified:-

- SA deals with reconciling economic, social and environmental objectives;
- Where would SEA/HRA early screening take place to avoid detailed and potentially abortive plan development strategies, allocations and applications?;
- SA/SEA and HRA are iterative and may well demonstrate that levels of need at the plan making level cannot be accommodated sustainably even taking into account constraints through a standard housing methodology
- How will unmet need be dealt with if the duty to cooperate is removed?
- What criteria would be used to assess if formal environmental assessment is required to meet the SEA and HRA elements that are within UK regulations;
- Soundness tests will remain material to the Sustainability test depending on what level the decision-making responsibility resides;
- A planning authority wishing to demonstrate plan sustainability through delivery of overall objective needs, arguably requires that the deliverability test must remain as a test of soundness. Without this, developers and landowners could put forward any site to be allocated as deliverable, and then bank their land for as long as they wish pointing to market factors;
- Similarly, cumulative impact and site-specific impact require synthesis for assessing the impact of development on the local area and required mitigation. This is currently measured via the ‘justified’ soundness test and used to support S.106 requests and infrastructure planning. Local communities need to see a clear link between a development and the infrastructure mitigation package required otherwise there is a risk of objection and opposition which will frustrate plan making;

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

It is highly likely that local authority Sustainable Development test/assessment will identify levels of unmet need where authorities Standard Housing Assessment encounters further constraint or viability issues. The Duty to Cooperate was introduced by the Localism Act to address the strategic decision-making deficit following abolition of Regional Plans. A strategic planning mechanism will be needed which could be based on informal strategic bodies and planning arrangements being made more formal. The Climate Change Emergency is now so critical that effective national and local strategic decision-

making capability is morally required to shape future communities and direct growth away from vulnerable locations and to plan for significant change at a sub-regional scale. Local authorities are not currently well equipped to do this. There is, consequently, a need to consider effective Governance to deliver national and strategic priorities.

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

Yes, in principle. But any requirement has to be genuinely deliverable. Significant issues to consider are:-

- how to include a consideration of all material constraints? Will they include Grade 1 agricultural land?
- standardising the evidence base - at what level, national tempered by local engagement recognising geographical variation and local weighting?
- constraints must include infrastructure capacity when discounting housing targets
- environmental and economic constraints must also be clearly defined at an early stage;
- necessary mitigation of constraints required to accommodate any housing target must be transparent and be deliverable or otherwise reduce the housing target e.g. highway network congestion will need to be funded by the government (as a form of frontloading), alongside developer contributions (as part of the landowner's responsibility)
- this approach should be adopted across the board to cover flood risk, wastewater treatment and surface water pollution, climate change mitigation, habitat creation, healthcare provision, education etc.
- requirements need to be deliverable in order for Local Plans to actually have some weight for more than a few months.

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?

Not sure.

Although in principle development should be focussed towards urban areas, the quantity of development will need to be determined by more factors than just local affordability ratios (average prices to earnings) and the extent of existing urban areas. Spatial planning recognises that sustainable and deliverable growth needs to consider a range of factors:-

- functional housing, rental and economic market areas and variations within and between districts
- degrees of labour market slack or tightness (i.e. degrees of net outward commuting or self-containment or net inward commuting) and the objectives for the area will influence the demand for housing

- many urban areas are constrained by brownfield land and regeneration land costs but may benefit from infrastructure and economies of scale and higher densities;
- rural areas may be affected by significant countryside, landscape and heritage constraints and lack of infrastructure but high greenfield land values

Any national formula for setting housing target can and should as a starting point be tempered by such evidence either through further nationally published indices or local engagement on the characteristics and strategies that existing in local areas and what the future constraints and opportunities are. A national spatial framework, might be able to set out the key principles on a regional or sub-regional basis which would coordinate joint working for areas of growth or restraint and programmes of infrastructure delivery (guiding Government departments and agencies as well as infrastructure providers strategic plans). This would be needed if there is no 'duty to cooperate' and would provide a more effective mechanism to address the issues of climate change.

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?

Not sure.

There is a significant question that remains unanswered within these proposals and that relates to who is responsible for the preparation of all of the evidence required to secure a 'growth' allocation. Currently, local planning authorities invest vast sums of money to test and evidence allocations but very little of this is site specific evidence. In order to gain outline permission (which is what a 'growth' allocation is intended to be), there is significantly more evidence required. Currently, this falls upon the developer to fund and prepare. The proposals in the White Paper either mean that none of this evidence will be required any more of that detailed evidence around matters such as flood risk, ecology and highways would need to be prepared by the local planning authority. If this was the case, the financial implications for Plan making would be enormous and would make the stage 2 process (12 months) completely unrealistic.

The issues to consider include:-

- The criteria to be used and at what stage these should be applied to assess if formal environmental assessment is required for these designations (either this will still be needed at the LP allocation stage or automatically for applications)
- The outline or permission in principle must be subsidiary to the nationally prescribed housing target and sustainability test taking into account clearly defined constraints, viability which should be evidence based sufficiently to allow national consistency and local weighting
- How local authorities respond to the remaining constraints evidence and formulate a coordinated infrastructure delivery package with landowners

to mitigate those residual constraints which were not critical enough to warrant discounting (reducing) the housing target

- Landowners will need to implement permission in principle as soon as possible. There can be no viability arguments, because nationally prescribed standards will have been viability tested and local infrastructure package agreed
- Forward funding by infrastructure providers will be critical to success in achieving timescales set by landowners and ensure significant infrastructure deficits in areas where infrastructure is already at breaking point is avoided

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

Yes.

The proposed consent regime for 'protected areas' will still require the submission of a planning application. Paragraph 2.35 states that the proposals would be 'judged against policies set out in the National Planning Policy Framework'. Clarity is needed on whether this is the intended location of the proposed nationwide DM policies. This should also reference the relevant legislation.

The proposals for the protected areas should also be considered alongside proposal 17 of the white paper, in order to ensure continuity of approach.

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

In principle, Yes. Significant scale building of new sustainable communities requires a strategic approach to infrastructure delivery in many instances requiring cross boundary and sub regional coordination and alignment of national infrastructure funding streams which can achieve faster track delivery when compared to the complexity of delivery pursued at the local level and competing priorities (e.g. political). There will be many issues to resolve around how these might be brought forward in a Plan led system if they would be either reliant on two Plan areas or are being brought forward to deliver more than one authorities' requirements. There would also be issues around consultation and engagement on a cross boundary issue.

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

No.

There are a number of issues to factor into the time it takes to make a decision – this includes the quality of the information supplied by the applicant. If authorities could ensure that suitable information is provided before an application is registered, there should be no reason for taking so long to determine the applications. However, it is very unlikely that a standard 50-page document

would be anything like sufficient for some development proposals, particularly in sensitive and constrained areas.

At a time where local planning authorities have significant long-term recruitment issues, it is simply not realistic to say that every application can be determined within an 8 or 13 week deadline. The main reason for applications taking longer than these timescales is almost always down to a deficiency of information/evidence submitted with applications and a failure of applicants to engage in pre-application discussions. If the Government are content that proposals to return application fees will speed up decision making then the result will simply be significantly more refusals of permission which will slow delivery; not speed it up.

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

Not sure

The general principle in terms of increasing on line accessibility is supported and is already a mainstream feature of publishing plans and policies maps electronically although more detail is required to assess how quickly this could be achieved because of the complexity of GIS and web based infrastructure from authority to authority.

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

Not sure.

It would appear that the opportunity for stakeholder engagement and public consultation is significantly reduced under the proposals. The only opportunity for this would appear to be once a Plan is ready to be submitted for examination (when the die has been cast). There would be no other formal opportunities for input at earlier stages of the Plan preparation process. It is suggested that there would be extensive consultation at stage 1 but the period of only 6 months to receive suggestions from promoters, stakeholders, elected members and the public (which will of course be conflicting) as well as progressing design codes and masterplans is simply unachievable.

This will also be the only opportunity for formal engagement on large scale developments that may be allocated for 'growth' before the technical detail is then considered by the local planning authority.

The timescale should be based on a pragmatic set of case studies on plan delivery taking a look at the significant front loading and time for procurement of evidence, steering that process and adjustment to deliver outcomes that support the designation of the three types of land. This evidence will be prepared following the first period of public consultation. The timescale may be achievable if the bulk of that evidence commissioning is the responsibility of landowners and developers directly with providers as the land identified as 'growth' will gain

permission in principal when a plan is adopted, requiring site-specific evidence to support this.

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

Yes

Neighbourhood Development Plans should be retained in the planning system. The Localism Act introduced NDPs to give communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. This ethos does not change as a result of the proposed reforms and hence NDPs should continue to add the local detail needed in the planning system.

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?

The biggest issue facing neighbourhood planning at the moment is that the communities are continuously placed in a situation where the plans are not up to date and/or may not have a 3 or 5 year housing land supply and as a result the housing policies of the NDP in particular, are considered out of date in a relatively short space of time as a result of imposed housing targets that are not deliverable.

Whilst the design policies and other designations may influence determining planning applications, the quantum of housing remains the key aspect which neighbourhood planning groups feel passionate about and one which they feel less and less able to influence. The neighbourhood planning process therefore needs to be developed to address this and the planning reforms could identify more clearly how the standard housing methodology responds to local constraints and can provide a local target.

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. This is critical for most local authorities and they are continually punished for apparent 'delivery failures' when they have done everything within their limited powers to ensure that delivery takes place. It is disappointing that so little of the White Paper is dedicated to addressing this fundamental issue for local planning authorities.

There is now an opportunity to impose a statutory requirement on landowners to sell land for development if their land is included in a 'growth zone'. The White Paper expresses a real need to deliver more homes. Arun currently has a significant portion of unimplemented permissions (4,000 dwellings or 25% of the housing target). Local planning authorities have limited tools to speed up delivery when, in many cases, the decision rests with the market and there is no incentive for developers to increase supply thereby decreasing returns.

Developers must be more accountable for not building at the rate that they set out from the start and required to deliver sites in accordance with agreed trajectories that they submit. This must also be the case for infrastructure providers who must play a much more 'involved' role in the joined-up delivery of mitigation packages for all growth areas within an authority area.

Overall, the measures that should be considered are:

- Removing imposing penalties on local authorities when the market is not delivering.
- A statutory requirement on landowners to sell land to developers within a certain timeframe of the land being 'zoned' in a growth area
- A statutory requirement on developers to build out a site based on a legally binding trajectory; and
- Create a legally binding obligation on all infrastructure providers to deliver the mitigation package to support the 'zone' growth areas. This should be within a specific timeframe which aligns with the developer's trajectory.
- Where forward funding is required – this should be agreed up front as part of the zoning and local plan process (taking into account local and strategic mitigation measures required to reduce critical constraint issues)
- Council tax zero rating for a fixed period may help to incentivise the market
- Conversely, development could start paying Council Tax (or a proportion thereof) at the time of planning permission being granted (or after 12 months). This would incentivise completion so that this cost would be passed on to the property owner as early as possible.

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

Indifferent.

Design of new development in Arun has sometime been of poor quality and in parts ugly. There is a definite lack of ambition to develop beautiful communities (from developers) that entice people to live, play and/or work. When seeking to improve the design and quality of development, officers often meet with resistance from developers who simply want to sell houses and not build communities.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

These would be:

- Improving the efficiency of all buildings – with retro fitting existing being as important and new build
- Flood protection including coastal and fluvial and vulnerable communities
- Water efficiency and wastewater capacity and water quality (e.g. nitrates and phosphates and impact on local natural water habitats and river quality)

- Significant increased tree planting (e.g. community forests), net gains in biodiversity and Improving connections along and between the green infrastructure networks
- Making provision for sustainable travel

Biodiversity and Net gain – removal of s.106

How is it envisaged that biodiversity net gain can be secured for the long term, which is integral to the success of mitigation of development and sustainable development with the removal of S106? This is particularly concerning for larger proposals that include significant increases in biodiversity that extend beyond the site or require are off-site contributions and do not appear to be covered by either the national or any local levy without details in the white paper. Is it therefore, intended that that these contributions should be secured by Conservation Covenants as contained within The Environment Bill?

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

Yes. With reservations.

Agree with the proposals for improving the production and use of design guides and codes. Arun has recently consulted on the Arun District Design Guide. However, key issues such as the national space standards which prescribe living spaces which do not improve well-being should also be reviewed as part of improving design. Developers will try to provide minimum requirements of any standard given; therefore, it is paramount that any proposed national standards are very robust especially regarding space and the current requirements are not.

The White Paper makes it clear that it is the responsibility of the local planning authority to bring forward design codes and guides. What is not clear is how it is expected that local planning authorities do this in terms of funding, how they are to be consulted upon, at what stage of the Plan preparation and what status they will have when they are produced – are they guidance or part of the Plan?

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

Agree that each local planning authority should be given the resources for a chief design and placemaking officer. There are existing initiatives to improve design such as setting up design panels and independent Design Review and this should be considered in rationalising an efficient system to avoid duplication etc.

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

Yes.

However, there have been many design commissions and studies over recent years and is critical but still not being achieved and reasons need to be understood. Design needs to be integrated into every single aspect and scale of Planning and it needs to be clear what these objectives are and how they will be achieved in reality and that includes being viable. Too often quality design is perceived as a barrier to significant projects, but this needs to be challenged because design can enhance value by producing realistic targets which also provides us with a holistic solution to deliver beautiful, efficient, affordable, sustainable and inclusive design.

20. Do you agree with our proposals for implementing a fast-track for beauty?

Yes

However, it is imperative that the objectives are not lost by trying to implement it too quickly without robust information and the correct resources to efficiently and effectively implement quality design.

21. When new development happens in your area, what is your priority for what comes with it?

Assuming that we would be able to decide, in Arun District, the priority is to ensure that all new development does not place a burden on existing infrastructure provision, whilst also contributing towards sustainable mixed communities to deliver:-

- high quality affordable housing;
- education;
- healthcare provision;
- local services, commercial and retail facilities
- transport infrastructure;
- high quality good design which include respecting local heritage and character;
- green infrastructure and well connected green routes to reduce car use and increase cycling and walking.
- flood defence (coastal and fluvial) is an increasingly important issue into the future to protect vulnerable communities and developments through avoiding allocating areas at risk of flooding and relocation of existing development;
- climate change impact resilience and mitigation, e.g. tree planting, sustainable drainage systems (SuDS), flood attenuation, designing new homes for flood resilience;
- increased need for water efficiency development to attain water quality standards – Waste Water Treatment infrastructure capacity and discharge consent regimes will constrain new development in order to protect sensitive local water courses and bodies e.g. Pagham Harbour SPS to avoid eutrophication and achieve Water Framework Directive standards

22(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?

No.

The Infrastructure Levy proposed is based on developers paying a nationally prescribed levy upon occupation of development. The levy would be set at a variable rate nationally based on local market values in specific areas.

There are many concerns with this approach, as listed below:-

- How will affordable housing be delivered in low value market areas where they are most needed? If paid on occupation, this means that there must be a guesstimate of number of units/infrastructure levy income and unit negotiation using a 'payment in kind' approach
- Infrastructure Levy will have to mitigate every part of development. Where is the certainty that there won't be a significant funding gap for all infrastructure costs e.g. highway improvement, play equipment, community facilities, education, healthcare etc?
- This approach risks perpetuation of inequality and poor quality development because of the differences between high and low market value areas which will receive less Infrastructure Levy for regeneration, provision of much needed affordable housing, provision of good and improved schools etc
- Finally, putting the responsibility of delivering affordable housing onto local authorities will put affordable housing into the overall infrastructure priority mix. In some cases, authorities will have to make difficult decisions whereby some infrastructure priorities overtake affordable housing. This could result in a reduction of units, rather than an increase

The Infrastructure Levy could be used in a positive way – IF:-

- It becomes more equitable and is not index linked to market values
- It is paid on commencement of a development (with the possibility of instalments over a threshold)
- Social housing falls outside of the Infrastructure Levy system. Affordable housing must be simple to deliver in a joined-up way. This should not apply to First Homes or other products, such as build to rent, which still reach a high value or where developers are compensated by the Infrastructure Levy, so that market values continue to be achieved.
- Service providers are statutorily required to engage in the way the Infrastructure Levy is spent from the outset of Local Plan making and zoning process. In doing so, they must align their priorities with growth set out in local plans. This must be undertaken in a coordinated way, aligned with regional and national constraints data. This must involve the ability for providers to forward fund projects.
- The White Paper mentions that forward funding may be required to deliver infrastructure prior to the receipt of Infrastructure Levy. This must be clearly

explained and infrastructure providers must share this forward funding process. Government budgets across the board must allow for this process to ensure budgets eg. NHS property, CCGs, Hospital Trusts Environment Agency, Police, Education are aligned to forward fund projects across the country, where growth zones are due to pay the Infrastructure Levy. This would back up this authority's suggestion for a statutory requirement on landowners to sell land to developers within a certain timeframe upon being included in a growth zone, and subsequently, a developer delivering in line with agreed trajectories.

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

Locally

Rates must be set taking into account area-specific viability. This could be set nationally, but tempered by local indices and engagement before the level is set. However, this authorities view is that the levy amount should not encompass the provision of affordable housing, as proposed. By doing so, the level could cause a significant reduction in the provision of affordable housing.

22(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?

More value

Given the certainty that zoning will create in the market for developers, and the reduction in risk and planning fees etc. It is justifiable that the Levy should capture more of the overall land value of a site. At present, a certain % is assumed for developers to pay S106, which is taken into account into the overall land valuation. However, without this %, and a greater land value capture, the levy could realistically be increased.

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

Not sure.

If the levy is only to be received upon occupation of development, then there will inevitably be a requirement to borrow against the levy to deliver infrastructure in time to support development. However, there are potential issues with state aid and the onus should clearly be on the developer to deliver mitigation for the development that it is building (and making 20%+ profit from).

Furthermore, there may be risks e.g. where payment is received on occupation and local authorities choose not to borrow infrastructure money in advance. Developers will be left with trying to sell units on a site which is not served by infrastructure.

As set out above, the Infrastructure Levy could work if all service providers joined up and took funding responsibility for all infrastructure requirements, up front. Developers would also need to be tied to a trajectory which in turn linked to clear funding stream from the levy and repayment to service providers. However, this process is very complicated, and relies on setting strict obligations upon landowners, developers and services providers (that are often funded from national budgets such as the NHS).

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

Yes.

All forms of development should pay the levy if it is implemented. However, it is important to understand how the levy will be administered. It is assumed that it will work in much the same way as CIL works now. A mechanism would be needed to ensure that permitted development will be picked up within the system to ensure that all pay fairly.

24(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

The same amount or more should be provided. There should be no threshold on delivering affordable housing on sites, but all sites should provide on-site or make a contribution even if only one unit.

How would the infrastructure levy make allowance for 'relief' and 'exemption'? Will some sites, such as self-build be exempt as they are currently?

24(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?

Not sure.

As mentioned above, 'in kind' payments would become very complex when calculating the remaining amount of Infrastructure Levy for the developer to pay. Also, would the 'in kind' payment be due on occupation, as per the Infrastructure Levy payment? If so, how would the 'in kind' payment work out in terms of the delivery of the site? Would this result in affordable housing being delivered at the end of the development? This would risk the creation of affordable housing clusters on a site, rather than a distribution across the site.

How would the 'right to purchase' at a discounted rate work in terms of the value of the properties? How would this impact on a developer and therefore the landowner? How would this approach be of benefit when the general approach would be for an RSL to purchase the units?

The best approach would be for affordable housing to remain outside of the Infrastructure Levy process, and for it to be delivered on-site or via a commuted sum – with affordable housing requirement policies being set nationally, and therefore the levy taking account of this. The planning reform should recognise that a large driver for housing delivery is the provision of affordable housing. The most effective means for delivering this form of housing must be identified, and should not result in local authorities having to decide between delivering one mitigation measure over another, due to a lack of infrastructure levy income and the cost of delivering affordable housing itself

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

Yes.

This process must be fair and allow for a reasonable amount of Infrastructure Levy to be received to mitigate the development (over and above provision of affordable housing).

24(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.

Nationally prescribed standards should include standards for housing specifications across the board, including space standards internal and external.

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

Yes.

Local authorities should know what they need to spend the levy on from the outset, and this will be on mitigation of planned development. Therefore, the restrictions should remain as flexible as they are currently – to be spent on infrastructure to support the development of the area.

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

A ring fenced amount for affordable housing would assist in ensuring that the levy must be spent on a proportion of Affordable Housing, but this is also complex because it relates back to the 'in kind' provision and the rates at which that provision is set, in terms of value. This would differ across the country. If a ringfence would set, it would need to ensure that there was a significant amount remaining to be spent on mitigation of the site as a whole – including cumulative impacts of the growth zone. Mitigation costs can vary based on different locations and will have to be identified early in the evidence base stage. However, inflation and costs increase over time, so the levy would need to

respond to that, while ensuring the right amount of affordable housing could be delivered.

Overall, it would seem much simpler to remove affordable housing from the infrastructure levy, as suggested above.

26. 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?

The proposal to ensure that people with protected characteristics are involved in the planning process, be that local plan production or at the planning application stage, is a positive one. The Council has always sought to include as many people as possible, but this easier said than done. The introduction of new methods for consulting and informing people will help the council. However, if we are to rely on technology etc to consult and inform people, it will need to be user friendly for all involved. There will also need to be a willingness for people to use these new ways of being informed/involved, which not all people within local communities may be willing to do.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

The proposal does not have any questions associated with it, which is disappointing considering the fact that it could lead to a significant change to the way that works to listed buildings and conservation areas are assessed and consented.

The text refers to the idea of reviewing and updating the planning framework for listed buildings and conservation areas, and whilst this is potentially acceptable, it will need careful consideration so as to ensure that any revisions are suitable.

The concept of exploring whether there are new and better ways of securing consent for routine works (such as exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents), is of concern. For instance, who would be classed as a 'suitably experienced architectural specialists' and who would authorise them to have the authority to not need to gain the relevant consents from the council – would this be the council themselves or the IHBC. Would this require amendments to the Planning (Listed Buildings and Conservation Areas) Act? Careful thought is required here, and sadly there is a lack of detail provided.