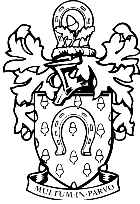


Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP.
Telephone 01572 722577 Facsimile 01572 758307

Ladies and Gentlemen,

A meeting of the **PARISH COUNCIL FORUM** will be held on Zoom on **Monday, 16th November, 2020** commencing at 7.00 pm when it is hoped you will be able to attend.

Yours faithfully

Mark Andrews
Interim Chief Executive

A G E N D A

1) WELCOME AND INTRODUCTIONS

2) ANY OTHER BUSINESS

To consider any other items of business which parish representatives may wish to raise.

3) UPDATE BY THE CHIEF EXECUTIVE

4) LEICESTER, LEICESTERSHIRE AND RUTLAND CLINICAL COMMISSIONING GROUP (LLR CCG) PROPOSALS TO TRANSFORM ACUTE HOSPITALS AND MATERNITY SERVICES

Janet Underwood from Healthwatch and Councillor Alan Walters (Portfolio Holder for Safeguarding – Adults, Public Health, Health Commissioning & Community Safety) to present to the Forum regarding proposals from the LLR CCG to transform acute hospitals and maternity services.

5) PLANNING FOR THE FUTURE - WHITE PAPER, AND CHANGES TO THE CURRENT PLANNING SYSTEM

For the Forum to discuss Rutland County Council's response to Government's proposals set out in the Planning for the Future White Paper, and Changes to the Current Planning System consultations.

Planning for the Future – White Paper:

https://www.gov.uk/government/consultations/planning-for-the-future

The Planning for the future consultation proposes reforms of the planning

system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.

Council response: Pages 3-24

Changes to the Current Planning System:

https://www.gov.uk/government/consultations/changes-to-the-current-planning-system

Sets out proposals for measures to improve the effectiveness of the current planning system. The 4 main proposals are:

- Changes to the standard method for assessing local housing need
- Securing of First Homes through developer contributions in the short term until the transition to a new system
- Supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
- Extending the current Permission in Principle to major development

Council response: Pages 25-42

6) ANY OTHER URGENT BUSINESS / FUTURE WORK PLAN ITEMS

To receive any urgent business and to review the work plan for future Parish Council Forums.
(Pages 43 - 44)

---oOo---

Rutland County Council
White Paper Consultation Response

1 Introductory comment

1.1 It is recognised that the planning regime in England has become over-complex, plans take too long to prepare, assessments of housing need and environmental impacts have become too complex and opaque, is subject to appeals and recourse to the Courts, the process for negotiation of developer contributions has become protracted and unclear, and more is needed to improve the quality design in new development.

1.2 The White Paper needs to recognise that the national shortfall on housing delivery is a complex matter going beyond the reform of the planning system.

1.3 The White Paper is short on detail as to the form of any subsequent primary and secondary legislation and as to how many of the ideas in the White Paper will be taken forward. It is noted that the Government intends to undertake further consultation on specific issues, and this is welcomed. The lack of detail and further consultation is likely to impact on the proposed legislative and implementation timetable. The lack of detail in the White Paper has also raised more questions than answers and as a result we have responded by addressing each proposal set out in the White paper rather than responding to the limited questionnaire. This has extended the amount of time that has been expended in drafting a response.

1.4 There is a lack of an appropriate evidence base to support the proposals set out in the White Paper, and it ignores the thrust of recent independent reviews of aspects to the planning system. For example, the Government is fully aware of the issues with the land market as it was made clear in the Independent Review of Build Out Report that it commissioned, led by former Conservative Minister Oliver Letwin MP. This report made clear the limitations of the local housing markets to absorb new homes without materially disturbing the market price and in turn reducing the value on sites and shareholder value. This is entirely at odds with the Government drive to deliver more homes and clearly identifies the need to diversify the market and the tenures being delivered.

1.5 The reforms set out in the consultation seek to ensure the planning system is accessible, accountable, digital and transparent. This is proposed to create an increase in access and engagement for all groups and individuals. However, there is a risk that there will be a differential impact on those who do not have internet access, who are proportionately greater in older age groups, by the Government's proposals for the planning regime in England to be more digitally orientated. Without due provision, the proposals may also disadvantage those that prefer or require access to paper copies.

1.6 It is a serious deficiency of the White Paper that it gives no consideration whatsoever to minerals and waste planning. It is far from clear how planning for mineral extraction and waste facilities could fit in with the concepts of growth, renewal and protection areas. Similarly, as the White Paper focusses on housing delivery, it fails to pay sufficient attention to how the planning system can best support issues considered extremely important in Rutland such as climate change, employment and the recovery of local economies; sustainable transport; the need to protect best and most versatile agricultural land for food production.

1.7 Whilst the White Paper has a general emphasis on housing delivery, there is little or no reflection on special housing needs, such as Gypsies and Travellers.

1.8 While we recognise that the NPPF has simplified the rules for Local Plans and development control the National Planning Policy Guidance is far from transparent and has probably created even more information that needs to be considered compared the previous PPGs.

1.9 We support the principle of providing more affordable homes for the young people of this country and we have placed that at the heart of our local plan which is about to be submitted for examination.

2 <u>Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.</u>

2.1 The White Paper sets out what might change through plan making but is not clear about the fact that key aspects of current plan preparation and decision making will continue to be integral to the system. Consequently, it gives the impression that there will be much less work to preparing plans than is likely to be the case. It is anticipated that the workload and cost of preparing a more simplified Local Plan as proposed would not change significantly given the scale of evidence still required.

2.2 In plan-making under the present system it is established good practice to identify the issues and opportunities the plan needs to address, sets out a vision for the area together with strategic objectives, and develops an overall strategy to shape the future of the area. Without clarity about these higher-level issues, any plan which seeks to go straight to site related proposals will not necessarily be soundly based, or capable of being demonstrated to be robust. These features will be just as important in any changed system as now, and the Government should be encouraged to make this clear as it develops its proposals further.

2.3 In particular, it will continue to be crucial that there should be a clear vision and strategy for the area, which addresses the key issues and explores the real choices available, to set out the framework which underpins all that follows.

2.4 There is much within the White Paper about the need for housing, but very little on the wide range of other matters which plans deal with. It gives little or no attention to the local economy, the interrelationship between development and infrastructure, the quality of life for local people, and important matters such as minerals and waste planning. There seems only passing reference to climate change rather than identifying this as a focal point in planning for the future. This is in marked contrast to the National Planning Policy Framework (NPPF), which sets out succinctly the very wide number of matters which plans are likely to need to address.

2.5 Given that it has been judged to be in the public interest that local plans should address this range of issues, it is presumed that they will continue to need to do so in the future, albeit with a greater emphasis on their role in formulating the plan proposals than as topics to be addressed in their own right. The Government should remove uncertainty by making this clear in further developing its proposals.

2.6 A large part of plan preparation involves the collection of evidence to inform the plan and assist in decision making about it. The White Paper describes the burden of evidence as disproportionate, and in principle we agree with this view. The intention is expressed to simplify the process of environmental assessment, and this is supported in principle. We welcome the opportunity to comment further on future proposed consultation regarding this. It would be appreciated if further guidance is provided on how the evidence base might actually be slimmed or simplified. The provision of a definitive list of required evidence required along with standard templates for key evidence would help reduce the volume, cost and time taken to prepare evidence and would limit the scope for challenge of evidence, especially through Judicial Review.

2.7 Important decisions cannot be allowed to be made on the basis of unsubstantiated assumptions, opinion, or misinformation; they need to be well founded. So, given the wide range of matters which the NPPF requires plans to address, further clear guidance from the Government would be appreciated as to the practical scope to significantly reduce the burden

of evidence.

2.8 Any planning process is about balancing a wide range of factors and making choices, which requires consideration of the real alternatives available to the Local Planning Authority (LPA), and their appraisal. There is no mention of consideration of alternatives in the White Paper, but it will still be an essential part of plan making to ensure that the best solutions are chosen. Developers will still wish to have their potential sites properly and fairly considered, and communities and individuals will still wish to be able to see the options available and express their preferences. Local Plan Inspectors will need to be able to confirm whether the main elements that make up the plan amount to reasonable choices to deliver sustainable development.

2.9 The discussion under this proposal focuses on the assignment of land to one of the three categories of growth, renewal and protection areas. But it does not consider how that might be done. The world is complex, and so are cities and towns, so it is no surprise that the NPPF identifies so many matters which need to be considered in preparing plans. As noted above, LPAs will still need evidence about such matters and take them into account as appropriate to the area in making decisions of *principle* about where growth should take place. They will still need to consider valid alternatives. And they will still need to set out an overall strategy to set the framework for decisions on the three types of areas.

2.10 Moreover, the White Paper appears to assume that once land has been assigned to one of the three categories of growth areas, renewal areas and protected areas, and development management policy has been transferred to the NPPF, there will be no need for local plans to address other matters. There is no information about whether such designations should cover the whole of an LPA's area, or whether it is acceptable to have areas which are not subject to one of the three categories, or indeed areas which might be covered by two categories. For example, an area might be "protected" for one or more reasons (such as a conservation area) but could also be considered as a "renewal" area too.

2.11 However, in formulating their plans, planning authorities will still need to address all the relevant considerations that bear upon their decisions about whether land is suitable for development, and the form it should take. As noted above, the NPPF sets out the matters to be considered.

2.12 Most of the matters identified by the NPPF are not about development management policy, but are important matters of principle to be addressed by local plans, including (purely as examples) such matters as the proportion of affordable housing, density standards and their areas of operation, economic strategy, specific measures to encourage walking and cycling, and local parking standards. Such matters require the development of solutions which reflect the local circumstances and are generally not capable of being dealt with by national development management policies.

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

3.1 One of the reasons many local plans are so lengthy is that they commonly contain large numbers of relatively detailed development management policies, which are repeated in different forms from plan to plan. So, the proposition that there should be no repetition of national policy within local plans is fully supported. So too is principle in the proposal that the NPPF should be developed to include a suite of standardised development management policies. In addition, it is considered that there is a good case for a national set of conditions to run alongside this.

3.2 The White Paper effectively assumes that all the LPA will need to be able to deal with planning applications will be the assignment of sites to the three categories, master plans

and design codes, and the NPPF development management policies. LPAs should have the discretion to add development and location specific conditions.

3.3 Many of the matters which the NPPF requires local plans to address are plan making matters, not development management policy. Suitable policies (or rules) will continue to be needed to deal properly with such matters and be taken into account in decision making on planning applications.

3.4 Moreover, there are some types of development management policy which are not suitable for national policy. These include: policies which quantify requirements, such as the percentage of affordable housing, density levels, and parking standards; policies which delineate the area over which a policy or requirement will apply (examples are the definition of the extent of town centres and primary shopping areas, the areas where different density levels will be expected, and areas where tall buildings are appropriate) and policies to address particular circumstances which are specific to the particular area. One example for Rutland County Council would be the Rutland Water policy area.

3.5 It is also questioned whether all matters which are in the nature of development management policies can be dealt with through single national development management policies, to apply everywhere in the country. There are rich differences in character between different areas which require approaches which respond to the local circumstances especially between urban and rural areas. The danger is that national policies will have to be so generalised that they will have limited practical use in dealing with actual proposals; or that inadvertently they will steer development in ways which are simply wrong when applied to specific local circumstances, resulting in unintended consequences. The better solution is to accept that there should remain some flexibility to ensure that development management policies suit the local situation.

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

4.1 At this time there is little detail of what the proposed sustainable development test would involve. Further information from the Government is appreciated; accordingly, some questions are posed to assist the development of the proposals:

- Given the expressed intention to replace sustainability appraisal by a simplified environmental impact assessment, how can a plan be tested for the economic and social pillars of sustainability if there is no appraisal process for them?
- It is proposed that the testing of sustainable development should be against the policies of the NPPF. But the NPPF does not address all the aspects of sustainability, so how can this work unless it is planned to expand the NPPF or guidance in this area? As an example, reducing the need to travel is a familiar sustainability objective, but it is not mentioned in the NPPF.
- If the present "positively prepared" test is to be abolished, will there be no testing of whether the plan meets the mandatory housing requirement?
- Will the demise of the "justified" test mean there will be no consideration of whether the plan represents a suitable strategy that it is supported by evidence, and that reasonable alternatives have been considered?
- How will the deliverability aspect of the "effective" test be incorporated into the new sustainable development test? This is an essential element of ensuring that not only is sufficient land identified to meet development need but that it will actually be delivered.
- Is it really intended that by abolishing the "national policy" test, the Inspector will be precluded from considering whether the plan conforms with national policy?

- What will happen if the Inspector concludes that additional housing sites are needed to fully meet the mandatory housing requirement, or that a proposed site should be removed from the plan and replaced? How will the additional site(s) be identified if there is no testing of how the plan has considered alternative sites (the justified" test)

4.2 Questions such as these will need to be fully resolved before making any significant change to the examination process.

4.3 An alternative approach to the soundness test is mooted in the White Paper, which is to include reserve sites in plans. It is not clear how this could work with the three categories. They could not be growth areas with outline planning permission, nor could they be subject to a presumption in favour of development as renewal areas, and they would certainly not be protected areas.

5 Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

5.1 The White Paper says that plans should be for a minimum period of 10 years. It is not clear whether this would be from the time of preparation of the plan or the anticipated date of adoption.

5.2 No reason is given for departing from the current requirement that plans should be prepared for a minimum period of 15 years. If the Government is minded to bring this change forward, it is urged to set out clearly its reasons for the proposed change, so that interested parties can respond. At this time the point needs to be made that a risk with a shorter plan period is that plans could become less strategic in nature, and more likely to be based on incrementalism. There is also a significant risk that a 10 year horizon does not provide sufficient time for major development proposals, particularly those which require additional infrastructure to be planned and delivered, reducing the effectiveness of the "growth area" designation in delivering new homes and jobs.

Binding housing requirements

5.3 It has been suggested that binding requirements would be set through the use of an algorithm, which would factor in considerations such as the extent of land constraints, the scope to use brownfield land, and the needs for other types of development.

5.4 Further work and consultation with LPAs would be appreciated to determine how local circumstances could be taken into account within any proposed algorithm. A whole series of questions arise, which would need to be resolved in designing an algorithm, or any other methodology for that matter:

- How would the land requirement for types of development other than housing be quantified, without substantial evidence and work to assess targets or needs?
- How would LPAs with very tight boundaries be dealt with, such as Birmingham, Bristol, Liverpool and Newcastle? Such LPAs have very little opportunity land to meet housing and other needs.
- What would happen where the consideration of identified local constraints led to the requirement being set substantially below the "raw" standard method need figure? Would that element of the national requirement be simply lost, or would it need to be transferred to adjoining authorities with more land potential? If the latter, what would be the mechanism and local justification to deal with this?

- Where an LPA believed it had strong reasons to be able to set a higher requirement figure, would they be prevented from doing so? If it would be allowed, how would this work?
- How would the potential from brownfield development and densification be addressed without consideration of the particular local circumstances? As an example, in some areas, the increased construction costs of higher densities would make development less viable and therefore less likely to be delivered
- Since the Green Belt is listed as one of the constraints to be take into account, is there a presumption that there would be no release of land from the Green Belt? Or, since the White Paper says that Green Belt policy will continue unchanged, will there still be the potential for Green Belt boundaries to be changed where exceptional circumstances are demonstrated? Will the government decide where there should be Green Belt releases?
- Why is flood risk treated as if it is an absolute constraint? In areas with no or very limited alternatives, suitable measures can be taken to prevent or mitigate the risk of flooding, as provided for in the NPPF sequential approach
- Where an authority produced robust evidence that binding target could not be met, and the local plan Inspector concluded this was valid, what would happen?
- If binding targets are to be set, what testing will there be of the methodology and its application to individual LPA areas? Would there not be the prospect of LPAs or others resorting to legal challenge where they considered the basis on which the requirement was set was flawed?
- Given the proposal that the 5-year land supply requirement would be discontinued, how could it be assessed whether a draft plan would deliver sufficient housing in the short term as well as monitoring the potential delivery of the new plan?

5.5 It is contended that to be able to set binding targets which would stand up to scrutiny, the Government could not safely seek to depend on an algorithm – there are too many factors where locally specific assumptions would need to be made. Rather, it would need to commission a series of sub-regional studies to assess the requirements and potential capacity for all kinds of development for LPAs or groups of LPAs. These would have to deliver their outputs before material progress could be made on the local plans for those areas.

5.6 Leaving the calculation of how much development land to provide to local decision is preferable to a centralised formula which is already proving to be unrealistic when tested on local authorities, especially in the case of Rutland. Lichfield consultants have calculated new housing targets using the new method. To demonstrate the point, the table below (Table 1) indicates how unrealistic and potentially harmful the new figures are.

Table 1: Comparison of selected LPA Local Housing Need Figure changes in ascending order

LPA	Average delivery (3 years)	Current Standard Method	Proposed new Standard Method	% age increase
Newark and Sherwood	572	494	764	55%
Fenland	418	538	844	57%
Corby	535	506	799	58%

Breckland	692	661	1,070	62%
Brighton and Hove	392	924	1,520	65%
Tonbridge and Malling	806	843	1,440	71%
East Devon	842	928	1,614	74%
Boston	391	249	443	78%
East Northamptonshire	462	457	821	80%
Chiltern	291	343	619	80%
Havant	402	504	963	91%
Dover	435	596	1,279	115%
South Derbyshire	986	548	1,209	121%
North East Lincolnshire	257	211	470	123%
Harborough	592	550	1,238	125%
Cotswold	824	487	1,209	148%
Rutland	240	122	307	152%
Hillingdon	854	783	2,026	159%
Hackney	1,328	1,862	5,031	170%
Bromley	707	897	2,487	177%
North West Leicestershire	845	359	1,153	221%
Kensington and Chelsea	268	998	3,285	229%
Camden	993	1,568	5,604	257%
Westminster	1,096	1,495	5,750	285%
Richmond upon Thames	423	441	2,247	410%

6 Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Growth areas

6.1 The White Paper proposals for zoning have some merit and may be appropriate in some limited areas, but it is difficult to see how these will work in practice. Zoning is not considered flexible enough to apply across the board. It is considered that a finer grained approach with detailed arrangements between zones together with an overlay of other criteria would be likely to work better.

6.2 The White Paper proposes that on adoption of a local plan, growth areas would automatically receive outline planning permission. It does not address the fact that when dealing with an outline planning application, the LPA has to address all considerations which have a bearing on whether the principle of the development should be accepted, as part of their duty to consider the public interest in decision making.

6.3 The particular considerations will depend upon the circumstances of the site and the proposals. They may include matters such as the proportion of affordable housing, infrastructure requirements, greenspace requirements, highways matters, the need to protect features on the site, measures needed to avoid adverse environmental impacts, measures to protect the amenity of adjoining properties, matters requiring prior site investigation (such as land contamination or stability). Statutory consultees play an important role in identifying measures required to be able to safely issue outline permission. A further practical question is how issues such as ground conditions or unknown infrastructure might be considered at the plan making stage. There is a risk that sites zoned for growth may later transpire to be undeliverable. It is stressed that these are not matters of detail which can be dealt with as

reserved matters but need to be resolved upfront in making the decision of principle whether to grant outline permission. There are real concerns around the accountability and for when things going wrong if the local authority is unable to challenge the developer through the planning process prior to commencement on site.

6.4 The same would have to apply to the decision to grant outline permission through the local plan. The same kinds of matters would need to be investigated and resolved to properly address the public interest. Effectively, matters presently dealt with at outline planning application stage would be brought forward to be addressed at plan making stage.

6.5 The amount of work required by both the LPA and landowners or developers is likely to be considerable. As with an outline planning permission there will need to be cooperation and negotiation between them, to establish the form the outline permission should take to meet both their needs. Moreover, elected members and community groups, aware that there will be no further opportunity to address matters of principle at the time of a planning application, will be concerned to ensure that nothing of relevance is missed or inadequately addressed. There is little information on how the community will be able to engage with this part of the process once the plan has gone beyond the early engagement stage. This will increase the scrutiny which emerging proposals for growth areas will receive.

6.6 It follows that where a local plan puts forward substantial growth areas, considerably more work will be required than is currently the case in deciding whether to allocate land. That will impact significantly upon the resources and time needed to prepare the local plan.

6.7 The Government therefore needs to take account of the fact that proposals for growth areas are likely to entail substantial additional work, cost and time in preparing local plans – this will be exacerbated where there are significant changes to the calculation of the Local Housing Need which may well trigger significantly differing impacts on infrastructure. That investment may be returned in time by reductions in work dealing with planning applications. But it will still bear upon the workload involved in preparing plans, and the time they take to prepare.

6.8 It is possible that developers will be willing to invest the necessary resources to provide evidence to the LPA to demonstrate that their site is suitable for the effective grant of outline planning permission. However, for a large site which raises a lot of issues, there could be very considerable cost involved. The question therefore arises of whether they will feel able to make such an investment, before they know that the LPA has made a firm decision that it wishes to make the site a growth area. That position would only be reached when the plan had reached quite an advanced stage.

6.9 Outline planning permissions commonly include significant numbers of planning conditions which are necessary to set out how significant considerations need to be dealt with or resolved, and without which permission could not be safely granted. A mechanism will be required to bring the matters currently dealt with by conditions into the local plan. These could take the form of site-specific standards or requirements, or "rules" to use the language of the White Paper; and their scope will necessarily go further than the matters cited in paragraph 1.20 of the White Paper.

6.10 The White Paper appears to assume that Section 106 agreements deal only with provision of infrastructure and can therefore be replaced by the proposed consolidated CIL. However, Section 106 agreements are often used to deal with other matters where it is not appropriate to use a planning condition to mitigate an impact of the proposal and enable planning permission to be granted. In addition, Section 106 agreements are used to cover important issues such as affordable housing and minerals restoration. Since a Section 106 agreement relates to the principle of development, it has to be entered into at the time the decision in principle is made. So, for an outline application it must be resolved at that time and cannot be left for the reserved matters stage. The planning permission is only issued when the signed Section 106 agreement is in place.

6.11 Since the identification of growth areas in local plans is likely to require the preparation of Section 106 agreements, in further developing its proposals the government will need to address how this can be dealt with. If the matter is not resolved, it would appear that any site for which it was established that a Section 106 agreement would be needed, could not be identified as a growth area.

6.12 In addition to the matters raised above, the further development of the proposals for growth areas will need to consider a number of practical questions which arise, including how biodiversity net gain will be addressed. Because a developers' overall scheme will be required to be able to demonstrate that there are the means of securing net gain on site before outline permission is created.

Renewal areas

6.13 The White Paper proposes that renewal areas should be subject to "a general presumption in favour of development". It is not clear what is meant by this. Is it intended to apply to *any* form of development? Because that could include development which could have a harmful impact in the area, e.g. a hot food take-away next to a school; or development which planning policy seeks to steer such uses towards particular areas, e.g. retail development. Or will it apply more narrowly, in the way that current local plans commonly contain a policy supporting residential development within existing settlement areas?

6.14 The discussion of renewal areas does not go into much detail about what they might cover. It is assumed that to give developers and communities reasonable certainty about what might be permissible in a particular area, different types of renewal area will be identified for, by way of example, residential areas, town centres, and employment areas. The presumption would then apply only to conforming development.

6.15 Taking this further, rather than designate large parts of urban areas uniformly as residential renewal areas, with the same policy principles applying, it would seem desirable for LPAs to be able to have different types of residential renewal areas. This would enable plans to differentiate between the kind of approaches required for areas of very different built form and character. The ability to differentiate renewal areas would also enable particular areas of opportunity to be highlighted, as well as areas where there are distinctive local issues which need to be dealt with. The same would apply to employment areas, where it would be desirable to indicate particular areas of opportunity. It would certainly appear to be necessary within town centres, which commonly contain areas where redevelopment is desired alongside areas which are more stable and have high conservation value.

6.16 Looking beyond residential and employment areas within cities and towns, issues arise about other types of development. A range of questions and comments come to mind which would need to be resolved in further developing the proposals, including:

- How would the sites of community facilities such as hospitals, clinics, doctor's surgeries, community centres, leisure facilities, and local shopping centres (as against town centres) be dealt with?
- What about infrastructure such as depots, pumping stations, gasholders?
- Would they have to be individually delineated as renewal areas in their own right, or would they be washed over by the surrounding renewal areas, and dealt with as necessary by policy?
- Would all villages where some redevelopment or infilling is deemed appropriate have to be delineated as renewal areas? Some current plans do not define boundaries for smaller villages but rely on criteria-based policies. To have to delineate a large number of new boundaries could lead to a lot of representations about where lines should be drawn, which could add considerably to the scale of plan examinations

- On the other hand, to put a village in open countryside in a protection area, but have policy which allowed for limited development, would send mixed messages and potentially cause confusion

6.17 The White Paper (at paragraph 2.33) refers to pre-specified forms of development being subject to a new decision route which gives automatic consent if the scheme meets design and other prior approval requirements. This takes no account of the fact the local plans will continue to need to contain policy or rules for matters which are not capable of being dealt with by national development management policies.

6.18 Moreover, within established urban areas the determination of planning applications often requires the consideration of matters other than design principles, normally referred to as material considerations. Some examples are the impact upon a conservation area or listed building, significant matters of amenity for neighbours such as over-shadowing, loss of community facilities, localised flooding issues, possible land contamination. Such matters cannot be left to be dealt with as reserved matters but need to be considered at the time of the decision on the principle of the development.

6.19 Given the fact that relevant policies will still be required, and material considerations will still arise, they will still need to be taken into account in decision making, so the proposal appears to be unworkable.

6.20 The point is made above that in dealing with biodiversity net gain, the LPA will need to see the developer's proposals before the creation of outline planning permission, to be able to confirm that the on-site provision to achieve net gain is achievable. The same issue will arise in relation to any mechanism intended to create a planning permission in a renewal area. This needs to be resolved before any legislation is brought forward.

Protected areas

6.21 The White Paper says that development proposals in protected areas would be assessed against policies in the NPPF. But the NPPF identifies a wide range of matters which can only be addressed by the development of local policies to reflect the particular local circumstances. Where such a plan policy was relevant to a particular proposal in a protected area, it would still need to be taken into account. This would be particularly relevant in the case of a larger proposal in a protected area which offered benefits which could lead to the grant of approval.

6.22 The areas to be treated as protected areas are described as areas where their particular environmental characteristics would justify more stringent controls. Apart from designated areas, there is reference to areas of open countryside outside of growth or renewal areas. This needs to be explored further, because urban areas are often fringed by uses such as sports grounds, golf courses, and other activities which do not have the character of open countryside. However, given the intention of the White Paper to give further emphasis to development being plan led, it would appear necessary to include such land within protected areas, on the basis that it is not identified for growth or renewal.

6.23 An alternative would be to reserve protected area status for areas where there really is something which needs to be protected, and for plans to also be able to identify areas of land which is not assigned to either of the three categories in the White Paper. In such areas there would be no presumption in favour of development, but neither would they be presented as being protected.

6.24 Issues also arise about parks, playing fields, amenity greenspace, school grounds and other greenspace within towns. Such areas are very important to community life and well-being and will need to be retained. However, they are not covered by any of the designations listed in the White Paper. The implication is that they would be included within renewal areas, but

in such areas, there will be a presumption in favour of development. This cannot be right and would send the opposite message to what is intended.

6.25 The implication the points made here is that it would not actually be possible or sensible to try to force every scrap of land into one of the three categories. The logical solution would be to have an additional designation which does not carry a presumption either in favour of or against development, with some such areas being subject to appropriate policies specific to them.

6.26 Finally in relation to Proposal 5, the White Paper suggests that Conservation Areas would be included as protected areas. However, large parts of many town centres are covered by Conservation Areas, and these areas are considered suitable for minor development and redevelopment so could be considered suitable for a "renewal" area designation, so key growth areas would be protected areas, which would be confusing and misleading. This needs further consideration.

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

7.1 We welcome the intention and proposals to harness modern technology to speed the validation of applications, improve case management software, move to shorter and more standardised applications, improve planning registers, standardise planning decisions and some elements of developer contributions, improve planning notices, standardise technical supporting information and introduce national standard planning conditions. Provided such changes are well-designed in liaison with prospective users, there is considerable scope to both speed and simplify processes and make planning information more readily accessible to the full range of potential users. Whilst speedier decisions and certainty is important, but most would agree that the most important thing is getting the right decision.

7.2 There are concerns that inflexible deadlines may result in perverse consequences such as more refusals because all issues have not yet been resolved. This is particularly the case when specialist advisers are relied on e.g. Environment Agency, Environmental Health, Fire Safety. There may be merit in creating a single planning application system for use in England, provided it is fit for purpose, to avoid duplication of effort and procurement. A practical concern is how LPAs would manage their budgets if fees are to be refunded with a time lag across different financial years. Would LPAs be inclined to approve marginal schemes to avoid a risk of refunding fees, thereby incentivising speed over good design? Perhaps the reverse should also apply, that LPA's costs should be refunded in full if developer loses their appeal. Digitisation should be 100% - all applicants should be required to submit electronic applications. Perhaps the Planning Portal should have a scanning service where people can send hard copy applications to them to be scanned and sent, through the portal, to the LPA? If we have one planning system, it needs to be a good one.

7.3 In developing the ideas, it will be important to ensure that the full range of potential material planning considerations, reflected by but not restricted by the range of content of the NPPF, can continue to be addressed. Where a proposal raises a valid material consideration, the form of the local plan or the consent process should not prevent it being given proper attention.

7.4 There has been speculation that these proposals might be developed in such a way that they would enable artificial intelligence to read development proposals, assess whether they conform with plans, codes, and the NPPF, and determine the application. It is considered that in the case of minor and straightforward applications there is substantial scope for artificial intelligence to carry out much of the appraisal process and point toward the likely decision.

7.5 However, more complex applications commonly comply with some policies and conflict with others and raise issues which are particular to the specific proposal, so that a balancing exercise is required to come to a judgement on the merits of the application. It should be clearly recognised that artificial intelligence can assist in the processing of such applications, but not replace that exercise of judgement.

7.6 The White Paper proposes the delegation of decisions to planning officers where the principle of development has been established. The implication is that there will be a national scheme of delegation. The effects of this could be that elected members and people averse to development, knowing they will have little say at the planning application stage, will scrutinise local plan proposals more extensively to try to ensure that any possible adverse implications are resolved in the local plan. This will add time to plan preparation.

7.7 At the application stage, there is likely to be forensic examination of compliance with master plans and design codes, accompanied by representations to officers that proposals do not comply and should be refused. This in itself means that design codes, masterplans etc must all be adopted at the same time as the local plan to ensure that the detail is available to use to determine whether an application complies with it. Those will have to be worked through and properly responded to. So, it cannot be assumed that the work involved in dealing with applications, particularly where they are contentious, will necessarily be reduced.

7.8 The possibility is mooted that where a planning authority does not determine an application within the time limit, the application fee should be automatically be refunded. This assumes that all the information needed to determine the application will be provided at the time of application. The reality is that in many cases the LPA has to request information, which was not included, that the observations of consultees require further information or changes to the proposals, and that the LPA needs to negotiate changes to an application to make it good enough to be approved. In all those matters much depends on how quickly the applicant responds. LPAs should not be punished for the tardiness of applicants.

7.9 The White Paper also proposes that where a decision is overturned at appeal, the application fee should be rebated. However, often the reason for refusal is that the application has not provided information needed to be able to properly determine the application. In such cases, applicants commonly provide the missing information to the Inspector, or proposes changes to resolve concerns by the LPA, which then allows the grant of approval. It would be unfair where the failing was with the applicant, for the LPA to be penalised.

7.10 As a final comment on this proposal, there is unfavourable comment in the introduction to the White Paper about notices on lamp posts. Whilst supporting the intention to enable people a range of means of finding out about planning proposals, for many in the community the most reliable and straightforward way of becoming aware of an application will be to spot such a notice. Then, with that awareness, they can be enabled to more readily access the details and comment upon them.

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

8.1 The principle that plans should become much easier to read and use, and harness new and emerging technology to do so, is supported in principle. What needs to be fully appreciated is that a considerable amount of development work will be required to produce workable systems which meet all the functions of local plans and their scope.

8.2 That development activity would take place alongside the preparation of plans and demand extensive input by the same planning staff whose role it is to prepare the plan. This will require a specific programme of up-skilling planners to ensure the technology and skill base is available – otherwise it will become a very costly and time consuming approach follows

that whilst in the longer term the innovations should help speed up plan preparation; in the shorter term the overall work involved in preparing plans would be significantly increased.

8.3 It will also be important to ensure that the new models for plans will be accessible to all in the community, and not exclude people who do not have a computer or mobile phone, for instance. Guidance will be required through templates or examples of how this might work, or it might even be appropriate to consider the development of a national software to support us. This might help to achieve a common style and approach across the country for the benefit of communities and developers. It is interesting to note that this is not even at the pilot stage, yet it is the basis of this proposal. Is this not premature?

9 Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

9.1 The ambition for shorter plans, which can be produced more quickly, is welcomed as a principle, as is the concept of focusing community engagement on the plan making stage, rather than when planning applications are made.

Community engagement

9.2 However, the proposals for community engagement within the proposed statutory process will not enhance community engagement but drastically restrict it.

9.3 The proposal seeks to increase engagement at the formulation stage of the local plan, and specifically in the first stage of calling for suggestions for sites and areas under the three categories. That will enable people who have an interest, and representative bodies such as Parish councils, to make representations on things they would like to see in the plan. In principle this is desirable.

9.4 However, the great majority of the population and representative bodies such as parish councils will not be seeking to promote development. Rather their interest in the plan will be to understand how it may affect them, and in particular how it may affect the area where they live. So, the appropriate time for them to get involved is when there are actual proposals by the LPA to respond to.

9.5 Under the current plan making process the normal opportunity to see and comment on the emerging plan proposals is the draft plan stage. People can examine the proposals of the draft plan, to consider whether they may affect them, whether favourably or in a manner which they feel will harm their interests. They can submit their comments on the proposals, and have these considered by their elected members, who will decide whether to make changes to the plan before moving towards its submission. This gives ordinary citizens a genuine opportunity to influence the plan, and elected members the occasion to consider the effect upon the people they represent.

9.6 Under the White Paper proposals there would be no draft plan stage. Rather, having formulated the plan the LPA would submit it for examination, and at the same time publicise it for people and organisations to comment. Given that the period proposed from submission to the Inspector's decision on the plan is only six months that would give the LPA, as the democratic body charged with preparing the plan, no practical opportunity to consider the comments received, and decide whether it wished to make changes in the light of those comments.

9.7 There would be no opportunity for elected members to represent the interests of their electors by considering comments they make on the plan to decide whether they can improve it before submission. That function would be taken away from the LPA and passed to the Inspector, whose function would not be to consider the particular concerns of members of the public and communities, but to assess in a much more limited way whether the plan met the

sustainability test. Whilst they would have the right to have their comments considered by the Inspector, ordinary people would not have the expertise to argue their position at examination hearings. There is also an absence of detail as to whether examinations would take place in public, given that "hearings" could be by phone or in writing.

9.8 Thus, whereas the White Paper has a stated aim to improve the opportunity for people to genuinely influence the plans for their areas, the proposed process would actually substantially reduce the scope for them to do so. Instead, the main opportunity to influence the content of plans would reside with landowners and developers, who would be able to use their resources to promote sites for inclusion in the plan; together with some interest groups, which would have the capacity to engage effectively in the examination.

9.9 What must be considered likely is that without the opportunity to comment on a draft plan, people and groups will take up the only opportunity available to them, which would be to make representations on the plan and have them considered by the Inspector. If large numbers of people did this that would greatly extend the work of the Inspector, because with no stage for the LPA to consider and respond to such representations, the Inspector would have the full responsibility for doing so. This could impact significantly on the length of the examination process.

9.10 Having had limited opportunity to influence the local plan, people who were unhappy about particular proposals would hope to have their concerns heard at planning application stage. However, the White Paper proposals taken together seek to shift decision making from the planning application stage to the plan making stage and reduce the scope of what can be considered where planning applications are required. So, people seeking to engage at that stage would find that they had little real opportunity to influence proposals which gave them concern.

The timetable

9.11 These observations have made several points about the amount of work which will be involved in preparing plans. The White Paper says that proposals will be brought forward for how the evidence requirements for plans will be reduced. This is certainly welcomed, and practitioners will look forward to seeing the Government's proposals. However, there is some justified scepticism, because as these observations have pointed out, most of the matters covered by current local plans are likely to still need to be addressed, either in making decisions about what land should be identified as growth areas, renewal areas or protection areas; or as necessary supporting policy tailored to the circumstances of the area especially if related parties still have the opportunity to challenge the process or decisions through the courts.

9.12 Moreover, where land is being considered for identification as growth areas, there will be substantial additional work to address all the considerations which need to be resolved before outline planning permission can be created. There will also be considerable additional work in preparing masterplans and design codes.

9.13 At the same time as dealing with these matters, LPAs will have to develop and adapt to the use of new and emerging technology, to change the way plans and evidence are presented and made accessible – desirable but with a resource and time cost.

9.14 The view is therefore taken that unless the Government is able to come forward with radical proposals for the simplification of evidence requirements which will work and genuinely reduce the work involved, the reality may be that the new regime will involve as much or more work overall, not less.

9.15 It is also likely that despite change to the tests of soundness, local plan examinations would actually take longer, because the Inspector would have to deal with representations on

matters which under the present system, the LPA would deal with as comments on the draft plan.

9.16 It follows that the timetable as set out is most unlikely to be achievable, however motivated the LPA. It further follows that the government should not contemplate the introduction of a statutory duty to adopt a plan by a specified date or within a specific timescale, unless it has demonstrated conclusively the actual process, measures and evidence required which will make this achievable.

10 Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

10.1 The intention to encourage the preparation of more neighbourhood plans in smaller areas of towns is welcomed, but further guidance is likely to be required as to how this could be achieved.

10.2 The White Paper says the Government will want to consider whether their content should become more focused to reflect the proposals for local plans. This can be read as an intention to narrow their scope, which would act as a disincentive to prepare them.

10.3 It is challenging to see how Neighbourhood Plans will fit in with this new style of Local Plan and it is recommended that the Government will need to provide detailed guidance on this matter. There is potentially a greater role for NPs in developing local design codes and pattern books; however, as always this raises issues of skill set and the level of support required for such groups.

10.4 It is important that Neighbourhood Plans should retain their current purpose and functions to bring forward high quality development and shape the use of land, so it meets their social, economic and environmental needs of the community. To achieve this Neighbourhood Plans should be able to:

a. zone land as part of a sub area in any type of area zoned through the Local Plan.

b. allocate 'community priority sites' where the development specifically addresses the housing needs of their community.

c. include development management policies that are specific to their Neighbourhood area. These should include design codes, but be wider to include housing mix and tenure, requirements for open space, pedestrian and cycle access, standards that move the community towards a net zero carbon position.

d. All planning decision mechanisms should require that any development in the Neighbourhood Area meets the policies and zoning included in Neighbourhood Plans.

Furthermore, Neighbourhood Planning should be resourced so communities in all rural areas are able to take up the opportunity for all members of their community to engage in shaping their community.

11 Proposal 10: Stronger emphasis on build out through planning

11.1 The intention to develop further options to support faster build out on large sites is welcomed, and we look forward to seeing proposed measures. Such proposals must however become an important part of the new process in recognition that build out rates are affected by external influences beyond the control of the Local Plan.

11.2 The proposal needs to pay attention to the spatial and sequential elements in the physical development of sites, such as access, security, construction management issues and absorption rates which affects the completion rate on large sites.

11.3 Given that there is over a million homes which already have permission what are the government's plans to speed up their delivery since if the planning process can be reduced in complexity and therefore timescales it is essential that these homes are built at the earliest

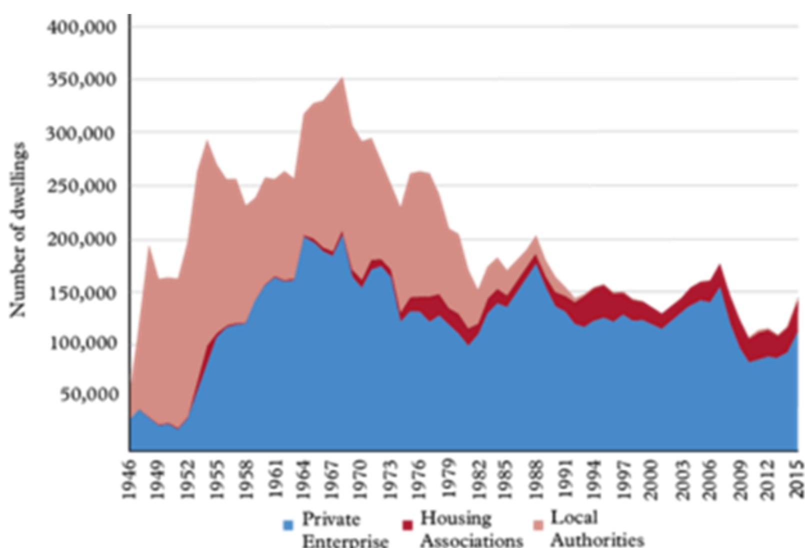
opportunity. Consideration might be given to the idea of Council tax being charged on undeveloped or underdeveloped land which has permission.

11.4 The recent report by former Conservative Minister, Oliver Letwin MP reaffirmed the findings of other surveys to show that housebuilders limit the number of homes built each year. In Letwin's letter to the Chancellor of 9 March 2018, he had already formulated an explanation for slow build out rates which amounts to too low an "absorption rate" i.e. the rate at which newly constructed homes can be sold into the local market without materially disturbing the market price. This last statement alludes to the fundamental raison d'etre of corporate house builders, which is to convert land and buildings into shareholder value. There is no legal or moral obligation for them to meet local and national housing targets.

11.5 In her government-commissioned review of housing supply, economist Kate Barker argued that reform of the planning system would not be enough to increase the number of homes built. What was needed was a huge increase in productivity by the housebuilding industry. No such increase in production has been forthcoming.
More useful areas of reform would include:

- Reducing the concentration of oligopolistic power in housing supply;
- The shifting of revenue spending on benefits to a new capital programme of bricks and mortar;
- promotion of modern methods of construction as a means of accelerated delivery;
- a public inquiry into the current pandemic of poor quality newbuild homes; and,
- fiscal disincentives for land banking and slow build out rates.

11.6 There is no avoiding the fact that the only time housebuilding rates exceeded 250,000 per annum in England since WW2 was in the period 1955 – 1975 when local authorities invested in substantial amounts of housing (see below). This was an era of political consensus regarding housing policy in which the value of broad based sectoral provision was acknowledged. The annual completion rate from 2014/15 – 2018/19 has varied between 124,000 and169,000 (ONS) compared to the current government target of 300,000 pa.



12 **<u>Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.</u>**

12.1 The objective in the White Paper of improving the quality of development is strongly welcomed. As a general observation, since until recently securing good design did not figure in the planning system, there is a shortage of skills and confidence to address design. It must be anticipated that it will take some time for this situation to be rectified, so design codes and the like may not be able to come forward at the pace one would hope. This is particularly important as it is difficult to see how decision making can be undertaken without the design codes being in place at the outset of the either the area designations or at the time public consultation takes place on the local plan during the first 6 months of preparation. More needs to be done to ensure that local planning authorities have the staff resource with the appropriate skills to develop and interpret codes. There is also a potential danger that innovation in design will be stifled, and a 'sameness', particularly in housing developments is created.

12.2 These points made; the proposals are generally supported.

13 Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making

13.1 The intended creation of a successor body of the Centre for the Built Environment is welcomed but not based in Homes England which would stifle the process and make it bureaucratic.

13.2 The proposal that each LPA should have a chief officer for design and place-making would assist in the delivery of improved design in new development.

13.3 We look forward to the proposals to better fund planning departments more broadly.

14 Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

14.1 This is supported, and we look forward to seeing the developed proposals but this needs to be on a light touch non bureaucratic way There is already a contradiction within the existing objectives of Homes England to deliver homes at pace while protecting the proper use of government funding and adding beautiful design might just be a step to far. A rationalised Homes England with simpler clearer and less bureaucratic objectives would be a good start.

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

15.1 The proposal that master plans should be prepared for substantial areas of development, which will include design coding is warmly welcomed. These work best where they are prepared through collaboration between the LPA and the developer, in dialogue with the local community, so that their interests and concerns are addressed through the development process.

15.2 The White Paper promotes the concept of pattern books for particular areas which will reflect the local character. As a concept this is supported, because much of the dissatisfaction with new housing is that developers' standard house types are used with no regard to the local vernacular or the forms and styles of housing in the area. However, this needs to be balanced against considerations that "pattern books" may stifle design innovation and thereby create uniform environments. How do you codify beauty? There will undoubtedly be challenges of securing community agreement on good design, with a difficulty for most people in separating good design from personal taste. Who arbitrates? How do you apply a

design code(s) where there is a rich tapestry of building types, styles and ages within single streets? There is a risk of pastiche/ bland areas/ standard house types.

15.3 The proposal for pre-approval of designs through permitted development misses the crucial point, that development within an existing urban area commonly raises material considerations other than appearance. Considerable care needs to be taken to ensure that proposals for permitted development do not remove the means for material considerations which relate to existing residents' quality of life to be addressed.

15.4 This will also require a programme of up-skilling planners as well as address capacity within LPAs.

15.5 Is there a risk that these masterplans could be in conflict with the local design codes proposed in Proposal 11?

16 Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

This section is very light on detail about how the planning system will assist to deliver net zero by 2050. There is reference to environmental impact being considered during the planning process but at which stage and in how much detail. Clearly this needs a lot more consideration at it appears to be a "Mum and apple pie" approach.

16.1 The intention to make tackling climate change a prominent factor in revisions to the NPPF to reflect the new system is welcomed.

16.2 The need for such policies on climate is welcomed. It should also be recognised that there will be an ongoing need for local policy solutions which address other matters to reflect the particular circumstances of the area. However, it is not clear how such measures can be effectively encompassed within the three designations proposed.

17 Proposal 16: A simplified process for assessing environmental impacts We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

17.1 It is agreed that the present regimes for considering environmental assessment are complex and time consuming, and a simpler system which remains effective is very much to be welcomed. We shall await specific proposals and the opportunity to comment upon them.

17.2 However, there is cause for concern at the proposal to abolish sustainability appraisal, so that the only appraisal regime will be environmental appraisal. Whilst the environment is very important, it is a strength of sustainability appraisal that it also addresses economic and social impacts. The issue arises whether the loss of such appraisal would be to the detriment of good planning. Moreover, it is questioned how a local plan inspector can assess whether a plan represents sustainable development if there is no appraisal process to support this. The White Paper refers to the assessment being made against the policies of the NPPF, but the NPPF does not and cannot address every aspect of sustainability.

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

18.1 The intention to review the planning framework for Conservation Areas and listed buildings is noted. Further comment will be offered in response to the specific proposals. However, it is felt that the planning system has made a good job of conserving and enhancing our historic buildings and environments and it is unclear how a system could be devised that gave

automatic approval to architectural practices: the activities, and personnel of which could change over time. How will they be vetted? Who adjudicates?

18.2 We fully support sympathetic enhancements to be allowed to Listed Buildings to reduce carbon emissions especially through the use of modern double and triple glazing where appropriate and internal wall insulation where it does not distract from listed features or character.

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

19.1 The intentions set out here are strongly supported. Further comment will wait on sight of specific proposals as this proposal is again light in detail given the importance of the topic.

20 Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

20.1 The White Paper gives the impression that Section 106 agreements are used solely for securing infrastructure and can be abolished. However, they are also used to secure other matters for which the use of planning conditions would not be suitable and would therefore need to continue especially the delivery of specific types of affordable homes.

20.2 The core proposal is for a mandatory nationally set rate or rates as a fixed proportion of the development value above a threshold.

20.3 The text reads as through the same rate would be levied for all development across the country. However, there are considerable differences in development viability between different uses, as demonstrated by CIL charging schedules where viability evidence has commonly led to substantial rates for retail and residential development, but low or zero rates for employment and other uses.

20.4 Moreover, there are considerable differences in viability between different local authority areas. These are not simply regional variations: there can be big differences in viability between near neighbours.

20.5 It follows that to apply a single national rate across the country it would have to be set very low, to avoid rendering particular types of development wholly unviable, or making development generally unviable in some parts of the country. This would certainly not meet the stated objective of increasing the overall yield nationally from a consolidated CIL compared to that from the present system. How are site specific issues to be dealt with? There needs to be mechanism to allow for specific mitigation measures. The emphasis on lower value avoiding higher contributions could impact on the quality of development. There is a risk that the proposal will result in significant challenges at local plan stage to make the levy as low as possible; this will not then capitalise on sites where e.g. there is a low land or financing cost or very low risk. How is the threshold calculated? How will non-financial elements on specific sites be secured? These are often the mitigation that make a proposal acceptable.

20.6 A more differentiated system would clearly be necessary, which would need to have different rates for different types of development, and for different areas. Assuming that viability evidence would still be required as part of plan making, the evidence would be available to support such an approach.

20.7 The White Paper proposes that the levy would be payable at the point of occupation, rather than up-front, as is the case with CIL. For larger developments this would mean that the revenue could come substantially later, which would have a significant impact upon the flow

of funds for infrastructure in the shorter term. However, there could also be benefit because the LA would share in increased values.

20.8 There are also issues about how the collecting authority would know when a development or part of it (e.g. individual houses on an estate) would come into occupation. Prevention of occupation would not be an effective sanction for non-payment if the development could already be occupied before that became known to the authority.

20.9 The proposal that local authorities would be able to borrow against future revenue is welcomed, because under the present system an authority has to build up CIL funds over some years before there is sufficient to pay for or contribute to the cost of required infrastructure, leading to delays in its provision. There would also need to be a guarantee of some kind that the homes would be delivered and the CIL would in due course be payable otherwise the local authority could be left with no homes, new infrastructure e.g. roads and a large debt.

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

21.1 The principle of this proposal is supported, because if a development impacts on infrastructure requirements it is logical that there should be a contribution. There is a concern that this would be difficult to enforce as if there is no application required how would the Council know? This point would not apply where prior notification of all permitted developments to the local planning authority is required.

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

22.1 The requirement for and the provision of affordable housing through developments is a complex process. A key consideration here is that the Government should be able to demonstrate that the consolidated levy will generate the level of funds intended, i.e. more than currently brought in by CIL and the value of S106 taken together. Whilst the principle of delivering affordable housing through a reformed national levy would provide more certainty to developers and investors, there is a real concern that this will be at the expense of local considerations of the nature, distribution and timing of affordable housing on site. Consideration also needs to be given to how Registered Providers will be involved. It is important that affordable housing is delivered at the same rate as market homes on sites of more than 10 homes

22.2 The White Paper makes the point that affordable housing should continue to be delivered on-site, and that this would be mandatory where the LPA wished to do so. Whilst there is discussion of how this would be achieved, it will be crucial that the mechanism to require on-site provision, funded as in-kind delivery of the levy, is effective, and does not create loopholes or recreate the need for case by case negotiation. The question in the consultation seeks responses as to whether the same amount of affordable housing should be delivered through the reformed Infrastructure Levy – this approach seems to lack ambition given the huge shortfall in affordable housing supply, both nationally and locally. It is generally recognised that there are more than .15 million households currently waiting for a social home in England.

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

23.1 The purpose of the levy is to provide funding towards important infrastructure. All authorities which currently operate the CIL are able to show that is an infrastructure funding deficit to which to which CIL will contribute. It is considered essential that use of levy funds is restricted to the purpose for which they are raised, and not made available as a general funding stream. The administration and management of a national levy will still create a

burden on LPAs which will need to be funded by that levy. CIL should only be used for capital projects.

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

24.1 The Government should be in no doubt that the proposals in the White Paper will create considerable additional work and cost for LPAs in developing masterplans, design codes, new data formats for plans and extensive changes to development management systems and practices. Nor, for the reasons set out in these observations, will the work of preparing plans be significantly reduced.

24.2 This means that increased resources for planning services will be essential, especially in the short term while innovations are being implemented. The ability and availability of digital solutions to mapping and consultation which will be fundamental to delivering the proposal to time The proposals for a proportion of the consolidated national levy to be directed towards plan-making, together with time limited funding will therefore be essential if those innovations are to be effectively delivered. There may be scope through Planning Performance Agreements to support skills development.

24.3 Similarly, the need to develop new skills among practitioners should not be under-estimated. Without adequate funding, LPAs will not be able to enhance the capabilities of their staff to make the achievement of good design and beauty a reality and to ensure that new digital mapping and consultation techniques can be effectively incorporated across the country. It is important to note too that there will be a time lag for those currently training and newly qualified planners to begin to learn the new system which is of course not yet being taught in our planning schools. Are there enough planners in the system and does the universities and FE colleges have the courses and capacity to deliver the new breed of planners?

25 Proposal 24: We will seek to strengthen enforcement powers and sanctions

25.1 The principle here must be right. We shall be pleased to work with Government as it develops its proposals in order to provide clarity as to what the powers would be and how these would be supported. There are some reservations about criminalisation – as ideally it is best to negotiate solution and reserve criminalisation for prosecution stage. How will LPA's determine intent? Retrospective applications are more resource intensive – perhaps they should command a higher fee?

Speed is of the essence during enforcement and the current process allows developers to drag out the process for years – this needs to be rectified.

This page is intentionally left blank

Scope of the consultation

Topic of this consultation:	This consultation seeks views on a range of proposed changes to the current planning system including: • changes to the standard method for assessing local housing need • securing of First Homes through developer contributions • temporarily lifting the small sites threshold • extending the current Permission in Principle to major development
Scope of this consultation:	The Ministry of Housing, Communities and Local Government is consulting on changes to planning policy and legislation.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	N/A

Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 8 weeks from 06 August 2020 and will close at 23.45 on Thursday 1st October 2020.
Enquiries:	For any enquiries about the consultation please contact: TechnicalPlanningConsultation@communities.gov.uk
How to respond:	You may respond by going to our website: www.gov.uk/government/consultations/changes-to-the-current-planning-system Alternatively you can email your response to the questions in this consultation to: TechnicalPlanningConsultation@communities.gov.uk If you are responding in writing, please make it clear which questions you are responding to.

	Written responses should be sent to: Changes to the current planning system consultation Ministry of Housing, Communities and Local Government, 3rd Floor, South East Fry Building 2 Marsham Street LONDON SW1P 4DF When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include: - your name: Roger Ranson, - your position Planning Policy Manager, and - the name of organisation Rutland County Council.

Summary

The Government consultation ‘changes to the current planning system’, proposes a number of changes to the planning system, that if implemented would have significant implications.

Rutland County Council disagrees with the assertion that the planning system is the fundamental block to delivering housing. This focus is misplaced in both this consultation and the separate ‘Planning for the Future’ white paper which proposes wide reforms. It is settled in national legislation and policy that the planning system must be genuinely plan-led; each plan is examined against four criteria for soundness and will be tested for ‘deliverability’. Therefore, the basis of each adopted plan must be sound.

Proactive and positive local authorities have shown that high quality developments of a strategic scale can be planned for, funded and delivered alongside substantial infrastructure investment under the current system.

The primary focus of our response is as set out below:

<u>The standard method for assessing housing numbers in strategic plans</u>

The outcome of the amended standard method makes no sense when applied to the County the size of Rutland:

- Household projections are too highly volatile at the local authority level to be one of only two factors which drive any standard method calculation without sense check and qualification. Year on year calculations using the current standard method or proposed standard methods give huge variations form year to year.
- In many cases household growth in the 2018-based projections are at odds with all past projections.
- Similarly, affordability does not respond proportionate to the scale of housebuilding making it unsuitable to be used as one of only two factors which drive any standard method calculation.
- We request that government scrap the approach of a standard method and instead introduce an alternative approach which takes into account a range of factors to establish a robust housing requirement in consultation and engagement with local authorities. Factors should include infrastructure investment, environmental impacts, proportionality and deprivation. Household projections and affordability should not be applied without judgement being exercised. The outcome should remain in place for a period of time, and not be amended on an annual basis to enable a genuinely plan-led system.

<u>Delivering First Homes</u>

- The delivery of First Homes at the expense of affordable housing will reduce housing options for those households in greatest need.
- We request that any requirement introduced by government should be in addition to other affordable housing provision, with the mix of affordable housing tenures left to local authorities to decide based on their local needs and circumstances.

Supporting small and medium-sized developers

• The delivery of affordable housing is not inhibiting small and medium developers, with development plan policies having been found sound by a government appointed Inspector. There is little evidence of a material change in land values, the cost of materials, house sales prices or borrowing costs.

• We request that the government look at other means to support developers than the extremely blunt tool of the planning system which is based on the merits of the development and an assessment of impacts, not the identity of the applicant.

• We believe what is being proposed will inevitably lead to development being undertaken in lots of less than fifty homes to avoid any obligation for affordable housing.

• Indeed, we would request that there should be no exception to the obligation to provide for affordable housing.

Extension of the Permission in Principle consent regime

• The consideration of major developments through the Permission in Principle (PiP) regime is not suitable as the minimal information requirements will rarely be enough to provide certainty and allow permission to be granted.

• An approach of upfront detailed pre-application discussion, and engagement with the community, followed by a planning application works well and delivers planning permissions (not delivery as this is down to the developer) whilst minimising risk for applicants at the earliest stage.

The proposed planning reforms promote increases in land supply to meet national supply aspirations, with the current plan led supply being 187,000 dpa the current 5 year supply requirement and housing delivery test does not align with the increase being brought forward by the government and will just lead to the short term removal of a plan led system. The White Paper proposes to remove the requirement of the five year housing land supply, this should be brought forward as part of the planning reforms and as part of transitional arrangements to ensure that plan led development can be maintained in the short term prior to revised housing requirements.

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is *whichever is the higher of* the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

There are two particular difficulties with the standard method:
1. The way the inputs are used; and
2. Their robustness to inform housing need and distribution.

But there is an overriding difficulty with the formula in that it by definition puts new homes where there has been recent development and it compounds that issue with an affordability argument that makes no sense at all. The affordability argument assumes that if the obligation on the local authority is to increase consents that will result in increased delivery which will consequently result in reduced prices. This very flawed argument has no basis in either empirical or logical fact. The development industry is correctly motivated by optimising the benefit for its shareholders or owners and will not reduce margins by lowering prices and overdelivering rather it will manage

supply to keep prices to the highest level conceivable.

There are significant reasons to be sceptical about the suitability of the household projections, particularly when applied to a Unitary authority the size of Rutland.

The above leads to real and substantial questions as to the suitability of the standard method's approach.

It is notable that the consultation document raises no question on whether the outcome of the proposed amendment to the standard method makes sense.

Whilst housing stock statistics are factual and based on a count, they cannot be said to be representative of housing need. Sole reference to the housing stock acts to simply reinforce the distribution of housing in line with the existing pattern of development and the availability of land at a particular point in time.

There are also significant issues with using household projections. Similarly, to stock, the sole reference to projections acts to reinforce recent trends which will have been influenced by past decisions. They do not represent housing need and they do not ask the central question of where housing should be directed.

Whilst projections are a useful tool at the national scale, they are highly volatile at the level of individual local authorities – such as Rutland - where they are highly influenced by single inputs and short-term trends.

One of the reasons for volatility at an individual local authority level in the 2018-based household projections, is the application of a revised methodology to consider migration.

This considers only two years of data, heightening the influence of short-term trends.
The ONS publication 'Methodology used to produce the 2018-based subnational population projections for England' itself recognised this issue stating:
"*There is a chance that using only two years of data will create unusual averages for local authorities experiencing abnormal migration patterns over this short period."*

Housebuilding clearly has an impact on migration. Put simply, more housing enables faster migration, whereas fewer houses act to slow migration.
In summary, neither housing stock statistics and household projections provide, either in themselves or together, a robust starting point from which to consider the future need and distribution of housing.

We request that government scrap the approach of a standard method and instead introduce an alternative approach which takes into account a range of factors to establish a robust housing requirement in consultation and engagement with local authorities. Factors should include demography and affordability but also other factors such as infrastructure investment, environmental impacts, deprivation and proportionality. Household projections and affordability should not be applied without judgement being exercised. The outcome should remain in place for a period of time, and not be amended on an annual basis to enable a genuinely plan-led system.

If the Standard method is still to be used, then we would suggest that an average 15 year period should be used, which allows a longer term view to be taken. This would provide a rounded figure of 180 dwellings per annum (dpa) for Rutland, which shows substantial growth over the rounded 130dpa of the current standard method and is in excess of the Objectively Assessed Need of 160dpa.

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

No, please see above

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

No. In Rutland this would produce a figure of 307dpa for Rutland. This is not sustainable or deliverable in such a small rural County and is more than double the figure from the current standard method figure of 130dpa (rounded). The Council has prepared a new Local Plan which is due to be submitted by the end of the year. The plan has been developed on the basis of a standard methodology requirement of 130 dpa, however we have applied a 25% buffer to this base requirement to reflect the more detailed evidence from our SHMA. Finding sufficient land to allocate which is sustainably located and contributes to developing sustainable places has been challenging.

If RCC were to meet this increased requirement of 307dpa, development would have to be delivered predominantly on greenfield, agricultural land on the edge of settlements across the County, as there is very little brownfield land within the county. This approach would also exacerbate issues of rural accessibility where households are heavily reliant on the private car to access services and employment opportunities.

We disagree with:
1. The use of median affordability; and
2. The suitability of workplace-based earnings.
3. The concept of affordability

A median average is the 'middle' figure. That is, if all house sales in a year were put in order of price, the median would be the one halfway though.

Affordability is more suitably considered by reference to lower quartile house prices and earnings. This reflects affordability for those who are most likely to have difficulty accessing the housing market. In addition, HM Land Registry data shows that lower quartile house prices are less impacted by the inflationary effect of new house sales on average prices.
We consider there is a strong case for considering lower-quartile affordability instead of median affordability.

Workplace-based earnings are based on where a job is registered, not where the employee lives. Consideration of earnings where an employee lives is known as residence-based earnings. Turning to earnings data, there are clear grounds for considering residence-based earnings to be more relevant to issues of affordability then workplace-based earnings. Put simply, workplace-based earnings fail to recognise the changing nature of employment and the geographical and functional links between places. In Rutland 60% of residents work outside the County.

There has been a clear upward trend in more flexible working patterns such as working from home either fully or partly. This has increased exponentially during Covid-19 and can be

expected to continue. This makes considering earnings by where a job is registered (workplace-based) even less relevant, to where it is actually carried out (residence-based). In addition, workplace-based earnings are not capable of taking into account the geographical and functional relationship between places such as sustainable transport links.

It is notable that the consultation document states that the government has given consideration of the relevant merits of workplace-based and residence-based earnings statistics, and concludes that the former is most appropriate, but provides no explanation on how the government reached their conclusion.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

It is right to look at affordability and how it has changed, but a simple multiplier is a very blunt instrument when the overall figure produced is not sustainable and may be more than the market can bear. A cap must be imposed in order that overall housing requirement for areas such as Rutland is reduced to a deliverable and sustainable level. The 40% figure produced by the current standard method is considered appropriate and should be retained. This would produce a challenging, but more achievable figure of 180dpa (rounded) for Rutland.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

No. The Affordability Ratio would inflate a household growth-based figure in Rutland of around 190dpa to 307dpa. This would then feed into future household projections as the number of homes increases. When the proposed standard method is then used again in the future, the affordability adjustment will have been absorbed into the past household growth trends. However, the Affordability Ratio would then be applied on top of this, leading to double-counting. This could lead to a steep increase perpetuated over the course of many years. This is not sustainable.

The proposed standard method sets housing numbers higher than before, partly to address potential future non-delivery of some dwellings. However, the part of the figure which relates to future non-delivery should be deducted from the overall target and used in part for reserve sites.

There are two particular difficulties with the weight given to affordability in the standard method:
1. That affordability does not respond proportionately to the scale of house building; and
2. The double adjustment for affordability within the formula.

Both the existing and the proposed standard method utilise affordability as the sole factor to adjust the baseline input to calculate the minimum number of homes required to be planned for by each local authority. Put simply, the government's logic is that building a greater number of homes improves affordability, and that building fewer homes makes it worse. This logic is however demonstrably flawed.

It is clear from HM Land Registry data that greater levels of house building have not acted to stabilise or reduce house prices. Data shows no material variation between local authorities that have just met their housing requirements compared to local authorities that have under-delivered or others that have significantly exceeded it. Whilst house building will have some impact, it is clear

that house prices and affordability are influenced by a range of factors (as indicated above in respect of developers business strategies to manage house prices and profit margins).

It is also clear from HM Land Registry data that the scale and price of new houses has in fact driven up the median average house price. It is a widely accepted fact that a market premium is placed on the price of new homes when compared to the equivalent older house. Substantially greater levels of building can materially inflate the median house prices, and therefore result in a headline of worsening affordability.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

No. This should be a longer period of time such as 9 months. This needs to take account of the fact that teams are still remote-working and that a second wave of Covid-19 may still occur.

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

No.

If not, please explain why. Are there particular circumstances which need to be catered for?

This should be a longer period of time such as 12 months. This needs to take account of the fact that teams are still remote-working and that a second wave of Covid-19 may still occur. The consultation document makes no reference to whether the changed method is to be applied with immediate effect to calculations of the deliverable housing land supply (i.e. the five year housing land supply) and associated impacts on whether adopted development plan policy is up-to-date and the presumption in favour of sustainable development.

It is clear the implications of the amended standard method for many local authorities would be to move them from a position of being able to demonstrate a deliverable housing land supply, to one where they cannot. If we are to retain a genuinely plan-led system, changes which have such significant implications for residents should not occur over night and be instead subject to suitable transitional arrangements where local authorities have opportunity to put plans in place through democratic processes.

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

i) **Prioritising the replacement of affordable home ownership tenures, and**

delivering rental tenures in the ratio set out in the local plan policy.

ii) Negotiation between a local authority and developer.

Negotiation between the local authority and the developer would be the Council's preferred approach, as the emerging local plan does not include fixed targets in policy for the different types of affordable housing provision. There needs to be a market for the development of First Homes through commuted sums from developers for what may be a very small number of dwellings that have to be provided off-site. This could be through a co-ordinated approach through the development industry, or registered providers being encouraged by Homes England. Advice to local authorities re State Aid would also be useful.

The introduction of this new form of tenure should, if anything, be in addition to currently secured levels of affordable housing provision rather than in place of as proposed. Whilst we recognise First Homes will potentially meet the housing needs of a sector of our residents, requiring a minimum of 25% of any affordable housing provision to be met through First Homes will have the impact of reducing the housing options for those households in greatest need. It is our view that it should be for local authorities to determine the affordable housing tenure expectations that best meet the needs in their local areas. It is at local level that assessments of needs have been carried out, which should inform these expectations.

However, if the above 25% policy is enacted then our view is that the decision on the affordable housing tenure mix for the remaining 75% should sit with the local authority in line with the principle outlined above.

We are concerned with the proposal that national policy specify that 25% of off-site financial contributions should be spent on First Homes. This goes further than existing policy on affordable home ownership, which contains no such explicit requirement. Priorities are best assessed by the local authority.

This would mean that with the First Home Contribution and the Parish Council contribution (where a Neighbourhood Plan is in made), only 50% of developer contributions would be for much needed infrastructure.

iii) Other (please specify)

With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

Yes.

We agree that all the existing exemptions from the requirement for affordable home ownership

products should apply to any First Homes requirement and that no further exemptions are needed

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

No.

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

The exemption from Levy payment should be a matter for local determination by planning authorities.

No additional exemptions are required, as long as the wording "unless this would … significantly prejudice the ability to meet the identified affordable housing needs of specific groups" (paragraph 64) is retained. Loss of this wording would unacceptably limit local flexibility, and may result in the need for further exemptions to be established

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

In principle we agree that there should be transitional arrangements that give local authorities the option but not requirement to review the tenure mix of any schemes where advice had already been given on the mix required to meet local needs. If the local authority decides that the previous requested tenure mix remains appropriate for the scheme then it should be progressed under those terms, reducing any risk of delays in delivery.

If the First Homes 25% requirement is introduced, then we would also agree that a transitional period is required to enable local authorities to review and amend the tenure ratios set out in their existing Local Plans.

We believe that the transitional arrangements should apply for local plans submitted within 9 months of the changes being enacted

Q13: Do you agree with the proposed approach to different levels of discount?

Yes.

We agree that there should be local discretion on the level of discount from market price at which First Homes are sold – up to 50% in areas of high property prices and where there are significant challenges around affordability.

Whilst we recognise that a 30% discount off market price will open up the opportunity to a number of our residents, we feel that the high local property prices will still mean that First Homes remain unaffordable for the vast majority of households in housing need.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Yes, we would agree with the option of providing a genuinely small proportion of market housing, in exceptional circumstances, to ensure the overall viability of the site. It should be for the applicant to demonstrate why this is necessary on a case-by-case basis, and based on viability considerations only.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

No, this could lead to applications for very large entry level exception sites on the edges of towns and larger settlements. This would not help to create sustainable mixed and balanced communities. For example in Rutland it could result in applications for sites of two hundred or more dwellings for the 'main' small market town of Oakham. It could also mean that large sites, which could have been allocated and built out in later local plans, are brought forward prematurely and be unable to meet a wide range of needs.

The removal of a threshold limit could allow for substantial developments to come forward without any reference to most local plan policy, since exception sites are only required to reference policy in the NPPF or local design policies. This could significantly undermine the adopted local plan and the plan-led approach to development set out in national legislation and guidance.

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Yes.

For each of these questions, please provide reasons and / or evidence for your views (if possible):

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

(See question 18 for comments on level of threshold).   No. This would have a significantly adverse effect on the delivery of affordable housing. For the five years between 2015-20, 51% of the affordable housing delivered through section 106 agreements in Rutland were on sites of 50 homes or less. As there were no sites of between 41 and 50 dwellings, the same percentage applies for the 40 homes threshold.

Of the sites allocated for housing in our new Local Plan only 6 out of 18 sites would qualify for affordable housing, and of these 6 only 1 is not located in the main town or the proposed Garden Community – the proposed change to the threshold would therefore reduce the council's ability to deliver affordable homes, particularly within villages where there is a known need for affordable housing.   The NPPF requires Local Plans to make provision for at least 10% of the housing requirement on small housing allocations of less than 1 ha this combined with a increase in the site threshold as proposed would result in an overall reduction of affordable housing supply via allocated site in Rutland of 11%.

Introduction of a higher threshold for a limited time will result in developers prioritising development of sites under the affordable housing threshold during the temporary period. This will affect delivery homes on larger sites and could therefore have a significant effect on housing

delivery and five year housing supply across the country.

There is also a likelihood that large developers, seeking to avoid an affordable housing contribution will acquire sites under the threshold. There is also a risk that sites will be artificially split; whilst policy will try to combat this, it can be difficult in practice unless it is blatant.

We strongly adhere to the principle that national policy should not prevent local authorities from seeking contributions to affordable housing for any size of site if it can be justified by evidence. The move to reduce the potential supply of affordable housing is not justified by the current economic position, where provision will continue to be viable and deliverable. .

Q18: What is the appropriate level of small sites threshold?

i) Up to 40 homes
ii) Up to 50 homes
iii) Other (please specify)

10 dwellings as currently prescribed. The use of higher thresholds would distort the market and restrict the delivery of both market and affordable housing.

We object to the proposal to raise the threshold at which contributions to affordable housing can be sought. We strongly adhere to the principle that national policy should not prevent local authorities from seeking contributions to affordable housing for any size of site if it can be justified by evidence.

A mechanism would be required to ensure that the subsidiary companies or putting a development site into lots of less than fifty could not abuse any thresholds in policy. The practice of subsidiary companies is commonly used for single development sites or developments within specific areas.

Q19: Do you agree with the proposed approach to the site size threshold?

No. There is no guarantee the sites would actually be built out by smaller builders. Volume builders may acquire smaller sites to avoid affordable housing obligations for larger sites. The changes to planning policy to counteract the splitting of sites would have a limited impact as, in practice, sites can have complex ownerships and planning histories and it can sometimes be difficult to prove that a small site is part of a larger one. There is also a risk that smaller currently approved sites with an affordable housing requirement may be delayed whilst the developer seeks a modified design without the affordable housing requirement.

If a site size threshold is to be introduced alongside a threshold of number of dwellings, it should be made clear that it only applies where the dwelling number threshold is not already exceeded. It is not clear from the consultation document that this would be the case, but this is the way that the current ‘major’ development threshold is applied.

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

No. We do not agree to the change in principle. It is also not clear what the 18 months applies to.

If it is the grant of consent (which is generally just after the s106 is signed), an applicant could dig a trench etc. to make a material commencement and then sit on the site for, say, ten years and still get the benefit of the affordable housing waiver. Also if it is on consent it is unlikely that the change would have any real impact on economic recovery for at least 18- 24 months because of the lead in times for planning, pre-commencement and site preparation process.

If the waiver applies to sites which already have planning consent and where development has commenced or is about to commence it could have a more immediate impact on economic recovery – however there would need to be some process involved in amending S106 and or planning conditions which will have resource implications for the planning authority and is such circumstances it would significantly impact on the affordable housing supply pipeline.

However, if it is to be introduced for a time limited period of 18 months, it should come with a clear presumption that the threshold will expire automatically after 18 months unless there are clear recovery-related reasons for extending it. Such an extension should be subject to further consultation and clearly based on relevant evidence. Ideally, the criteria for considering whether it should be extended should be available at the point that the initial threshold is introduced.

There is certainly a perception that changes to the planning system are not always based on relevant evidence, as the recent expansion of permitted development rights on the same day as publication of a report highlighting the poor accommodation created by such rights demonstrates. It would therefore be very welcome if changes to the system could be linked more effectively to the evidence justifying those changes – as is expected of local authorities in plan-making.

Q21: Do you agree with the proposed approach to minimising threshold effects?

No. The changes to planning policy to counteract the splitting of sites would have a limited effect as, in practice, sites can have complex ownerships and planning histories and it can sometimes be difficult to prove that a small site is part of a larger one. There is also a risk that smaller approved sites with an affordable housing requirement may be delayed whilst the developer seeks a modified design without the affordable housing requirement.

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

Yes.

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

Stop tinkering with planning system and UCO. Constant changes to the planning system add confusion and in many cases present contradictions between successive changes which in turn undermine local planning policy.

Developers will need support in understanding the proposed new style local plans and the new style of approvals as well as the changes to UCO and Prior Notification process. The planning system should not be the only, or the main, means to support SME builders. The government has many means at its disposal to support specific sectors and groups of businesses, particularly the tax system. The use of the planning system is an extremely blunt tool given that it is based on the merits of the proposal not the identity of the applicant

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

No. An Outline or Full application is needed to ensure that there is sufficient detail and evidence and to properly consult the local community. Information is also required to ensure that the site is deliverable before it is granted PiP. Major development sites often involve complex on and off site constraints which need to be addressed. The PiP process does not allow for this and significantly restricts the ability of the local community to engage with both the proposed development through Pip and importantly the design and appearance of the development once PIP is granted.

Conditions can be imposed on Outline and Full consents, along with section 106 agreements where appropriate, which help to control and guide the final form of development and establish development viability and feasibility.

There is an increased emphasis in planning policy and guidance on community engagement in development and planning decisions this is particularly important for major development proposals which are likely to have an impact on a larger number of people and organisations. The PiP process allows very little time to engage effectively with the community and even less time to use that engagement constructively in the determination of an application.

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

See answer to Q24 above. We do not consider the PiP route appropriate for any form of major development. Where commercial development forms part of a proposal there are even more issues which would need to be considered in advance of determining an application, therefore mixed use proposals are considered even less suitable for PiP. The suitability of sites that are 'housing led' but with larger amounts of commercial floorspace need to go through an Outline or Reserved Matters process that takes into account residential amenity.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

No. The use of PiP for larger sites and extensive mixed use is not appropriate, as key assessments regarding transport, noise, archaeology, ecology, affordable housing etc. may be necessary to establish the principle. Five weeks is insufficient time to allow for consultation with the local community and for the LPA to consider the outcome of that consultation it is also not sufficient time to consider issues arising from evidence and consultee responses. Major development should be tested through an Outline or Full application process.

The minimal information submitted at PiP stage will very rarely be sufficient to establish the principle of the location, land use and amount of development. Larger scale developments are more likely to have impacts beyond the immediate locality of the site which will require testing, underlines why it does not make sense to extend PiP to major developments. If the amount of information to be submitted at PiP stage were to be extended, the 5-week timescale would not be

sufficient to assess it, particularly for major development, as demonstrated by the timescales for determination of major and EIA impacted planning applications. Additionally, the existing 2-week period for consultation is also likely to be insufficient.

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Whilst we do not agree with the expansion of Permission in Principle, we do believe that a parameter would be beneficial. But how is this chosen and shouldn't it depend on the circumstances and location of an individual proposal.

The issue of height illustrates the difficulties with using the PiP process. Height is often a key factor in the consideration of the principle of development in established built-up areas. Height is also a key determinate of the amount of development that can be achieved on a site. Sensitivities of height include impacts on the historic environments, townscape and landscape, air traffic impacts, climate (including energy efficiency) and daylight. For many sites, the principle of the development cannot be divorced from consideration of height. Therefore, on the face of it, height should indeed be considered at PiP stage rather than Technical Details.

However, if height is to be included at a PiP stage for which the five-week timescale is unchanged, this causes an issue in that it is unlikely to be practicable to deal with height in this timescale. This is because acceptable height is likely to depend on daylight and sunlight assessments and potentially wind effects, as well as on assessment of impacts on any nearby heritage assets and local townscape, and will also be subject to considerable representations during public consultation which would expect to be informed by those assessments. Without these assessments at PiP stage, it is unlikely to be possible to determine that a certain height is acceptable in principle.

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

i) required to publish a notice in a local newspaper?
ii) subject to a general requirement to publicise the application or
iii) both?
iv) disagree

If you disagree, please state your reasons.

Agree with (ii), subject to a general requirement to publicise the application

Advertising in local newspapers is expensive and, in our experience, rarely represent value for money as a Public Notice is rarely the way the public expect to receive notification of a forthcoming development. However, otherwise, the consultation requirements for a major PiP application should mirror the consultation requirements for a major planning application

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectarage, with a maximum fee cap?

No. PiP will take up a significant planning officer (and other technical experts) resources to deal

with these applications at speed therefore fees need to reflect this resource requirement. The Pip process also requires the LPA to provide the necessary evidence, to make the decision rather than an applicant – again this will be a significant resource implication for the LPA. We do not believe a cap should be placed on the fee structure for permission in principle.

Whilst this approach would reflect the outline application fee arrangements, a flat fee based on hectarage is highly unlikely to reflect the complexity of consideration of a proposal. A flat fee may well fall significantly short of covering the costs of assessing the application

Q30: What level of flat fee do you consider appropriate, and why?

We do not believe that a flat fee is appropriate and fees for permission in principle should not be reduced.

Current Permission in Principle (PiP) fees are slightly below the equivalent outline planning application fee for a similarly sized site. A similar approach to major applications may be most appropriate if PiP is to be expanded.

The fee should avoid creating a significant incentive for using a PiP route rather than outline where an outline application may well be the most appropriate approach.
It is worth noting that applicants are already abusing the outline system by submitting the vast majority of information at the outline application stage where the fee is substantially lower, rather than submitting information at the reserved matters planning stage

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

We agree. This is our current practice, as any brownfield site with planning permission or PiP would be included on the brownfield land register.

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

List of what evidence might be required for PIP decision and who is to provide this evidence
It would be helpful if Permissions in Principle were available through the online system on the Planning Portal, which is not currently the case – see
https://www.planningportal.co.uk/info/200126/applications/61/paper_forms/2
Can only access paper forms not online forms for PiP

Guidance is not the issue.
The issue with Permission in Principle (PiP) is that the information at application stage to justify the location, land use and amount of development will be lacking for more complex or sensitive sites. Due to the minimal information required by PiP, an applicant may have to reduce the development capacity of the site to provide sufficient confidence of that impacts will be acceptable. Extending PiP to major developments will simply increase this likelihood.

National guidance will not resolve this issue, unless it expands upon the minimum requirements for submission, for instance, at least desk-based analysis of the relevant issues, which will determine

whether a site can actually be used for the proposed use (including: - flooding, ground stability, noise, smell and contamination), in which case timescales for consideration would need to be extended

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

Restricting local consultation and community engagement does not tie in with the objective of the White Paper encouraging local involvement in the process.

Additional resource capacity needed to determine applications within 5 weeks potentially at the cost of other application types . Could be overcome by increase in fee or additional grant funding support direct to LPAs to identify and allocate the brownfield sites to include on register.

Procurement (time and cost) of technical evidence to support a refusal of PiP for a site insufficient time within the process to consider consultation responses and technical evidence PiP decision being made without the necessary technical evidence to support them.

Limited ability to influence the design and quality of a development after PiP is granted.

To a large extent this depends on the level of information required, the timescales for determination and the application fee, all of which are matters that are not yet determined. Without significantly greater information requirements for major applications for Permission in Principle (PiP), it will often simply not be possible to agree to the principle of development.

A five-week timescale is insufficient to assess those information requirements for major schemes, the application fee also needs to reflect the costs of assessing this information.

In our experience, PiP rarely offers any clear advantages over a more traditional routes to development, such as outline and reserved matters, or pre-application advice followed by a full application.

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

We do not have information to answer this.

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

Yes

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

If the provision of First Homes were to reduce the provision of rented affordable housing, then

people with disabilities (who have disproportionately low incomes) and lone parents (who are disproportionately female) could be disadvantaged.

The impact on people with disabilities could be mitigated by a proportion of First Homes being built to the M4(2) accessibility standard. Impacts could also be mitigated by ensuring that the provision of rented affordable housing be granted more priority over First Homes should there be viability issues.

Registered Providers also use shared ownership housing to subsidise their rented housing. This could be mitigated by some registered providers delivering First Homes, which might provide alternative cross-subsidy.

There are also some households with significant capital resources (e.g. from a divorce settlement), but with low incomes, for whom shared ownership was particularly well suited. These applicants may disproportionately be female. However, some shared ownership is still likely to be provided on some sites, which would help to mitigate this.

Parish Council Forum – Work Plan

Date of Meeting	**Items**
Monday 14 December 2020	• Relationship of Scrutiny with Parishes – How Parishes can engage with the Scrutiny process. • Input from Parishes on setting principles for Council services to provide consistency to customers
Monday 18 January 2021	• The effects of COVID-19 and the economy – Council budget, Parishes, and the community.
Monday 8 February 2021	
Monday 15 March 2021	
Monday 19 April 2021	

This page is intentionally left blank

Parish Forum Meeting Dates

Current Parish Forum Dates	Alternative Option for Parish Forum
Monday 14th December 2020	Monday 7th December 2020
Monday 18th January 2021	Monday 4th January 2021
Monday 8th February 2021	Monday 8th February 2021
Monday 15th March 2021	Monday 1st March 2021
Monday 19th April 2021	Wednesday 7th April 2021