

Planning for the Future Consultation
Planning Directorate
3rd Floor, Fry Building
2 Marsham Street
LONDON SW1P 4DF
Sent by Email: planningforthefuture@communities.gov.uk

28 October 2020

Response to UK Government's White Paper: Planning for the Future – published Aug 2020

I am Clerk to Rowlands Castle Parish Council and write on its behalf. At the Council's meeting on 5 October 2020, members considered Council's response to the Government's proposals in the above White Paper. It was agreed to respond as follows, with the numbering in ***bold italic*** following the questions listed in the White Paper:

- 1. What three words do you associate most with the planning system in England?***
 - Local
 - Democratic
 - Plan-led but with differing interpretations country-wide

2(a). Do you get involved with planning decisions in your local area? [Yes/No]

YES - Rowlands Castle Parish Council is consulted on, and comments on, all planning applications for its Parish. However, it has no decision-making powers and it is the Local Planning Authority (LPA) which makes decisions. Unfortunately, very often the comments submitted by the Parish Council who should be key local participants in the making of these decisions, do not influence the LPA's decision. Local knowledge can inform local development for the better and protect local assets and future legacy.

2(b). If no, why not? [Don't know how to/It takes too long/It's too complicated/I don't care/Other – please specify]

Not applicable.

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? [Social media/Online news/Newspaper/By post/Other – please specify]

Every resident affected by a proposed development in their locality should receive timely notification of applications by appropriate methods of communication listed below, with ease of access to respond.

- By post
- Online news
- Social Media
- Directed notice to parish councils from planning authorities to guarantee that every proposal is known about.

There should also be notifications from adjacent planning authorities whose decisions may inform ours.

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

- i) Building homes for older people who wish to 'downsize' and remain in the area. This would release larger homes for bigger and/or younger families. The White Paper fails to even mention the need for retirement accommodation for our ageing population. The Housing Needs Survey undertaken for the Neighbourhood Plan being written by this Parish, provides strong evidence of this need.
- ii) Building homes for first-time buyers with builders encouraged through the planning system to prioritise these over higher margin builds.
- iii) The environment, biodiversity and action on climate change. Disappointingly, the White Paper offers little information about any proposed action on climate change, which in the long term will be the most important issue to address.

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

NO, for the following reasons:

- a. We consider that there should be four categories of land not three, and certainly not two categories as is also suggested. *Renewal* areas 'suitable for development' is too broad a classification and would allow lots of villages and small settlements to be overdeveloped because it is cheaper to build on greenfield sites. It is not stated how and by whom land would be identified as being 'suitable for development'. This designation should be split into two parts:
 - *Urban*. This covers essentially urban land where there is already considerable development but there are opportunities for infill within the settlement boundary (the so-called gentle densification)
 - *Rural*. This is currently undeveloped land adjacent to existing settlements where limited development may be carried out, but with tighter constraints to reflect the fact that this is countryside development. There must not be statutory presumption in favour of development for this second part, to ensure that green spaces are not built on willy-nilly thereby putting the spaces between rural and urban areas at risk. Refer also to comment f. below.
- b. A local planning authority should not be required to designate its entire area as only one of the *Renewal*, *Growth* and *Protected* types.
- c. *Protected* areas should be those areas of the country such as National Parks where development should be by exception and with stringent rules, while still permitting some additional provision of housing but in a constrained manner.
- d. When designating *Renewal (Urban and Rural)*, *Growth* and *Protected* areas and sub-areas and sites within them, the following constraints must be considered and development avoided or mitigation measures provided:

Green Belt, Local Green Spaces, Flood zones, Groundwater Source Protection Zones (including areas with solution features), Conservation Areas, Village Greens, Common Land, Special Protection Areas and Special Protection Area buffer zones, Local Wildlife Sites, Preserved trees and woodland, Sites of Special Scientific Interest, Sites of Important Nature Conservation, Scheduled Monuments, designated historic sites, archaeological sites, Open Spaces designated in Local and Neighbourhood Plans.
- e. In addition to Local Plans, Neighbourhood Plans should have a key role and function in identifying these areas, sub-areas and sites
- f. Development within or adjacent to *Renewal*, *Growth* and *Protected* areas must not lead to the coalescence of communities such as villages with other villages, and villages with larger settlements, which would result in the loss of community identity and separateness.

Protection must be afforded to settlements in rural areas located between suburban, town and city expansion areas.

- g. There is little consideration of where or how employment land would be designated in the proposed types.
- h. There is no indication of how brownfield sites within these areas would be considered or designated. Visionary planning to capitalise on brownfield sites and town centre sites (post COVID) should be a key focus and go hand in hand with preservation of rural/village/countryside so that affordable housing (predominately for younger people) is centrally located and in easy reach of all amenities. Building in villages is for the elite few.

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

NO, for the following reasons:

- a. The paper does not indicate what these 'general development management policies' would be or when they would be documented. Paragraph 1 of the National Planning Policy Framework (NPPF) (2018) states:

'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced'

If Local Plans are to be 'scaled-back' as proposed, the role of the NPPF as a 'framework' would change, and it should be ensured that its 'general management development policies' are sufficient and adequate.
- b. Unlike Local Plans, there would be no opportunity for communities to scrutinise and comment on proposed national development management policies. This is a top down imposition that could empower developers (with no local loyalty) and limit the influence of the neighbourhood voice.
- c. We would agree that Local Plans (and Neighbourhood Plans) should not include development management policies which merely duplicate national policies. However, because national policies are as stated in the question 'general', Local and Neighbourhood Plans (whose authors have important local knowledge that the government does not have) should be able to specify policies which are specific to the characteristics and needs of their areas and communities.
- d. Design guides provided by Neighbourhood Plans should take precedence over such guides provided by Local Planning Authorities. Guides produced by Local Planning could not adequately reflect their local character and preferences about the form and appearance of all possible developments in their often very diverse area. These design guides could be much better included in Neighbourhood Plans which can specify design guides appropriate to small areas (e.g. streets) and specific sites.
- e. It is not indicated how the aspiration of all development management policies and code requirements, at national, local and neighbourhood level, being written in a machine-readable format, so that applications for development could be automatically screened, could be achieved. This also does not consider if or how the important consultation with communities and public engagement would be provided during this screening.
- f. No criteria are suggested for deciding which development sites would be automatically screened and if, how and by whom, data about the proposed development would be objectively and independently verified as being reliable and accurate.

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

NOT SURE, for the following reasons:

- a. Unfortunately, the White Paper gives no details or examples of, how the current process might be slimmed down and what would be incorporated in the proposed “sustainable development” test.
- b. We would agree with that there should be a review of how processes could be simplified and avoid unnecessary duplication, and are pleased that in attempting to achieve this, UK law, policies issued by the Secretary of State and International treaties would be complied with. However, in doing this, care must be taken to not unjustifiably dilute the examination undertaken and data currently collected, when considering the sustainability of areas and sites for development. It should be recognised that current Sustainability Appraisals evaluate some very important aspects with local importance and characteristics. Any simplification should not result in local communities being poorly informed during consultation
- c. There is a suggested option that rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed. However, surely the deliverability of reserved sites must be determined before they are identified as such.

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

As an example, cross-boundary issues arising from the cumulative impact of increased traffic arising from permitted developments and the anticipated developments in the three types of land areas proposed in all Local Authority areas, on local road networks and the Strategic Road Network, could be assessed by aggregating the data collected in Local Plans. This data would provide input to national modelling and forecasting tools such as the National Transportation Model, although such tools and their built-in algorithms may need to be modified to support this new function. The output from these tools would be used for purposes including:

- Assess the future road infrastructure that would be required so that it can inform and influence Local Plans before they are adopted. For example, it could be used to identify the feasibility of designating certain areas for development. Sites or areas would not be included if there was no reasonable prospect of the road network being able to accommodate or be amended to accommodate traffic arising from the site.
- Enable planning for and implementation of, the appropriate highway changes in time to meet the demands of new developments.

Responsibility for this modelling and forecasting which crosses boundaries could not rest with individual Local Planning or Highways Authorities. In the absence of a formal Duty to Cooperate, there must be a cross-boundary or national organisation responsible for this.

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

NO - There can be no one-size-fits-all solution to providing more housing and LPAs are best placed to determining housing requirements. The level of affordability approach is wrong; the least affordable places are usually in the countryside meaning that if they take a greater share of future development, the countryside will be covered in properties, usually away from where work places, transport hubs, shops and other facilities are positioned. There must be an urban-first development approach to ensure that the maximum opportunity for placing homes near centres is provided so that more of the countryside is left for both food production and recreation.

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

NO, for the following reasons:

- a. See 8a re concern over the role of affordability is determining where homes should be built. Urban area extensions also need to take account of the need to build up to a limited degree as well as outwards. It is not possible for all people to live in houses with gardens as there is not enough land for this.
- b. Housing is required in areas of both low and high affordability and not only in areas of low affordability as is proposed. Houses cost more in areas of high employment and consequently higher salaries, but housing there is also required for the lower paid.

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

NO, for the following reasons:

- a. There would be a very limited opportunity for public consultation and engagement during preparation of the Local Plan which is unlikely to contain many details about which specific developments might be proposed for *Growth* areas. Such consultation should take place before outline permission is granted.
- b. Although the Local Plan will have established the principle of development, a comprehensive assessment of significant aspects of the proposed development should be undertaken before outline planning permission is granted. For example, the impact of the additional traffic on the link and junction capacity of local roads and on the Strategic Road Network must be assessed. Such assessments could not be accurately carried out during preparation of the Local Plan, and it is very unlikely that they could be accurately and adequately considered in any Design Guides or Codes. Neither should such significant matters be deferred to the next stage of full permission when design and site-specific technical issues would be considered. Therefore, for larger developments in *Growth* areas, specific Planning Applications for outline permission should be submitted.
- c. The Local Plan may have designated an area as 'Growth' and an application may later be submitted for a site which had not been offered while the Local Plan was being prepared. In this case, the Local Plan could not have considered this site and planned for the infrastructure required. Such sites should not be automatically given outline permission until a comprehensive assessment of the proposal is undertaken.
- d. An automatic outline planning permission may contain few details of the proposed development, so it could be difficult or perhaps impossible, to legally enforce some aspects of the permission.
- e. There is a reference to a 'reformed' reserved matters application being used when detailed planning permission is sought. However, no details are given about how it would be reformed, or if it would include any public consultation.

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

NO, for the following reasons:

- a. It is not acceptable that there would be little or no public consultation on applications for *Renewal* areas. For example, in a *Renewal (urban)* area, the proposal may have an impact on neighbouring dwellings or other properties which could not have been foreseen when the Local Plan or Neighbourhood Plan were prepared, and so public consultation would be essential.
- b. There should not be a presumption in favour of development because it cannot be expected that a Local or Neighbourhood Plan or Design Guide could anticipate or reflect every type of development which might be proposed, and they would only give a general appropriateness for developments. Therefore, they would not be an adequate base on which to give consent to all specific proposed developments.
- c. For *Renewal* areas (both urban and rural as defined in our response to question 5), in addition to determining an application in the context of the Local Plan and referring to the NPPF or a Local or Neighbourhood Development Order, Neighbourhood Plans must be considered if there is no Neighbourhood Development Order in place.

- d. In *Renewal (rural)* areas in particular which are likely to be greenfield in nature there should not be a presumption in favour of development.
- e. For *Protected* areas, all development proposals should be judged against Local Plan and Neighbourhood Plan policies in addition to the NPPF.

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.]

NO, for the following reasons:

- a. Housing settlements (which the paper states may be for exceptionally large sites such as new towns) are very different from 'Nationally Significant Infrastructure' projects which the Planning Act 2018 (Part 3) states are for energy, transport, water, waste water and waste.
- b. Housing settlements have very different characteristics from 'Infrastructure' projects, including dwellings of different types and tenure, community and education facilities, road layout, open spaces etc. Therefore, they would require very different consideration including place-making and Design Guidance and Codes, and public consultation.
- c. It is not stated why a Development Consent Order, which is required for Nationally Significant Infrastructure projects, should be considered as an alternative to a reserved matters application and what the perceived advantages of doing so would be.
Disadvantages would include:
 - According to page 17 of the House of Commons Briefing Paper 'Planning for Nationally Significant Infrastructure Projects – 17th July 2017', the Development Consent Process lasts approximately 12 to 15 months which might conflict with the government's intention of shortening the planning process.
 - Members of the public would have to follow a very different procedure to express their views from that described in Proposal 17 (i.e. submitting views through a web-based interactive system). The members would have to register with the Planning Inspectorate and submit a summary of their views about the application in writing. A meeting for these people and an Inspector would be held and this consultation stage could last three months. This process could significantly impede and discourage public engagement.
 - This could result in Local Planning Authorities being by-passed and insufficient or even no consideration of Local and Neighbourhood Plan policies, Design Guides and Codes, Place-making strategy etc.
 - If the Planning Inspectorate were to refuse consent, would the previously automatically granted outline planning permission be withdrawn?

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

NOT SURE, for the following reasons:

- a. We agree with the following proposals:
 - That efforts should be made to make decision-making faster, and that digital technology could help to enable this.
 - That there should be greater standardisation of technical supporting information, for instance about local highway impacts. This must also require greater accuracy than is exhibited in many current Transport Statements and Assessments, and that this information should be site-specific and also consider the cumulative impact of traffic from all proposed developments (not only those with more than a certain number of houses) within a much wider area than is currently considered. This would enable a more comprehensive assessment of increasing traffic impacts on both the local and strategic road networks so that mitigation can be planned.
 - That data-rich planning application registers and other data sets should be held. However, the quality, accuracy and currency of this data must be frequently, objectively and independently verified to ensure that any decisions made using this data (automatically or otherwise) are reliable.

- b. We do not agree with the following proposals:
- That applicants would be entitled to an automatic rebate of their planning application fee if they are successful at appeal. That approach might make Local Planning Authorities (LPAs) less willing to challenge a finely-balanced case, thereby giving applicants the edge. That is not right. If an LPA believes they have a good reason for refusal they should feel comfortable in doing so and not face a financial penalty if they are subsequently defeated.
 - That some types of applications should be deemed to have been granted planning permission if there has not been a timely determination, to ensure targets are met and local authorities keep to the time limit in the majority of cases. Failure to meet a target could be a result of factors beyond the control of the LPA, such as insufficient staff (perhaps as a result of funding reductions) and other resources, and an unexpectedly large number of applications. The consequences of granting by default a planning application that would not have been approved if these factors had not arisen, could be very significant and long-lasting.

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

YES, for the following reasons:

- a. The new format must be accessible by all, easily understood and should still be supported by documentation that provides context and background information.
- b. Provision must be made for those who do not have access to internet facilities.
- c. We note that these tools would have the potential to transform how communities engage with Local Plans, opening up new ways for people to feed their views into the system. However, the proposed reformed planning system would provide few opportunities for this facility to be used. Consultation on Local Plans would be for only a few weeks every five years and in the intervening years there would be little or no public consultation on specific proposals for development,

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

NO, for the following reasons:

- a. There would be an unacceptably short period of time for public consultation and engagement, and an unacceptable restriction on the length of any comments. Stage 3 [6 weeks] includes publicising the plan for the public to comment on and making any resulting changes to the plan by the local planning authority simultaneously before it is submitted to a planning inspector (Stage 4). To achieve this target, this single period of public consultation would be a lot less than 6 weeks compared with the total of 18 weeks for the three consultations across Regulations 18 and 19 at present. There would also be an as yet unspecified limit on the number of words in any responses. Once the Local Plan is adopted, there would be no further public consultation for growth and renewal areas until the next Local Plan is produced five years later. This demonstrates that under the new planning system there would be an unacceptably small amount of public consultation and engagement. In today's busy world people have limited time spare to look at these matters and we need to give a reasonable length of time so that they can programme in the time to consider such plans, and thereby acquire 'buy-in' to the Local Plan from all interested parties.
- b. It is proposed that during stage 2 (12 months) the local planning authority should produce any necessary evidence to inform and justify the plan. It is not stated what this evidence would be. Much very important evidence is produced at present for Local Plans and so this should continue to be provided, but it is not known how long this would take.
- c. There is no reference to Neighbourhood Plans and whether or not, like Local Plans, they would be rendered out of date every five years and have to be updated. This could greatly reduce a community's trust and willingness to invest its own capacity into the Neighbourhood Planning process.

- d. Since 2011, the efforts by Local Authorities to complete and have up-to-date Local Plans have often been thwarted by changes in central government legislation and regulations. For example, the recently proposed new housing requirements algorithm is the third or fourth to be required since 2011, and in 2018 the requirement to review Local Plans every five years was introduced. Any reforms must guarantee some certainty and stability for those preparing Local and Neighbourhood Plans. The 'Change Fatigue' experienced in some other national organisations should be avoided and, therefore, Local and Neighbourhood Plans should not be rendered 'out-of-date' within five years of their adoption or while they are still being prepared.
- e. The timescale should indicate by which stage Design Guides and Codes should ideally be produced, e.g. by the end of stage 2. Elsewhere it is proposed that these should be produced on a 'twin track' with the Local Plan, either for inclusion within the plan or prepared as supplementary planning documents. An assessment should be made of the feasibility of producing these guides within the specified timescale, and of ensuring that they are consistent with the Local Plan.
- f. It is proposed that decisions on intervention would have regard to any co-operation to get plans in place across local planning authority boundaries. This conflicts with the proposal to abolish the formal Duty to Co-operate.
- g. It is stated that new Local Plans which are proposed to take 30 months to complete, would be expected to be in place by the end of the Parliament. If Parliament were to end in May 2024, this would require preparation of Local Plans to start before the end of 2021. This in turn would require any primary and secondary legislation arising from this consultation to be enacted, and the NPPF to be updated. It is not explained how the Government would achieve this target so that Local Planning Authorities could ensure their Local Plans are in place by the end of the Parliament.

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

YES, for the following reasons:

- a. As stated in NPPF paragraph 28, we would want Neighbourhood planning to continue to give communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. People will be more willing to accept development if they consider their voice has been heard clearly and more importantly that they have been listened to and their concerns have been addressed to an acceptable degree. This is particularly necessary for Parish Councils. Any reduction in grass roots involvement in planning is not acceptable.
- b. Neighbourhood Plans demonstrate a great deal of public engagement which Proposals 7 and 8 seek to encourage. For example, they are developed by residents of a community, they conduct housing needs surveys and other consultations of all residents in the area, and they must be approved by a majority at a referendum.
- c. The current role and scope of Neighbourhood Plans must be retained. The only role referred to in the White paper for Neighbourhood Plans is in the production of design guides and codes and perhaps then only as a supplementary planning document. This would greatly reduce the current roles and scope of Neighbourhood Plans and thereby reduce the incentive for volunteers, who give freely a great deal of time to prepare them, and thereby diminish community input to the planning process and trust in the process.
- d. The objective to improve public engagement can be assisted by Neighbourhood Plans continuing, as stated in the Government Neighbourhood Planning Guidance (published 6th March 2012 and updated on 25th September 2020), to be able to choose where new homes, shops and offices should be built, propose what those new buildings should look like and what infrastructure should be provided. These plans enable local people to plan for the types of development to meet their community's needs. This is in accordance with NPPF paragraph 69, and is an important means of providing community input.

- e. It is proposed that the content of Neighbourhood Plans should become more focused on the scaled-back Local Plans. However, it is important that Neighbourhood Plans should continue to set local policies that reflect the needs and interests of the community. For example, these policies would relate to preserving community identity by avoiding coalescence with other communities, protecting Local Green and Open spaces and views, parking, provision of retirement accommodation, preserving community facilities etc.
- f. The Neighbourhood Planning process should enable qualifying bodies to participate in Stage 1 of the proposed planning process and reflect in their Neighbourhood Plans where development should go and what it should look like

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?

- a. We agree that Neighbourhood Planning groups and communities should play a key role in producing design codes which reflect community preferences about design. Many Neighbourhood Plans and communities already have Local Settlement Character Assessments, Local Landscape Character Assessments and Village Design Statements which could be referred to, and many Plans have policies relating to design.
- b. We would support the use of digital tools where it is appropriate to do so, and we would expect the government to provide the additional resources and training required to use these tools.
- c. It must be recognised that not all members of a community would be able to access plans prepared in this way, so other options must still be available.

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

YES for the following reasons:

- a. We agree that there should be a stronger and legally enforceable emphasis on the build out of developments which have planning permission. Without this a reformed planning process may only result in an increased 'land bank' owned by developers and landowners.
- b. To achieve this, we would support consideration of the following:
 - Financial disincentives that would arise if a development did not commence within a specified time period. For example, on 8th October 2020, it was suggested by an MP speaking in the House of Commons, that landowners or developers should pay Council Tax for land which has planning permission but which has not been built out..
 - Financial (fiscal) incentives for developments to start by a specified time.

In applying these incentives or disincentives, independently assessed market absorption rates would have to be allowed for.
- c. There should also be measures that would prevent developers claiming that construction had commenced when only a token amount of work (e.g. digging a foundation) had been undertaken and no further work was underway. It should be ensured that a substantial amount of development had started and would continue. For example, these measures could include withdrawal of planning permission if substantial building had not commenced within one year of permission being granted. This would stop 'land banking'.
- d. It should be ensured that 'Special Purpose Vehicle' companies cannot sell or dispose of land with planning permission to an associated company which then claims diminished responsibilities, or seeks to extend time frames.

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

OTHER, for the following reasons:

- a. Three developments have been built in our local area recently of 106, 43 and 34 properties. While the large development is well designed and spacious providing a range of attractive buildings in a good landscape the other two developments have been squeezed into the allocated space to maximise profit and the finishing touches that make for a good environment around the properties have been totally neglected with some aspects of the approved plans not being delivered and with no way of enforcing their completion.
- b. Proposal 24 seeks to strengthen enforcement powers and sanctions and we would strongly support this. In doing this, it must be ensured that all aspects (e.g. conditions) of Decision Notices are legally enforceable. For example, unlike at present, a timeframe by when each and every condition must be met must be specified in Decision Notices.

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

- Less reliance on cars that can be facilitated by the provision of sufficient bus and train services at reasonable cost.
- Protection of the rural environment that surrounds the principal settlement in our area that provides recreation, essential farmland for the production of food, and separation from other settlements which contributes to our sense of community identity.
- Protection of existing Local Green spaces and Open Spaces, and provision of more of these in new developments
- Measures to combat climate change. Every new home should be required to incorporate photovoltaic cells/solar panels to reduce the impact of new builds on diminishing power networks. Extensions and major house refurbishments might also include the same requirement.
- More trees. We welcome the commitment to make all new streets tree-lined but there is a need to plant the right trees for an urban environment; they must not be too tall, must not shed so many leaves each autumn that drains are blocked and pavement covered and rendered slippery, and must not undermine buildings with their ever-developing root system.
- Existing trees with established root systems and the ability to reduce CO2 should be retained. It should not be permitted to remove mature trees with an undertaking to replace them with saplings which would take a long time to grow and replicate the existing trees.

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

NO, for the following reasons:

- a. The existing National Design Guide and proposed National Model Design Code and a revised and consolidated Manual for Streets might provide some help in ensuring that new developments are well-designed and attractive. However, because these would not be subject to public consultation and would be very general, they must be supplemented by local area and site-specific Design guides and codes that take account of local context, characteristics, building styles or types. These local Design Guides and Codes must be provided by Local Planning Authorities or Neighbourhood plans.
- b. Neighbourhood Plans can specify design guidance appropriate to small areas (e.g. streets), and will be subject to public consultation. Many Neighbourhood Plans and communities already have Local Settlement Character Assessments, Local Landscape Character Assessments and Village Design Statements which have been subject to public consultation.
- c. When planning decisions are being made, Design Guides and policies provided by Neighbourhood Plans should take precedence over nationally-prepared guides and any guidance provided by Local Authorities.

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

NOT SURE - We welcome the increased importance being given to design. If that can only be adequately supported by a new role of 'chief officer', it must be ensured that such a role does not increase complications or delay in the planning process. Our Local Planning Authority has already adopted a Place-making strategy and is starting to identify projects to implement it.

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

YES - It is assumed that Homes England dispose of surplus Government land but they do so for commercial property development as well as for housing according to their website.

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

NO, for the following reasons:

- a. We agree that there should be encouragement for proposals to come forward that comply with local design guides and codes but, even by following the standard assessment process, this would naturally result in them being approved more swiftly than non-compliant proposals, which would require amendments to be made.
- b. The proposal does not recognise that in addition to considering design (especially the visual appearance) of new dwellings, other factors such as layout and infrastructure must also be considered. Also to be considered is the need to encourage the use of quality materials and labour when considering design criteria (low grade bricks, tiles, cladding etc. not only reduce the longevity of a building – usually just after the expiry of the warranty – but diminish the character of an area in direct opposite proportion to a developers profit. It is no good building homes that will need major refurbishment within 20 years which owners will not be willing to undertake or able to afford.
"Beauty" is also about the size, spread, and location of any development. It is about the consequence of such development, the ongoing upkeep, the infrastructure it needs and the synergy with surrounding areas.
- c. The proposal does not seem to consider the design of development that is not residential.
- d. The proposal aims to encourage and revive the use of 'pattern books' to articulate standard building types and lead to 'fast-track' consideration in *Renewal* areas. Such 'pattern book' styles may not be suitable in these areas where there would be existing dwellings of very different styles. The individual character of towns and villages must be respected in order to reduce the likelihood of large identikit towns across the country. We would support more local SME developers that could better introduce distinctiveness into the building process based on the character of a local community, than large national developers could.
- e. Any additional encouragement should be restricted to *Growth* areas and *Renewal (Urban)* areas (as defined in our response to question 5).
- f. It must be ensured that any site-specific design code is of high quality and consistent with the National Design Guide, the proposed National Model Design Code, any Local Authority and Neighbourhood Plan Guides.

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

It is not possible to make any one of the listed options in the question the overriding priority; they all play a part in making new developments a success and each development will need some or all of the options listed below and perhaps other aspects as well.

- For any sizeable development there must be improved infrastructure in the form of upgraded roads and junctions plus public transport provision where possible to reduce car dependency. Public transport is a priority as large new developments will become dormitory places where workers live whilst working elsewhere. Affordable bus, tram and train links are essential to reduce car journeys. Routes free from traffic are also a priority. This public transport should make use of 'green' technology with limits on noise pollution and emissions and congestion.
- For large developments there should also be adequate schools and health provision together with a useful proportion of affordable housing and for older residents to downsize to release large existing properties for families.
- Provision of Local Green spaces and Open Spaces.
- Facilities for community use including recreation.
- Provision of paths restricted to cyclists and walkers, and fewer curbs
- Traffic calming measures.

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

NOT SURE, for the following reasons

- a. We would agree that there should be a consolidated Infrastructure Levy which could be easier to understand and implement than the current CIL and S106 process and that it would aim to increase revenue levels nationally when compared to the current system. However, it should also ensure that revenue levels are increased in local areas.
- b. The details of how the rates would be determined must be very enforceable to avoid any risks that developers or landowners may be able to negotiate payment of a very low levy which would not be sufficient to provide the infrastructure required.
- c. At present some S106 contributions make payments in kind (e.g. gift of land to communities) so this would need to be considered when replacing S106 arrangements.
- d. We would agree that very small developments might not be viable if there was any significant IL but at the same time, the threshold should not to be set too high, given that the provision of acceptable infrastructure is expensive and every possible contribution is worth having.
- e. It must also be considered how to finance infrastructure (e.g. road upgrades) needed to support more than one development when one or more of these may be below the threshold for an IL.
- f. If a levy is taken for road improvements it should be used for that purpose alone. For example, if there's £200k for a roundabout all of that amount should be directed to that; if the cost is only £180k the balance can be refunded or used elsewhere. If the roundabout costs £250k the levy needs to be able to reflect the actual/eventual cost.
- g. As local authorities will benefit from increased council tax contributions whilst avoiding the costs of "adoption" of roads in new developments, a proportion of that should also be shared with the area(s) affected by that new development

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 - It should be set locally by LPAs so that the different circumstances across the country can be catered for although LPAs should consider the rates being charged by other LPAs to avoid price competition for developments. It also provides local control.

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 - There is a need to better support the delivery of infrastructure and it is important that those who owned the land prior to development also make a contribution from the profits they receive from the sale of the land

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, for the following reasons:

- a. The Levy would be payable at point of occupation, so some infrastructure (e.g. schools and road improvements) should be forward funded and in place before first occupation. When borrowing, Local Authorities should take account of the risks that the amount received from the Levy may be less than expected. The risks could include: the developer failing to complete the development; the price of the houses may be less than expected and/or not sell as quickly as expected; houses may be developed in phases.
- b. At present interest rates are low so repayment amounts may not be very significant. However, when interest rates return to more normal values (e.g.3-4%) these amounts could prove costly and the risks referred to above would have a greater impact.
- c. It would be preferable for developers should pay some money up-front to local authorities to help with providing the infrastructure required by their development.

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

YES -The change of use through permitted development i.e. commercial property into housing, will inevitably require some infrastructure improvements and developers must bear some of the costs of that. For a small conversion that might not be very much but the principal should remain the same, namely that those who will profit from developments should pay towards the infrastructure improvements that should follow. Those infrastructure improvements may be small say the provision of new pedestrian crossing lights or an adjusted road junction but there is still a cost to be met by local authorities and developers should contribute, even if on a small scale.

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

YES - The delivery of sufficient affordable housing is key to helping more people to buy or rent a home and any reasonably sized development should include such properties so as to provide social mixing.

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/Not sure. Please provide supporting statement.]

YES - It should be secured as in-kind payment towards the IL to help ensure that such housing was built within the development although the 'right-to-purchase' option seems a reasonable alternative.

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

YES - To be fair to developers, we believe that they should not overpay the IL when using an in-kind delivery approach and LPAs should allow the ratio of market homes versus affordable homes to be adjusted should the developer be able to prove reduced profit against expectations. It is essential that a proper risk-sharing approach is agreed whether this be locally or at a national level (the latter is preferred in this instance).

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

YES, for the following reasons:

- a. We must ensure developers do not skimp on the quality of affordable homes. They should be produced to the same standards required by National, Local Authority and Neighbourhood Plan design codes, as the other market-sale properties and there must be a cash penalty if the affordable homes are rejected due to being of poor quality. Early engagement between developers and the providers of affordable housing is also important so that clear quality requirements are agreed.
- b. Affordable housing should have strong links to public transport, schools, childcare work places and public parks. They are the homes of young people. Rural and village settings may not necessarily meet those needs unless they relinquish their identity and value as nearby places to relax and enjoy.

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

YES, for the following reasons:

- a. Local authorities understand local needs and should have the flexibility to spend the IL as they see fit, bearing in mind that it should be a priority to address issues resulting from the new development and only if there are no issues to be addressed, or the IL received is more than needed for that should they then spend the money as they see fit. Parish and Town Councils should be closely involved with the decision on what to spend the money.
- b. Parish and Town Councils should continue to receive a proportion of the Infrastructure Levy, and those with Neighbourhood Plans should receive a larger proportion than those who do not.

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

NOT SURE, for the following reasons:

- a. Once you start to 'ring-fence' or in other ways constrain the use of the IL you reduce the flexibility of Local Authorities to manage their finances and priorities and that may mean sub-optimal use of the available funds.
- b. Local Authorities should be able to assess the need for affordable housing within their area, and should have the discretion to allocate IL funds accordingly.
- c. Wherever possible, affordable housing should be provided on the site of all new developments

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 proposals do not specifically address the needs of persons (as required by paragraph (3) (b) of the Act) with the protected characteristics of age and disability as referred to in paragraph (7) of the Act.
- The proposals do not consider disabled persons but paragraph (4) of the act states:
'The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- There is no reference to the need to provide accommodation for older people such as 'age-related' dwellings, retirement and care homes.