

Planning For The Future – White Paper 2020 – Final response

Section / Paragraphs	Lead	Draft Comment
Pillar One		
2.1-2.5		
Q1		<p>1. What three words do you associate most with the planning system in England?</p> <p>Transparent, Delivering Complex</p>
Q2		<p>2. Do you get involved with planning decisions in your local area?</p> <p>2(a). If no, why not?</p> <p>Yes.</p>
Q3		<p>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?</p> <p>Social media Other – Council website which pushes information to residents and communities. Other - Parish Councils to reinforce their Neighbourhood Plan making powers and, for some, potential to take on more local planning related responsibilities Other - Physical site notice</p>
Q4		<p>4. What are your top three priorities for planning in your local area?</p> <p>[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 /</p>

	<p><i>More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]</i></p> <p>Well designed new homes to meet our identified needs including the needs of our young and elderly population.</p> <p>Landscape, environment, biodiversity and action on climate change.</p> <p>Supporting the local economy and delivering more and better local infrastructure.</p>
<p>Proposal 1 Q5</p>	<p><i>5. Do you agree that Local Plans should be simplified in line with our proposals?</i></p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Not sure.</p> <p>These proposals may be appropriate if a hybrid alternative approach is taken to subdivide Protected areas as determined by the local planning authority.</p> <p>If a zoning based approach is to be introduced then we would welcome more clarity about the fine detail concerning those zones. This should provide for a more flexible planning system that allows the local planning authority to introduce more focused categories and sub categories within Protected Areas to enable rural Districts to thrive and grow in a measured and balanced way.</p> <p>As proposed in paragraph 2.8, the three area designations of Growth, Renewal or Protection appear to be urban in approach and not well suited to the flexibility we need for our rural Districts.</p> <p>The Covid-19 crisis has highlighted the importance and desirability of flexibility in the planning process to adapt and evolve to meet changing economic and community needs.</p>

We therefore comment on the proposal in paragraph 2.8 as follows.

- Growth areas

Our rural Districts typically have very few areas for “substantial development” and those areas they do have are often subject to important constraints which require careful evaluation and mitigation if they are to be appropriately “de-risked” both for public and commercial confidence at the point they are allocated.

To de-risk and mitigate important constraints sufficient for sites to be allocated with confidence will usually take considerable time and financial investment. This front loading of investment will be essential in order to meet the streamlined plan making timetable but will be work undertaken without the certainty of a commercial return. Predictably this will add to development cost.

- Renewal areas

In our rural Districts there are built areas and countryside where small to major scale development may be appropriate. As the built areas of our towns and villages include a considerable extent of residential garden land the spatial value of describing them for “renewal” seems limited if “inappropriate” development is to be resisted in those areas.

A statutory presumption in favour of permission for specified uses would create avoidable risk as it is rarely that the principle of a use, as an issue on its own, is determinative. In practice it is typically the combination of the use, its scale and extent and the details of its operation or built development that require careful scrutiny in order to ensure that such a use is, on the facts, appropriate in impact.

- Protected areas

Our rural areas must be able to thrive and develop. The traditional protection of the countryside for its own sake, where agriculture plays its part, is a matter of importance to our rural communities and they recognise that we need our local economy to prosper.

	<p>Our countryside, market towns and villages include conservation areas, large numbers of listed buildings and other heritage assets as well as Areas of Outstanding Natural Beauty local wildlife sites and local green spaces.</p> <p>Our tourism economy relies upon these assets and it is important that we are able to plan sensitively for their appropriate growth and protection in measured ways. If these areas are to be categorised as Protected it is important this designation does not prevent well designed and sensitive change so that this can be managed with flexibility.</p> <p>The local planning authority should be given scope to identify which different categories and sub categories of development are or are not appropriate to Protection or Renewal areas.</p>
<p>Proposal 2 Q6</p>	<p>6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Not sure.</p> <p>Whilst there is some commonality across Local Plans the need for development management policies which are tailored to meet the needs and requirements of our local communities is paramount to safeguard good design which responds to local character and priorities.</p> <p>The proposal to develop national development management policies needs to demonstrate that they will deliver good design if such an approach is not to reduce public trust and confidence. We support the objectives which underpin paragraphs 2.14 and 2.15.</p> <p>Local Plans should be the proper place to set the boundaries for local design expectations and not national development management policies as described in the first alternative option at paragraph 2.16.</p>

There are examples of where nationally set policies could help to achieve the aspirations described in the White Paper though and we have identified some of these below:

Social Value

To really develop social justice within the planning reforms it is suggested that social value should be used as a tool to ensure the best possible gain for communities and the environment. It is suggested within the national Development Management policies that a developer would need to demonstrate compliance with national Social Value indicators through the completion of a social value self-assessment (with perhaps a template to be prescribed within national Development Management policies).

Such a policy will not insist on social value being demonstrated or certain indicators being met, but instead promote the economic, social and environmental benefits of considering social value.

Planning can play a key role in delivering social value, which in effect considers whether anything could be done differently to harness additional benefits for the local economy and social wellbeing, and minimising the impact on the environment in terms of climate change for example. This could help guide the delivery of sustainable development through the proposed national policies.

An example of a development management policy that is progressing through examination at present is Policy SC4 by Islington Borough Council which states:

A. All development in Islington is encouraged to maximise social value in order to deliver as many public benefits as possible.

B. Major development proposals must undertake a Social Value self-assessment which clearly sets out the specific social value which would be added through delivery of the proposal.

This policy goes on to identify a social value self-assessment form Appendix 5 – page 301
<https://democracy.islington.gov.uk/documents/s18769/Appendix%201%20-%20Local%20Plan%20-%20Strategic%20and%20DM%20Policies%20DPD%20Regulation%2019%20draft.pdf>

A similar approach could be used in the national development management policies to promote social value and ensure social justice is embedded in the planning reforms.

Principles of garden cities and garden communities

There is an opportunity for the national Development Management (DM) policies to embed community engagement and securing community benefits within them, as the Government has identified in 'Living with Beauty' published earlier this year. We suggest the DM policies go further to empower communities to engage not only in the allocation stage but also the Technical Details Consent stage to see development through to construction to build truly sustainable communities.

The principles on garden cities (set out by the Town and Country Planning Association (TCPA <https://www.tcpa.org.uk/garden-city-principles>) and garden communities (<https://www.gov.uk/government/publications/garden-communities>) whilst for a larger scale of development, can be brought forward through national policies for any scale of allocated growth without slowing down delivery of development but ensuring community engagement. It's about ensuring community gains are established in national policy, secured at the local plan stage and then locally there can be discussion over the finer details as to how these come forward. Social justice does feature heavily in the proposed planning reforms after all. In particular one of the aims is a plan for long-term stewardship of community assets, but ensuring there is a requirement to secure these community gains and for the discussions to be had with communities within the planning process will enable the success of these principles.

Community Development

Following on from the principles of garden communities national development management policies are an opportunity to demonstrate how the community will develop once the houses are built.

To deliver truly sustainable communities it is not just about delivering the physical house and associated site infrastructure, it's about how a community is given a chance to come together and form resilience, particularly in light of events in recent months.

	<p>As a suggestion, national policies could require a developer demonstrate at the Technical Details Consent stage compliance with a Community Development Toolkit. The broad principles of such a toolkit should be set out in national policies but then the onus is on local authorities to develop and adopt a bespoke toolkit that responds to their community’s needs. The developer will then be required to produce a Community Development Action Plan at the Technical Details Consent stage, agreed in conjunction with the local community to the development and with the Local Planning Authority, to be implemented as appropriate with the occupation of dwellings in development to which it relates. The aim is to enable new residents to form links and connections with existing communities, and to help new communities come together.</p> <p>There needs to be some restitution to communities who are potentially going to have a large amount of growth permitted in their area in an accelerated timescale perhaps compared to what they have been used to in the past with previous local plan processes. A community development toolkit approach can help those new residents and existing residents form cohesive and resilient communities, and together can form stronger connections and networks which can only be of benefit moving forward in a post-Covid world. Aside from the reliance communities have on each other from the current pandemic, it is not known when people’s lives will go back to normal and vulnerable residents in communities need as much support as they can from within communities to prevent undue pressure on local authorities that may not be able to be met through future funding uncertainties for local authorities.</p>
<p>Proposal 3 Q7a</p>	<p>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?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Yes</p> <p>In agreeing with the proposal it is important to recognise that “sustainable development” needs to be very clearly defined for this purpose.</p>

7b	<p>Replacing existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, would need to ensure that this new test has clear parameters for its effectiveness, and is examined by an independent Planning Inspector.</p> <p>As outlined in the National Planning Policy Framework (NPPF), achieving sustainable development has three overarching objectives: economic, social and environmental. The current Sustainability Appraisal process provides an effective mechanism for assessing the significant sustainability issues and effects of emerging plans and policies, including their reasonable alternatives. In particular sustainability appraisal helps to refine documents, so they maximise the benefits of sustainable development and avoid / minimise the potential for adverse effects.</p> <p>The current tests of soundness focus on whether a Local Plan: is ‘positively prepared’ to meet objectively assessed needs; is ‘justified’, an appropriate strategy, taking into account reasonable alternatives, and based on proportionate evidence; is ‘effective’, deliverable over the plan period and addressing cross-boundary strategic matters; and is consistent with national policy.</p> <p>7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p> <p>The existing duty to co-operate involves local planning authorities and county councils (in two-tier areas), co-operating with each other and with prescribed bodies on strategic matters that cross administrative boundaries. This has historically happened before the duty to co-operate was introduced, between local planning authorities and county councils within housing market areas and functional economic areas. Many strategic cross-boundary issues involve the provision of infrastructure and the focus on infrastructure delivery plans has facilitated many discussions with prescribed bodies, for example on matters involving health and transport.</p> <p>Strategic policy-making authorities are also encouraged to engage with bodies including water companies and the relevant Local Enterprise Partnership (LEP). This often takes place through the production of</p>
----	--

evidence base to inform the plan-making process and where appropriate, Statements of Common Ground are produced.

In the absence of a formal Duty to Cooperate, strategic, cross-boundary issues could be planned for through effective partnerships with those responsible for the geography that covers the area affected. For example, there could be a strategic infrastructure plan for an infrastructure provider that covers a number of district and borough areas. Also, LEPs operate on a regional geography and there could be a requirement for the LEP to produce strategic plans that are formally examined by an independent Planning Inspector.

This requirement could be strengthened to require that the Local Plan is in general conformity with the strategic cross boundary approach of the LEP to the issue.

Such a requirement is already familiar in plan making. It would be appropriate to ensure that strategic direction is delivered by reference to the direction of travel established for any cross boundary strategic issue by the relevant Local Enterprise Partnership (LEP) or Partnerships where a cross boundary strategic issue is pertinent to more than one.

There is already a requirement that LPAs must have regard to the LEPs activities when preparing local plans. This requirement should be defined to ensure that the local plan policy supports and upholds the general principles of the strategic cross boundary approach the LEP takes.

Inherent in this would be a need to achieve common ground between District, County and LEP about what the strategic cross boundary issues are for any given area and this would need to be prescribed as a duty upon all to reach common ground.

The local plan making body should demonstrate that any level of conflict has been resolved through a statement of common ground with the LEP on the issue and evidence that the degree, if any, of conflict or distinct local / District approach will not undermine the approach of the LEP to the strategic cross boundary issue.

This would also allow scope for differences of opinion to be recognised and addressed conclusively by the Examiner of the plan being made.

<p>Proposal 4 Q8a 8b</p>		<p>8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Not sure.</p> <p>A standard method for establishing housing requirements has benefits in that it sets a clear housing requirement each time it is updated, meaning there does not need to be consideration of any previous over-supply or under-supply in housing requirement or housing land supply calculations.</p> <p>However, the credibility of any housing requirement and its likely delivery depends on the algorithm used to calculate the local housing requirement and the cap on any uplift in the housing requirement that is in place. The proposals in the Changes to the current planning system consultation were not something that we could agree with.</p> <p>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?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Not sure.</p> <p>Affordability as an indicator can be effective if measured appropriately. For example, an area may be affordable to those who do not work within the area. It is therefore important that measurements are not skewed by data that does not represent a true position. Furthermore, measuring affordability on an annual basis can be volatile and therefore it would be more appropriate to use a longer-term aggregated average to reflect the varying economic conditions of the time.</p>

	<p>It also needs to be noted that new housing stock will only have a limited impact on the affordability of homes in an area due to the proportion of new homes to the existing housing stock, and both the level of earnings and accessibility to finance are key factors in determining affordability.</p>
<p>Proposal 5 Q9a 9b 9c</p>	<p>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?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Not sure.</p> <p>The response to Q5 identifies the importance of de-risking allocations under a Growth area approach and the consequent need for earlier investment to do so. There will always need to be a “sharp end” discussion having regard to the market at the time of construction and the proposal to shift this to the beginning of the zoning decision-making process increases risk and cost associated with ensuring that allocation is correct.</p> <p>If this approach is adopted, it should only be in very few, specific, cases where large tracts of industrial/derelict land become available. This does not include “land next to universities” which will often be greenfield and visually sensitive without necessarily being “protected”.</p> <p>Local Plans offer an assessment of a site and by setting out a strategic policy provide a principle of acceptability of the proposal against which detail can be judged. There is no significant difference between the existing and proposed way of approaching major/strategic sites. It may help to clarify numbers being proposed/approved as this can be subject to change between a policy allocation and application and cause issues and delay.</p> <p>9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>

No.

Concern about LDO proposals for bringing forward permission. Whilst planning permission, whether full or outline and subsequent RM may take time to process an LDO can take longer to prepare, be more complicated and more onerous. They can be subject to greater uncertainty and problems later on. Furthermore often an LDO requires a follow-up application to determine whether the proposal falls within the LDO allowance, such that this is likely to be more time consuming and problematic than applying for planning permission in the first instance.

The 'new permission route' (para 2.33) needs to ensure the principles of sustainable development, creating sustainable communities and a high design quality are legally required and cannot be distilled. It is likely a large amount of the housing needs from rural authorities such as Babergh and Mid Suffolk could be determined through this route, ensuring adequate community engagement and the development of truly sustainable communities needs to be secured through the reforms. Whilst the reforms set out a much higher quality of final built development it is not clear how this would be achieved over and above the current development plan and NPPF route.

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

[Yes / No / Not sure. Please provide supporting statement.]

Not sure

We recognise there is a case for allowing major new settlements which have been identified through the plan making process to be brought to delivery through the NSIP process but this does depend on the scale of the settlement. We consider that this should not be available for a new settlement at a scale below 5000 new dwellings, which should come forward through the normal plan-making and application route.

<p>Proposal 6 Q10</p>	<p>10. Do you agree with our proposals to make decision-making faster and more certain?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Yes.</p> <p>We do agree with the idea to make decision-making faster and more certain; however, how this is done in practice is not made clear.</p> <p>We believe that to ensure faster and more certain decision making there should be a greater focus on pre-application working and/or agreed Planning Performance Agreements (PPAs) for larger developments or potentially controversial applications to enable an application to arrive valid on receipt and not “cold” and without appropriate information to the LPA.</p> <p>If the aim is for Central Government to engage with the private sector further (i.e. TerraQuest / Planning Portal) to validate planning applications then there is some work to be done to ensure all Councils back end data is up to speed. Depending on the condition of an LPAs planning records/planning histories etc this may require investment in terms of cost and timescale to get these records up to an agreed standard. Merely by having this spectre of “private encroachment” may help to improve the way some Councils validate applications.</p> <p>In terms of the new more modular software landscape, rather than ‘modernising the software’, we believe it should be written from the ground up in a 21st century manner based on digital first principles rather than converting the old paper based methods to digital, with everyone doing the same job but in different ways using different pieces of software. This new software should be viewable on smart devices as well as laptops and desktop PCs.</p> <p>The new “modular” centralised software would ideally be a web-based system with all updates occurring automatically behind the scenes and not relying on Councils to have to manually update their legacy software (old 20th Century principles). All Councils should be using the same front end in the same way but there needs to be some flexibility for local policy updates. The new system could be app based and built</p>
---------------------------	---

along the same principles as those developed by Apple and Google. It does seem quite odd that there is no singular way of processing planning applications, software wise.

A problem we face currently is there is a definite monopoly in terms of planning software, with one major private supplier having a very high proportion of Councils signed up to their product. This does not bring about competition and the need to make improvements, sometimes at short notice. If legislation changes are made by Central Government these take months for the software developers to update, which results in Councils making lengthy unnecessary workarounds. Our software supplier (the major player mentioned earlier) have a 6 monthly update cycle, which in software development terms is an age.

There will have to be a clear push from Central Government towards up to date digital services in the same way as is done with other Government based services such as passport applications, Universal Credit and tax returns.

N.B. It is stated that you will work with tech companies and LPAs to modernise the software, and we would certainly be interested in being a part of that, but we all must be realistic in terms of the time it would take to develop this new modular software (at least 5 years in our estimate).

We agree that planning conditions should be clearer and more consistent. Our software system does have a Condition Monitoring module, but we do not currently use this. This should form a central part of the new modular software, especially considering the impact that poorly worded or constructed conditions can impact upon Planning Enforcement.

We do not agree that there should be an automatic refund where an applicant has not given the planning authority reasonable opportunity to review and consider complex planning issues.

The potential to grant deemed planning permission where time limits are missed are also not agreed as appropriate. The mature approach is for applicant and Council to agree an appropriate timetable for the consideration of particular planning issues.

<p>Proposal 7 Q11</p>	<p>11. Do you agree with our proposals for accessible, web-based Local Plans?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Yes.</p> <p>We agree with the proposals for accessible, web-based Local Plans. These should be visible publicly via an LPA website Local Plan mapping layer and be advanced enough to be interrogated or have multiple query functionality. We would question the length of time required to enable this proposal in addition to the availability of any financial support.</p> <p>We are concerned about the resources that will be available to neighbourhood plan groups and therefore additional resource should be made available to them so that this is not an obstacle.</p> <p>There should be a recognition that no one should be digitally excluded.</p>
<p>Proposal 8 Q12</p>	<p>12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Not sure</p> <p>The preparation of Local Plans often takes the time it does due to unforeseen circumstances, which could be responding to matters raised through consultation or changing national policy and guidance. It is questionable whether 30 months is sufficient time, understanding the streamlining and risk issues described elsewhere in this response.</p> <p>There is a need to ensure there is effective community engagement in the plan-making process, democratic decision-making, and for site promoters to provide the necessary credible detail for site delivery at the beginning of the process.</p>

	<p>For this to be achievable all stakeholders, both with public and private sector, would also need to be committed and resourced to deliver their own inputs in a timely way.</p> <p>30 months may be achievable, with these factors accounted for, if government policies and procedures do not interrupt or oblige reconsideration of draft plans under preparation.</p> <p>The removal of the Examination stage could help to ensure that a swift timetable is achievable with appropriate self-assessment safeguards in place.</p>
<p>Proposal 9 Q13a 13b</p>	<p>13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Yes.</p> <p>We agree that Neighbourhood Plans (NP) should be retained in a reformed system although we do have some reservations of the current process based on our experience of supporting a number of community groups within our districts to deliver these plans. These reforms therefore would be a useful mechanism to make some changes</p> <p>We agree that Neighbourhood Plans are a key part of local plan making, however they are complicated and time consuming for community volunteers to undertake. And whilst we view them as part of a package of community rights, these plans carry a much greater burden of compliance against national and local policies which are often perceived as detracting from the purposes for which they were agreed.</p> <p>The alignment of a Neighbourhood Plan to a Local Development Plan can add further complexity. Our Councils are at regulation 19 stage of our Local Plan development so we have an obvious need to engage with our communities and it is not always easy to carry out our district responsibilities alongside a community who wants to focus on local issues. This has at times given the Community the impression that</p>

the Council are not really listening. Finding the balance therefore between our role in supporting local people to have confidence in the authenticity of our conversations and the real autonomy we believe communities should have to influence the things which really matter to them is important and difficult. This will require a great deal of flexibility in the system which the consultation does not directly address.

If public trust is to be promoted it is however essential that these provide a meaningful ability to control and guide development within the community they concern.

If NP are to reflect the local plan model described in this White Paper then they are unlikely to be appropriate to identify Growth areas and will therefore be limited to identifying Renewal or Protected areas and addressing matters of local design which without further clarity appears very limited in purpose.

Such a limited scope appears unlikely to be attractive to communities for whom the preparation of an NP is both time consuming and helpful in bringing the community together in shared endeavour.

Given the extent to which this represents a potential opportunity to build public trust and confidence in the planning process it would be counter productive to limit their ability to genuinely manage local planning outcomes.

The present NP system has seen some plans allocate land ambitiously and others less so, recognising only planning permissions already granted. This reflects a lack of clarity of national policy as to the national policy expectations around growth within NP which reform should address. If NP are to enable communities to plan for themselves then a mature reform should acknowledge the expectation upon communities that they will play their part in delivering the growth that local plans must expect to accommodate.

It is foreseeable that any prescriptive timetable for the preparation of local plans as set out elsewhere in this consultation should be designed to accommodate NP preparation timetables which will, foreseeably, be slower given the nature of resources and commitment available in our communities to that community led planmaking activity.

	<p>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?</p> <p>Digital tools will require stable, fast & achievable fibre broadband connections as essential infrastructure, the absence of which will be problematic in some areas of our Districts as some struggle to achieve even the most basic of “broadband” standards.</p> <p>The absence of this infrastructure will be a fundamental barrier to the take up of innovative digital tools within the communities that we serve and their ability to engage with the digital design tools described in the consultation.</p> <p>It would be encouraging to see some development within this arena, from strengthening the fibre network through to “upskilling” the community via training and engagement not only with Neighbourhood Plan groups but also with the Voluntary & Community Sector organisations who can directly interface with socially and economically deprived areas within our Districts.</p>
<p>Proposal 10 Q14</p>	<p>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?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Yes.</p> <p>There should be a stronger emphasis of the build out of developments as planning permissions do not translate directly into delivery. In our Districts there are circa 8000 dwellings with planning permission which have not yet been built out and are not being delivered by the market in the timely way we would wish.</p> <p>There is a continued need for the economic activity which construction represent both on small and large housing sites. For small and medium sized builders an incentive based model to make the property more saleable, such as a Council Tax “holiday”, could help drive delivery.</p>

The Letwin review proposed a series of solutions based around larger sites drawing upon masterplans and design codes to ensure a high degree of diversity and good design to promote rapid market absorption and rapid build out rates.

The activity of masterplanning and design coding will take time and in order to optimise rapid delivery the commercial steps in the effective delivery of sites need to be considered and inform the planmaking activity.

The past track record of conversion from allocation to delivery indicates that allocations at planmaking stage usually require much work to become deliverable and often appear to contain more speculative information than can give real confidence to a public development plan.

Given the inflexibility of the three area approach proposed in this White Paper, and the high importance placed upon planmaking within that, it would be appropriate to expect housebuilders and partners to provide public confidence based upon statements of commercial certainty from those in control of potential allocation land.

It would be an appropriate measure to require those in control of allocation land and their commercial partners / housebuilders to provide public statements which detail their proven track record in [a] securing appropriate capital and financing of development of the type in question and delivering viability [b] construction delivery, access to skilled labour and materials [c] resolving relevant infrastructure obstacles and [d] market absorption together with a statement about the expected positioning of the site within a developers forward build programme.

Such statements of common ground would inform the Examination of the plan and enable public confidence, risk of late or non-delivery / stalling and need for alternative sites to be examined at the allocation stage.

	<p>Access to or provision of community facilities to make properly self sustaining places Physical relationship between where you work and where you live. Green and open spaces Sustainable construction materials</p> <p>This list is not exhaustive.</p>
<p>Proposal 11 Q17</p>	<p><i>17. Do you agree with our proposals for improving the production and use of design guides and codes?</i></p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Not sure</p> <p>We could only agree if the details of such guides and codes are right for the communities they relate to.</p> <p>The paper provides that “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.” The text then describes the need to use existing guidance such as manual for streets and prepare local guides and codes.</p> <p>The proposal doesn’t provide detail on how communities will be involved further in these documents, at what stage, how can they ensure responsive production of such guides and codes and how much authority may be given to achieve more in design terms. The local planning authority should define the community in which such guides and codes are to be prepared. The planning authority should have oversight of the material weight that new guides may have within the planning process. These details are important to the effectiveness of design guides and codes in delivering for our communities.</p> <p>In summary an informed judgement on what this proposal means must be qualified without more detail and this detail is critical to the effectiveness of design guides and codes for our local communities.</p>

<p>Proposal 12 Q18</p>		<p>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?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Yes.</p> <p>A new design body, perhaps replacement of local design panels would potentially help many local authorities in terms of resource, but it comes with many risks. If a central body for design, it may take many design conversations away from local communities and would be at odds with proposal 11 intentions. The other risk is a nationalised design approach that dilutes the different characters of areas across the country. There is already a problem with large housing companies using the same design regardless of location and this approach may encourage this, but it might also mean a larger central body has more influence over large housing companies to stop this. It depends on the strength and design remit of the new body.</p> <p>A new officer for each Council for design and place making would be encouraged and could be the enforcer of the guidance that is often touched upon to a minimum requirement but which is often not fully embraced by the development proposals received. Planning officers try to go over design matters but as with Heritage officers or Environment Health officers and the qualified position of a Design officer should hold more weight with both developers and decision makers.</p> <p>This role needs to have a strong focus in community engagement as well. The role of Chief Officer for Design and Place-Making needs to equally cover the role of design and community engagement to ensure local agreement and relevance, and should really promote good design that is about responding to the existing local community (both physical and social), not just about making beautiful places.</p>
<p>Proposal 13 Q19</p>		<p>19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>

	<p>Yes</p> <p>Homes England’s objectives should be more ambitious in both design and community engagement to deliver the social justice referred to earlier in this consultation paper.</p> <p>Whilst giving greater emphasis to design is of benefit, it is not just about design it is about how we identify what is good design and exactly how we engage communities, particularly those who do not usually engage with planning processes.</p> <p>We would advocate these strategic objectives also clearly setting out what the priorities are (i.e. community engagement, involving groups who are underrepresented, locally responsive design), and then these objectives underpinning the national development management policies.</p>
<p>Proposal 14 Q20</p>	<p>20. Do you agree with our proposals for implementing a fast-track for beauty?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>No</p> <p>This approach should recognise the intrinsically complex nature of English Planning – where one road may have a different character to the next. To do otherwise stifles creativity and difference, leading to bland, not beautiful places. There should be no pattern book. The PiP route, whilst its intentions are noble, would lead to homogeneity.</p> <p>Local design guides and design codes need to be prepared with their communities in mind. Similarly it is essential that masterplans ensure that they respond to their places.</p> <p>The potential to widen the extent of permitted development is of concern. ‘Popular’ forms of development do not automatically imply traditional, appropriate or beautiful. ‘Gentle intensification’ does not guarantee beauty. Allowing ‘pattern book development’ and the approval through permitted development often translates as shorthand for generic, fast track, ill thought out and poor quality development.</p>

If the LPA is expected to act as arbiter over design guides, design codes, masterplans, and gentle intensification, there is a risk that this could slow the process of development down as appeals are lodged against LPA decisions to refuse. To ensure public confidence in this approach to design and planning national policy needs to back local decision making not undermine it.

If Permitted Development 'relating to the settings in which they apply' are widened then the local context must be specified and limited as it could otherwise result in harm to the settings of neighbouring listed buildings or other assets. No mention is made of scheduled ancient monuments, listed buildings or non-designated heritage assets and these need to be acknowledged.

Identifying the areas of land is fraught with complexity. The settings of listed buildings cannot be mapped in perpetuity as they evolve through time. Is it intended that the setting of every single listed building is mapped and protected from development? If this is the case, who will do this and how frequently? If it is not the LPA (who will need hypothecated funding to ensure the work is carried out), there will undoubtedly be conflicts of interest, especially if the work is carried out by a developer funded heritage consultant, architect or urban designer, etc.

Beauty is (and should continue to be) as important an aspect of good planning as quantity, which for too long has led to poor quality outcomes for the built environment. Counting beans has resulted in poor development. The dogmatic focus on quantity has resulted in urban extensions which do not relate to the settlements to which they have been appended and in harm to the significance of our built heritage - which cannot be undone.

Employing the word 'beauty' is an ambiguous word; the suggestion being that beauty is in the eye of the beholder, and as policy makers one wonders whether the government's eye is best placed to define that beauty. This is very controversial. Neighbourhoods and parishes need to be at the heart of the process, with amenity societies, the LPA and PINS acting as overseer, as they do now. It must be understood and agreed that other than for masterplans for specific sites, in which the developer and the LPA arrive at an agreement, there must be no involvement whatsoever of those with any pecuniary interest.

		<p>Good design needs to respond to the local context it is within, but also good design is more than just buildings and landscaping, but how a community responds and interacts with that new space, and how it facilitates a community to develop.</p>
--	--	---

Pillar 3		
<p>Overview Q21</p>		<p>21. When new development happens in your area, what is your priority for what comes with it?</p> <p><i>[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]</i></p> <p><i>Other</i></p> <p>It is clear within Babergh and Mid Suffolk District Councils that delivery of more and improved infrastructure to mitigate any harm from new development and the provision of affordable housing are key priorities together with ensuring that the environment is safeguarded.</p> <p>For development to be sustainable and acceptable to our communities in the widest sense and to address planning policy, statutory requirements and good planning and design practice requirements there is a need for planning decisions to be weighted and balanced. Good design cannot be an afterthought.</p> <p>This is about creating the right balance between delivery of housing and other development to the market whilst also addressing housing need (including delivery of affordable homes) together with the right level of infrastructure provision. Opportunities for active travel are part of that necessary infrastructure. Reaching this right balance should ensure that our communities and people within our Districts both benefit and thrive as new development is delivered.</p> <p>Achieving this right balance is about making sure that good planning decisions carry the right assessment of environmental impacts and mitigation as well as contributing positively in social and economic terms.</p>

	<p>Without an appropriate balance being struck with <u>all</u> of the competing issues and impacts, harm would result which could be damaging to national or local interests and be detrimental to our people, our places and our communities. This is therefore our priority; not one singular issue but a properly balanced and weighted assessment of all the impacts arriving with a solid and robust decision that our communities can benefit and thrive from.</p>
<p>Proposal 19 Q22a b c d</p>	<p>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?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Not sure.</p> <p>In summary the detail behind this approach is not contained in the White Paper to support this proposed change and because s 106 is used for non-financial contributions.</p> <p>If there is a need to consolidate the Community Infrastructure Levy with s106 for financial contributions, then having one system does sound like a reasonable proposition. It would also negate the need for separate legal agreements for big developments which can slow down decisions being issued whilst the detail around s106 obligations is negotiated.</p> <p>That said S106 does pick up important site by site-based infrastructure costs such as highways works which flow from a detailed highway assessment of the development being proposed. Highways infrastructure is something that constantly changes and cannot therefore be given a uniform cost across all areas of a District and be relied upon to adequately cover highway requirements. Its delivery is important to acceptance in our communities.</p>

S106 is also widely used for non-financial obligations that are required to support new development (ie affordable housing provisions and clauses including detailed issues around occupation of such properties such as nomination rights). A consolidated Infrastructure Levy would not achieve these requirements without some form of legal commitment like a S106.

It would not be sensible to consolidate the Levy and S106 until the detail around these issues and the approach has been adequately scoped, set out and understood.

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

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

Locally.

If the Infrastructure Rates are to be credible, viable and not deter the housing market, they should be based on an understanding of the local housing market and sales prices together with land values and following a viability assessment based on known infrastructure costs. This is the current position and whilst a nationally set Infrastructure Levy would, it is presumed, obviate the need for all that analysis and locally gathered evidence it is difficult to understand how a nationally set levy would address regional and local variations in the housing market.

The 2019 CIL Regulations amendments simplified the process allowing for the previously required two consultations of revised CIL rate setting to be reduced to one, a fast track process which allows for a timely consideration of revised rates would be welcomed.

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?

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

More value

With CIL it is widely understood that there is a funding gap in infrastructure terms. By this it is meant that the amount that is collected through CIL will not pay for all the infrastructure that is required. One of the issues that does not help this position is that the Liability that is due on a development is pegged at the amount that a development is granted planning permission and the eligible development is measured irrespective on when there is a commencement on site. A further issue that compounds this position is that Infrastructure providers (e.g. Education Health) use cost multipliers to calculate the cost of their infrastructure projects. These are either set locally (Health) or they can be set nationally such as through the Department for Education (DfE).

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

This change would provide an opportunity and more flexibility for Local Authorities to deliver important infrastructure costing large sums of money through borrowing against projected levy income thereby forward funding infrastructure. As CIL cannot currently be used for paying interest on loans it is assumed that this would require legislative change.

However it would depend on whether there was good assurance and security around the CIL income on which any loans were based and whether the rates of any such loans would be competitive enough and make sense in financial or infrastructure delivery terms for a loan to be taken out.

Both Babergh and Mid Suffolk offer payment plans under a deferment policy for the payment of CIL. This strikes a balance between allowing developers to properly plan their cash flow through a development with

2,3,4 or 5 identical CIL payments and communities and the District to properly plan for the delivery of infrastructure through use of Neighbourhood CIL and District CIL through collaborative work with communities and Infrastructure providers on infrastructure projects.

However, the idea that CIL should be payable on completion of properties before occupation rather than at the commencement stage is unacceptable. Whilst this would negate the need for any such deferment policy offer (as set out above) it would push back District CIL payments and Neighbourhood CIL payments and thereby push back the delivery of infrastructure. Something that all including our communities could disbenefit from.

Although there is no detail on how this would work in this White Paper it is extremely likely that income collection would become very much more difficult for local authorities as proper proactive monitoring of the development and build out of sites would be required increasing the resource need and monitoring burden of CIL charging authorities.

Without CIL being paid until occupation, the White paper seems to suggest that properties would be incapable of occupation.

Shifting payment of the Levy to occupation of properties rather than commencement is unacceptable. It represents an unnecessary change and would make it far harder for CIL charging authorities to calculate when CIL income would arrive and therefore make it a lot more difficult to predict CIL income in general and be less attractive for local authorities to forward fund infrastructure.

If the change that is required is the ability to use the levy to pay interest on loans, why is there a need to shift payment of CIL from commencement to occupation?

There is no specific question from Government around payment of levy being shifted from commencement to occupation which is fundamental to the way CIL works and a new Levy could work. If there was a specific question to this the answer would be no.

<p>Proposal 20</p>	<p>23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Yes.</p> <p>If development is occurring through permitted development rights then it is likely that it would require infrastructure to support it as it represents new growth of some description. If this growth is permitted through permitted development rights then the Community Infrastructure Levy should achieve a levy contribution to offset the infrastructure requirements.</p> <p>New development and growth normally needs investment for infrastructure so as CIL is not chargeable this represents lost income. However, there are practical logistical implications of such a decision because how would the CIL charging authority be aware of the permitted development that has taken place as the current basis for calculating whether CIL Is Liable is through the grant of planning permission. This would need changes in the legislation and procedures together with information on what punitive and enforcement powers enforcement powers would be levied against those that are responsible for not notifying the CIL Charging Authority of the execution of any permitted development rights that become liable for CIL when they fail to do so.</p>
<p>Proposal 21 Q24a b c d</p>	<p>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?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Yes</p> <p>Viability assessments which are used to set and revise CIL charging rates should take account of levels of affordable housing provision to make sure that the development that takes place is policy compliant and meets critical planning policies such as affordable housing provision.</p>

It is essential that any new or amended rates of levy are viable and would not deter the deliverability of housing or the necessary infrastructure to support the housing.
Affordable housing should be provided on site as this allows proper social integration and gives maximum assurance that such housing will be delivered in a timely way and on a site by site basis rather than through commuted sums for off - site provision which is far less certain in terms of deliverability and consume resource to deliver.

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?

[Yes/No. Please provide supporting statement.]

Yes

Affordable housing should continue to be delivered as an on-site contribution in the first instance as the preferred method of delivery. Retaining a means to specify the forms, tenure and design of on-site provision is essential as a mechanism to ensure that the type and size of dwelling meets local needs (ie often smaller dwellings).

The right to purchase at discounted rates also has merit. We do not see that there is necessity for this to be an either / or option but could run alongside the 'in kind' approach subject to local negotiation on a site by site basis. We do not agree that the developer should have discretion over which units are sold in this way though. The Local Planning Authority should determine this at the application stage.

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

	<p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Yes</p> <p>If this approach is adopted, then the Government should mitigate against local authority overpayment risk. If this were not to occur then any opportunity to forward fund infrastructure using predicted levels of Infrastructure Levy income would be put at risk and make the opportunity of borrowing against the Levy to forward fund infrastructure or forward fund for enabling purposes far too risky.</p> <p>If Local Authorities are still going to provide a proportion of any new Infrastructure Levy to communities through Neighbourhood CIL (at rates with or without a Neighbourhood Plan) then a measure which did not protect Local authorities from overpayment risk could also result in a problem for Parishes as well as an element of any overpayment would be passed on to them before any overpayment risk may be known about and resolved and their monies (together with the Councils) could have already been spent..</p> <p><i>This should also apply to Registered Social Landlords and Community Land Trusts.</i></p> <p><i>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?</i></p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p> <p>Yes – by ensuring that design and nationally described space standards are mandatory.</p>
<p>Proposal 22 Q25 a</p>	<p><i>25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?</i></p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>

Yes

It is understood that the Infrastructure Levy should be spent on infrastructure. However, the CIL Regulations of 2019 have just abolished the use of lists of types of infrastructure from the 31st Dec 2020 or sooner according to when each Authority publishes its Infrastructure Funding Statement. This has taken away flexibility for the provision of projects under the headings set out in the types of infrastructure List for CIL charging authorities. The production of an Infrastructure List (a list of specific projects that each Local Authority will spend its CIL or s106 on,) as a replacement delivers more restrictions in this way and less flexibility.

It is accepted that pooling restrictions are lifted and so now s106 and CIL can be used for the provision of single infrastructure projects.

The production of an annual Infrastructure List does allow the Councils to review its infrastructure projects and update them. However, it may cause delivery to be set back if it is necessary to include a specific infrastructure project within the Infrastructure Funding Statement before a project can be properly scoped and funded

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes.

Affordable housing contributions should be ringfenced and not put into the same pot as other monies received through an infrastructure levy. If it is not ringfenced there is no guarantee of AH delivery if the money has been given to other projects. This is not a robust and targeted way to deliver AH and will impact negatively on our ability to deliver much needed AH for our rural communities.

--	--	--

Proposal 23 & 24 Q26	<p data-bbox="504 336 1982 422">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?</p> <p data-bbox="504 486 1993 598">We consider that there are clear direct and indirect adverse impacts upon our communities of people with protected characteristics within our rural areas which are not “designated” as described within this consultation. The proposals will disadvantage and discriminate against such people in our rural Districts.</p> <p data-bbox="504 638 1836 675">In short, the proposals carry an urban bias which may disadvantage those living in rural areas.</p>
----------------------------	---