

Report to: **Strategic Planning Committee**

Date of Meeting: 16 September 2020

Public Document: Yes

Exemption: None

Review date for release None



Subject: **Planning White Paper- Implications and proposed response**

Purpose of report: The Ministry of Housing, Communities and Local Government have issued a consultation document titled "Planning for the future". This report outlines some of the potential implications of the proposed changes to the planning system for the District, and seeks to agree the Council's response to the consultation.

Recommendation: **The committee note the report and agree the proposed responses to the consultation**

Reason for recommendation: To ensure the Council play an active part in influencing future Government policy

Officer: Ed Freeman, Service Lead, Planning Strategy and Development Management

Financial implications: There are no specific financial implications on which to comment at this consultation stage. Any proposals which are adopted in future which impact the income levels and subsequent budgetary requirements of the service will be considered in order to achieve a balanced budget.

Legal implications: It is within the remit of the Committee to agree responses to Government consultations on planning related matters on behalf of the Council. Otherwise the report does not raise any other legal implications which require comment.

Equalities impact: Low Impact
There are low impacts associated with the response to the consultation

Climate change: Low Impact
Although the document covers matters related to climate change, including the energy efficiency of new homes, the impact of this Council's response to Government proposals is considered to be low.

Risk: Low Risk
There are low impacts associated with the response to the consultation.

Links to background information:

- The Planning for the future consultation document can be viewed at: <https://www.gov.uk/government/news/launch-of-planning-for-the-future-consultation-to-reform-the-planning-system>

Link to Council Plan: The report and changes to National Planning Policy could impact upon the priorities of the Council.

1. Introduction

- 1.1 On 6th August 2020 the Government (the Ministry of Housing, Communities and Local Government) issued a consultation white paper (a document that sets out issues that are proposed to be included in new legislation) titled 'planning for the future'. This white paper advises of aims to speed up and modernise the planning system in England. The paper proposes far-reaching reforms that will have large implications for the planning functions of this Council, including for both the development of a new Local Plan and the way planning applications will be determined in future.
- 1.2 The consultation runs for 12 weeks from the 6 August – 29 October 2020 and invites responses to a series of questions posed within the document. Further on in in this committee report the questions appear in boxed text along with a proposed answer also boxed. It is proposed that the boxed text, but not this report or any commentary within it, is sent to the Government as the response to the consultation of East Devon District Council.
- 1.3 Members should note that whilst the nature of many of these proposed changes are fundamental, the information provided in the document often lacks the specific detail to be certain of the full implications. The potential implications outlined in this document are therefore formulated on the basis of officers' judgement based on the information provided.
- 1.4 Alongside this consultation which seeks to achieve large-scale longer term reform, the Government have also issued a further consultation on shorter-terms measures that they advise are to improve the effectiveness of the current system. These changes are covered in a separate paper to this committee.
- 1.5 It should be noted that to bring about many (but not all) of the changes the Government are proposing there will be a need for new primary legislation to pass through Parliament. The stages of work from white paper consultation through to legislations being enacted (and not all bills are enacted) could take some time, potentially years rather than just months. Whilst consultee feedback on the white paper consultation will, we trust, inform proposed legislation the changes to the planning system will be subject to further fine grained debate and no doubt challenge over the months and potentially years ahead. It is highlighted that changes apply to England only and not the rest of the UK where devolved planning powers exist.

2 Planning for the future - White Paper

- 2.1 The introduction to the consultation document sets out how the planning system is central to tackling some of the important national challenges that the country faces but argues that it is hindered by what it sees as a series of fundamental problems, namely that:
 - It is too complex, which works best for large investors and companies and worst for smaller developers, who may lack the resources to navigate their way through the process;
 - Decisions are made on a case-by-case basis rather than determined by a clear set of rules, increasing the levels of uncertainty, risk and discouraging both innovation and land being brought forward;
 - It takes too long to adopt a local plan;
 - Assessments of housing need, viability and environmental impacts are too complicated, adding to bureaucracy without necessarily leading to environmental improvements or ensuring that sites are deliverable;
 - It has lost the trust of the public, with consultation being dominated by a few groups of people and excluding others;
 - It is based on outdated technology, which burdens the sector with repetitive tasks;

- The process of negotiating and securing developer contributions is complex, protracted and unclear;
 - There is not enough focus on delivering high quality design;
 - It doesn't lead to enough homes being built, which is making housing increasingly unaffordable;
- 2.2 The white paper goes through some of the recent regulatory changes since 2010 which have sought to address some of the above before concluding that the issues of the system have been compounded by decades of complexity and argument and so requires fundamental change to properly resolve.
- 2.3 It proceeds to set out a series of ambitions for a new system, summarised below:
- Expect development to be beautiful and create 'net-gain' rather, than 'no net harm';
 - Give communities an earlier and more meaningful say in the plan-making process, using digital technology;
 - Improve user experience of the planning system;
 - Support home ownership with better infrastructure;
 - Increase supply of land for new homes where it is needed;
 - Help businesses to expand with access to the commercial spaces they need;
 - Support innovative developers, including SMEs and self-builders
 - Promote stewardship and improvement of the countryside and environment;
 - Promote prosperity in villages, towns and cities;
- 2.4 The document then provides a summary of the key proposals contained within. The proposals are laid out under what the white paper describes as three separate pillars, each tackling different elements of the planning system, these are discussed after this introductory material and specific commentary on white paper proposals for zoning, set out below.

White paper zoning proposals

- 2.5 The white paper notes that local plans should provide a clear basis to inform future patterns of development. However, the paper highlights (or at least argues) that unlike in many other countries local plans in England do not give the same degree of certainty that development, in principle, will be permitted. Most western countries operate a planning system based around the zoning of land which involves determining and specifying, for different land areas, uses that will be permitted and rules that need to be followed to allow for development to occur. So long as a proposed development scheme forms an acceptable specified use for the particular zone it falls into and it accords with specific rules for that zone then development, at least in principle, can go ahead. In essence the role of a council or relevant determining or regulatory body is one of checking that rules have been complied with rather than making a more detailed assessment and evaluation of the proposal.
- 2.6 In England, under the current planning system, an approach of zoning rule compliance is not central to how decisions, specifically determining planning applications, is undertaken. In England Local Plans set out policies (some are quite specific and others more open-ended in nature) and at the planning application stage these policies are taken into account and weighed-up alongside one-another, along with national policy and other material considerations, with all taken into account, to reach a decision and determine if planning applications should be approved or refused and if approved what conditions should apply.
- 2.7 Perhaps the most fundamental change proposed in the white paper is that the planning system in England should move markedly further towards becoming a zoning based

system. Though it is important to note that there are many variations on zoned planning systems around the world and differing countries, to differing degrees, apply a mixture of zoning and use of policies to determine if development proposals should be allowed to go ahead.

- 2.8 Reference above is made to England moving further toward zoning as this does already exist, to a degree, in the planning system we currently have. Land allocations for development on a local plan map are akin to being a zone for development as they clearly indicate the in-principle appropriateness for policy specified development to go ahead on that identified land. Further, planning mechanisms such as Local Development Orders can be made and applied to specific areas and these allow for development types detailed in the order to go ahead without the need to go through the full planning application processes.
- 2.9 Whilst embedding zoning in to the English planning system would amount to a fundamental change in planning some commentators have suggested that the zoning approach advocated in the white paper is, or could be, much more of a compromise and mixture between the existing planning system and a zone based system; what is suggested certainly seems some way from being a pure zoning approach.

3 Pillar One – Planning for Development

- 3.1 This chapter sets out the key proposals relevant to land use plan making. There are a number of more general questions posed at the beginning of the chapter which are directed towards members of the public rather than organisations. These are therefore not covered in this report.
- 3.2 **Proposal 1 summary - simplified land use plans**
- 3.3 The white paper advocates that all land will be put into one of three categories:
- **Growth areas “suitable for substantial development”** – which they advise includes new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites. They advise “Sites annotated in the Local Plan under this category would have outline approval for development” (this would be their zoning status – with the zoning classification allowing for specified uses, the zoning status/approach may also apply to ‘renewal areas, below, but it would appear not to ‘areas that are protected’).
 - **Renewal areas “suitable for development”** - this they advise would cover existing built areas where smaller scale development is appropriate.
 - **Areas that are protected** – this they advise would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability.
- 3.4 The white paper seeks views on the above and potential variations of these land categories. The classification of “protected” (above) seems oddly abrupt and perhaps might be interpreted to mean no development would or should be allowed. This however, would, not be the case.
- 3.5 **Potential implications for this Council**

- 3.6 From a superficial review, at least, it could be suggested that East Devon (could be readily sub-divided into the categories above simply be changing the terminology in the current adopted Local Plan with:
- ‘Growth Areas’ being at Cranbrook and other West End developments;
 - ‘Renewal areas’ being at our towns and larger villages (as defined as falling inside Built-up Areas); and
 - ‘Protected area’ being everywhere else.

Of course with the need to accommodate extra development there would be the need to categorise additional land into the growth area and renewal area classifications.

3.7 Proposed response to questions

- 3.8 In responding to the question below members will need to consider whether they support reform of the local plan system in line with the proposals, or whether an alternative reform is more favoured or if the current system, perhaps with some adjustments, is favoured. In response it is suggested that this Council advises that it does not support the proposed changes for the reasons set out.

Question 5.

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

Proposed answer – No

Supporting statement to the response

Simplifying Local Plans to make them more accessible, easier to use and quicker to produce is supported. Zoning could enable this to happen however the proposed approach appears to be overly simplistic and does not reflect the local characteristics and circumstances that make many of the differing parts of England locally distinct. A clear virtue of the current system is that it allows for local plan policy to identify and distinguish differing spatial areas on account of the range of factors that are relevant to them and in so doing can highlight specific concerns. What is proposed is a blunt policy tool that does not allow for more nuanced and locally specific considerations to be taken into account.

The proposals seek to provide the development industry and landowners with greater clarity over what would be acceptable in “growth” and “renewal” areas and reduce the uncertainty associated with the current system. However in the case of areas zoned as “protect” it appears to do nothing to strengthen the protection afforded by the current system to such areas thereby giving rural communities no greater certainty in return.

3.9 Proposal 2 summary - Development management policies

- 3.10 The white paper advises that given a changed role for local plans, primarily one of determining which category (growth, renew or protect) land should fall into, there should be much less actual policy wording in local plans. The White paper states *“development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in Growth areas and Renewal areas.”*

- 3.11 The white paper goes on to advise that the National Planning Policy Framework (NPPF) would become the primary source of policies for development management rather than these being in a planning authorities local plan. It would be assumed that this would mean that the NPPF itself would need to be subject to radical overhaul and would need to be far longer. Though it is questioned whether the NPPF would go through the same degree of scrutiny and public engagement that a local plan would in its preparation nor, it is assumed, would it be subject to examination by a planning inspector. The white paper does highlight possible options for local plans, under exceptional circumstances, to include locally defined policies, presumably where it is demonstrable that very specific concerns exist that are unique or unusual to a specific local planning authority area. Though the tone of the documents suggests this would be a rare.
- 3.12 Under the white paper proposals a shift in focus for local planning authority work would be towards producing design guides and codes. These would complement the zoning based approach and seek to provide greater clarity on what is expected, in design terms, for any development coming forward. Design guides or codes, if they are to be very detailed and it might be read into the consultation that this is the expectation, could however be time consuming and expensive to produce.
- 3.13 The white paper places considerable emphasis on far greater use of information technology in the planning process, advising; *“We want to move to a position where all development management policies and code requirements, at national, local and neighbourhood level, are written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes.”* An irony being that the form the white paper takes (a non-interactive pdf document) owes far more to the technology of the 1980s than to a piece of work on the cusp of the third decade of the 21st century!
- 3.14 **Potential implications for this Council**
- 3.15 If the NPPF does contain all or most relevant policies for the determination of planning applications or proposals there will clearly be far more emphasis on use of this national document in the work that the council undertakes. Government aspirations would seem to indicate that work and conclusions would be increasingly automated (we might look to a day when a computer, pre-loaded with the rule book, makes the decision on a planning application).
- 3.16 The development management policies of the adopted Local Plan make up a large proportion of the document and removing the need to have these is likely to speed up plan production as well as simplifying the planning application process. However the NPPF and PPG are updated regularly often with no consultation and so the opportunity for our communities to be engaged in and inform the policies against which applications are assessed is likely to be lost.
- 3.17 **Proposed response to questions**

Question 6.

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

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

Proposed answer – Not sure

Supporting statement to the response

It is often the case that each authority has a set of development management policies which have very similar if not the same requirements just using different wording. This generates a lot of work at plan production stage and particularly as plans get older and become out of date there is a lot of work in assessing applications against both the local plan and the NPPF/PPG. Removing this duplication and waste from the system makes sense on the face of it, however it is important that local authorities retain the ability to have local policies where there are locally specific issues that are not adequately addressed by national policy and that there is suitable consultation on the national development management policies.

3.18 Proposal 3 summary - Sustainable development test

- 3.19 The white paper proposes that there should be a (simple) sustainability test underpinning plan preparation. This test would result in:
- abolition of the current need for sustainability assessment;
 - removal of the requirements of the duty to cooperate (although the white paper does say further thought will need to be given to how cross-boundary co-operation will occur); and
 - a slimmed down need for deliverability to be proven, this amongst other matters would be assumed to mean less emphasis on viability assessment work (a suggestion in the white paper is that reserve sites could be identified for development so that if the allocated sites are not coming forward then reserve sites could fill the void).

- 3.20 The above tasks can certainly be time consuming to complete though advocates of them would no doubt advise they are worthwhile and desirable in the plan making arena. A fundamental difficulty in assessing the proposals is that nothing is said of what a sustainability test might or could amount to. If it replicates the stages of work it seeks to replace then it would be a struggle to see what benefits it might deliver. However, if a very watered-down test (a bit of 'box ticking') then it is questionable whether it will add to objectives of promoting sustainable patterns and forms of land use and development.

3.21 Potential implications for this Council

- 3.22 There are clearly unknown's associated with the nature of what a sustainability test might entail, however simplifying underlying assessment work would be expected to speed up the process of plan making.

3.23 Proposed response to questions

- 3.24 In responding to question 7a below it is suggested that there is insufficient information to provide to make full meaningful comment, a default answer of no is therefore provided.

Question 7(a).

Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

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

Proposed answer – No

Supporting statement to the response

A fundamental problem of the white paper, in respect of answering this question, is that it quite simply does not provide any detail of what a consolidated sustainability test could look like or may contain. It is very difficult therefore to provide meaningful comment suffice to highlight that application of the principles of sustainable development need to consider and weigh-up social, environmental and economic considerations in a structured, logical and consistent manner noting the importance of both short and more importantly long-term time horizons.

In respect of consideration of cross-boundary matters there does need to be clarity that interaction and impacts arise from developing (or not developing) across planning authority boundaries and mechanisms or actions to be in place to ensure that these are accounted for through plan making.

Whilst Government policy may slim down requirements for assessment of deliverability they should not prevent a planning authority undertaking this work. Any responsible planning authority allocating land for development should have confidence that proposals will come forward as planned, specifically including providing supporting physical, social, and environmental infrastructure in well-designed healthy places to live and work. The identification of reserve sites does not overcome the need to do this and it is difficult to see how development of an identified reserve site could be resisted even if the main allocations do come forward and so this will lead to the unnecessary over allocation of land for development beyond that which is needed.

Question 7(b).

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

Proposed answer –

The governments approach through this white paper appears to be to end localism and recentralise planning decisions through centrally set housing numbers, national design guides and codes, standardised development management policies etc. Despite this there does not appear to be any strategy for accommodating growth in England. The formulaic approach to housing numbers leads to massive growth in the south and yet the so called “northern powerhouse” sees relatively little housing growth. This does not appear to align with any form of strategy for growth or government thinking on supporting the redevelopment of northern England and shows that no thought has been given to where in England and how growth can best be accommodated. It is these nationwide and regional decisions that are what the government need to be leading on and leave local government to the detail of delivering the government set strategy through local level policy making.

The localism agenda has successfully engaged communities in neighbourhood plan production and enabled people to get involved in planning in a way never before seen. To now impose housing targets and nationally set design codes and development management policies undermines that work and work previously underway between neighbouring authorities under the duty to cooperate.

The abolition of regional planning and Structure Plans has left a gaping hole in the middle of the planning system which the duty to co-operate did not and could never have filled. It is national and regional strategies for growth that are needed through which housing

numbers can be set with an evidence led approach to growth targets and then leave local government to deliver it.

Proposals to abolish the duty to co-operate are also considered to be premature ahead of the white paper on local government reorganisation which it is understood is due shortly. This could have a major impact on arrangements for co-operation between neighbouring areas which will have to continue anyway to enable co-ordinated plan making and infrastructure delivery whether there is a duty to do it or not.

3.25 **Proposal 4 summary- Standard method for establishing housing requirement**

- 3.26 There is already a standard Government method in place for calculating housing requirements across planning authorities in England, though this does not generate a high enough level of house building to meet Government aspirations. The white paper now advises that there will be *“A new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans.”* This is quite a contrast to the position of the Conservative/Liberal democrat coalition Government when in 2010 Local Government Secretary Eric Pickles stated: *“Communities will no longer have to endure the previous government’s failed Soviet tractor style top-down planning targets - they were a terrible, expensive, time-consuming way to impose house building and worst of all threatened the destruction of the green belt”* .
- 3.27 There is a separate consultation on the new approach to calculating housing numbers and a separate committee report is also to be presented to committee on this subject and other more immediate planning reforms.
- 3.28 The new proposed method for calculating housing requirements increases the East Devon figure from 928 dwellings per year (this number will apply after January 2021) to a new requirement of 1,614. It should be noted that the Government have not (to our knowledge) published data on housing requirements that the new methodology generates. Rather this information is drawn from assessment work, for all local planning authorities in England, undertaken by the consultancy firm of Lichfield’s, see:
<https://lichfields.uk/media/6119/govt-planning-reform-tables-aug20-4.jpg>
- 3.29 The new methodology has been produced within the context of the Government having a national house building target that seeks to secure construction of 300,000 houses per year and it results in many authorities seeing a significant increase in the numbers they should be planning for. For example, Dorset up from 1,790 to 2,075 per year, Exeter up from 625 to 694, Mid Devon 367 to 641, Teignbridge 758 to 1,532 and Somerset West and Taunton 691 to 1,231. The only authority that abuts East Devon that sees a fall is South Somerset, down from 685 dwellings a year to 612. These collective figures are very significant as it is not just East Devon that sees a substantial increase in housing levels (and it’s not East Devon taking development that might have otherwise gone into neighbouring authorities) it’s a sub-regional scale of development of huge and unprecedented proportions.
- 3.30 The white paper notes that debate around establishing appropriate levels of housing to plan for can be time-consuming and they consider have not resulted in enough houses being built. The standard binding formula to determine housing numbers draws on past trends in population change (and not relevant to East Devon also the existing number of dwellings) but also draws on affordability data, the relationship between income levels and house prices. The elevated housing requirement level in East Devon is partly a product of recent patterns of high levels of house building, with associated population increases being projected into the future. However of greater importance is the affordability of housing with

this, applying the Government formula, being the factor that has really elevated the housing numbers.

- 3.31 The white paper eludes to constraints to development being a factor that may be used to reduce overall housing requirements levels, but they do not set out any detail on how they would envisage considering what constitute constraints or how they would measure or factor these into their assessment work. A point here is that it is assumed that the Government would undertake any moderation work rather than 'delegating' it to a local planning authority.
- 3.32 The white paper advises that authorities may choose to work together to distribute collective housing requirements across planning authority boundaries. Production of a joint plan could be one way to progress such an initiative.
- 3.33 As a consequence of the new proposed approach the white paper advises that the five year land requirement will be abolished, however, the housing delivery test will remain in place. This test compares past housing delivery rates against levels of housing that are required to have been built. If there is a shortfall in delivery when compared to requirements the test would be failed and a "presumption in favour of sustainable development" would apply. Under this presumption development proposals that are not included within or that are contrary to that local plan may need to be approved, or may gain permission at a planning appeal, if they are shown to meet tests of sustainable development (though the Government don't elaborate on what such tests may look like).
- 3.34 **Potential implications for this Council**
- 3.35 In past years there was some degree of flexibility for a planning authority to seek to determine an appropriate level of house building in their area, so this flexibility has been progressively watered down over the years. It would appear, under the white paper, that there will no longer be any flexibility (unless the desire were to exceed Government levels) and in practical terms numbers would be dictated to planning authorities by the Government.
- 3.36 There is, of course, much scope for debate over where decision making powers should rest in the relationship between central and local Government and when it comes to housing number assessment there is no ambiguity in Government thinking on the matter. On a more practical level, however, are the matter of:
- if, how and where dwellings can sensibly be planned for or allowed;
 - what are the wider impacts of this scale of development; and
 - will the levels proposed actually be built and if not what are the implications.
- 3.37 Under the current (February 2021 onward) need to provide for 918 dwellings a year (which is already quite a high number) it is likely that a new local plan could accommodate this scale of growth. However even sustaining a year on year delivery at this rate could reasonably be expected to generate significant challenges, and it's reasonable to assume quite some opposition. Adding a further 696 (a 76% increase) to give a requirement total of 1,614 dwellings look to be an untenable number.
- 3.38 With a figure of 918 homes being built a year most of these would accommodate indigenous change in the current resident population and a pattern of in-migration that matches those seen in recent years. However, there would be a modest 'surplus' number of houses built (if they actually were built) that would imply a pattern of increasing additional numbers of people moving into East Devon. An extra 696 houses a year, on top of the 918, implies a very substantial increase in the number of people moving into the District.

- 3.39 East Devon clearly has significant constraints to development. From an environmental perspective these include 2/3rds of the district falling in Areas of Outstanding Natural Beauty, a World Heritage Site coastline, internationally important designated wildlife sites and numerous buildings and areas of great built heritage importance. We are also aware of significant infrastructure constraints in the district that include capacity limits on the current motorway junctions and on transport links with surrounding areas. It would be hoped that any constraints assessment exercise could be extended to question whether schools, hospitals, social services and other services could be expected to accommodate the growth envisaged. Further to the issues of growth impacting on East Devon is the wider sub-regional scale of growth and if and how the broader area might change. Whether it was the intent or not, the Government has set out an agenda that on face value presents a hugely significant growth agenda for East Devon and surrounding areas, but it does this without there being any strategy behind it. Indeed by their own choice the Government does not have, or at least does not publish, a planning strategy for the development of England.
- 3.40 It must be seriously questioned whether the number of houses for East Devon, and surrounding areas, even if credible land could be allocated for their development will actually be built. Although it is difficult to generate testable evidence to establish the point a charge is often levied on the house building industry (specifically the volume builders) that they manage (which means suppress) overall development levels in order to keep new house prices higher and thereby maximise profits. If there is validity in this argument it could be that the development industry will not have any real interest in building at the scale envisaged. But even if there is no validity in this argument it must be seriously questioned whether there would be sufficient numbers of people wishing to buy or rent a property in East Devon or in surrounding areas to sustain the level of growth the figures imply. The white paper makes no attempt to ask or address this question but without a huge increase in employment opportunities, or some other over-riding incentive for people to move to this area (wider than just East Devon) it is difficult to see development of the scale envisaged actually happening.
- 3.41 There might be an argument around whether it really matters if a field that is allocated for development is not built on, it will still be a field and probably still be used for farming. There are, however, a number of flaws to this argument;
- against a housing target that is so high there is a very real risk (perhaps it should be an assumption) that housing delivery targets will not be met. A consequence potentially being that planning permissions will be granted on sites that are far less appropriate in good planning terms to be built on;
 - extra sites that come forward as above are probably likely to be the easier and cheaper to develop sites, but also ones that may accommodate higher priced houses. Such development may do little for affordability, but could result in development occurring in more environmentally sensitive or otherwise less desirable locations.
 - by not building in accordance with a local plan (instead having building occurring on an ad-hoc basis) planning loses its ability to bring about wider objectives and benefits in a coordinated manner.
- 3.42 **Proposed response to questions**
- 3.43 It is suggested that this council express strong objection to both the principle of a standard national method for generating housing needs as well as the vagaries of outputs that such

an approach can generate (and has done in East Devon) in respect of untenable numbers. The wording below objects accordingly.

Question 8(a).

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

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

Proposed answer – No

Supporting statement to the response

A standard approach to generating housing numbers is self-evidently a blunt and imprecise tool that does not take local factors and considerations into account or address relevant local need. The correct level of housing to plan for in a local authority area should be determined by the local authority taking into account detailed local assessment drawing on such matters as demographic and migration data and household formation rates. Unconstrained assessment should come first, in the first instance the work should not consider whether there are environmental or other factors that may place limits on development. However, such constraints should then be used to test the validity and credibility of accommodating the levels of need generated and potential alternative options and approaches to development, including working with neighbouring authorities in respect of planning for the distribution of development.

It would be reasonable for the Government to set out advice and guidance on how assessment work may be undertaken and the assessment should be subject to rigorous examination by an inspector at local plan examination. Local authorities should be allowed, and indeed could be encouraged by Government, with incentives, to plan for higher levels of growth. Local authorities should also take into account such factors as suppressed household formation and any job generating initiatives they or others may be prompting that may lead to a need for more housing to accommodate in-migrating workers that will fill new jobs. The affordability of housing should also be a feature that local authorities take into account, though it will need to be recognised in Government guidance that the best research indicates that merely increasing the supply of homes is not a very effective way to reduce their price. Changes to interest rates or wages are likely to have far more of an impact on prices in comparison to increasing supply.

There is also the simple question of democratic accountability and empowering people in the local area (specifically voted into the role) to meet and address their needs. It was only ten years ago, in commenting on policy of the then Blair/Brown Labour Government that Eric Pickles stated in respect of planning changes that: *“Communities will no longer have to endure the previous government’s failed Soviet tractor style top-down planning targets - they were a terrible, expensive, time-consuming way to impose house building and worst of all threatened the destruction of the green belt”*. It appears bizarre that the current Government could endorse such an about-turn.

One of the very clear vagaries of the proposed Government methodology, as it stands, is that it generates, in some locations at least, numbers that completely lack any credibility or reasonableness. East Devon sees a massive increase in housing numbers generated by the new methodology, up from an already very high level of 918 per year to a new figure of 1,614. We are in no sense an odd or unique or an outlier case in respect of housing requirements. Of the planning authorities that abut East Devon the following changes occur.

Local Authority	Number under current methodology	Number under new methodology	Numerical change	Percentage change
East Devon	918	1,614	696	76%
South Somerset	685	612	-73	-11%
Somerset West and Taunton	691	1,231	540	78%
Dorset	1,790	2,075	285	16%
Exeter	625	694	69	11%
Mid Devon	367	641	274	75%
Teignbridge	758	1,532	774	102%
Totals	5,834	8,399	2,565	44%

Source: Lichfields 2020

As can be seen growth across the wider area is very substantial, of a scale that if it had any credibility it would be planned for through a proper regional or national strategy, and such a strategy would need to be logically constructed and tested taking into account a raft of planning, economic, social, environmental, infrastructure and other considerations. From this would be derived appropriate housing numbers; rather than numbers being generated from a formula that is retrofitted around a desire to generate a national number that has to exceed a non-evidence based and unjustified total of 300,000.

It is further highlighted that it is quite likely that the development industry will have little commercial desire to build this many houses and that this scale of growth implies. It is not in their interests to over supply the market and drive down prices. If all of these houses actually were built, a massive increase in in-migration to this part of the world would need to result to fill them. It would appear totally untenable to consider that there would be the number of people seeking jobs or otherwise wishing to retire to this area to fill the homes that would (notionally) be built. Further, because they won't be built local authorities are bound to fail the housing delivery test and what will emerge is planning by appeal with sites, many that may be far from ideal, gaining planning permission. Such an approach to planning undermines the role that planning can and should play in being a force to shape and manage development, give clarity to local communities and indeed private investors and business, and coordinate infrastructure provision and delivery.

The Council would rather focus efforts on delivery quality housing that meets local housing needs rather than a spuriously derived number that diverts resources away from our focus and into playing a numbers game which has been shown to deliver poor quality housing and consequentially poor health and wellbeing outcomes.

Setting a high figure for housing numbers does not in itself deliver the high numbers being sought. History shows that as a country we have only delivered the scale of house building now being sought through massive public sector investment in house building such as that which occurred in the post war period. It is only through similar investment and enabling local authorities to deliver high quality affordable housing that truly meets the needs of the local area that the housing crisis will truly be addressed.

Question 8(b).

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

Proposed answer – No

Supporting statement to the response

The fundamental problem of using affordability as an indicator of levels of need for future house building is that it is just not a good or appropriate indicator. Research indicates that increasing the supply of homes is not an effective way to reduce their price. Changes to interest rates or wages, for example, are far more meaningful matters to address in order to make housing more affordable to those wishing to rent or buy a property. Furthermore, even if affordability had greater credibility, in principle, to inform future levels of house building need the proposed standard methodology is remarkably crude and it generates housing requirement levels that in some areas bear no relationship with any reasonable assessment of need.

Looking at the extent of urban areas, or how many people live there already, and increasing the size by a proportionate or otherwise derived amount would be a very crude tool to use when looking at suitability and appropriateness for development. For a whole host of reasons some urban areas can be sensible and appropriate locations for higher levels of growth and some can be the opposite and not appropriate for growth. To look to the current size as a key determinant of an appropriate future size misses the whole point of planning and the logical reasoned assessment, the place making agenda and meeting community needs and aspirations that go alongside it. This approach also just leads to the continuation of previous trends of growth rather than looking holistically at England and where growth could best be accommodated and how the best outcomes for the nation could be achieved. The current approach will simply continue to cram growth in the increasingly crowded and constrained south rather than supporting the economic growth of northern areas.

3.44 Proposal 5 summary – routes to gaining permission to build in growth areas, renewal areas and protected areas

- 3.45 The white paper advises that: *“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 form the highest tier of the proposed three zones.
- 3.46 The implication of the above is that in this zoning category, so long as proposals comply with the relevant rules, there would be no need to submit a further planning application to test whether the site can be approved, rather planning would rest on resolving matters of detail.
- 3.47 In renewal areas, the middle tier of the three zones, it is proposed that there could be some cases where an automatic consent, subject to compliance with the zoning, would be granted, or there could be a faster planning application process.
- 3.48 Over and above these processes for development consent to be established there would still remain the option of applying for planning permission for proposals that do not comply with the zoning rules, though it is suggested this route should be the exception rather than the rule.
- 3.49 In protected areas planning applications, as applies now, would still be required and these would be judged against the policies in (a new) NPPF.

3.50 Potential implications for this Council

3.51 The allocation of a site through the Local Plan is clearly a very strong indication that the site is acceptable to accommodate growth and that planning applications will be supported. On the face of it therefore it is not a massive change to infer outline planning permission to site allocations, however it does generate a need for an even greater level of work at the allocation stage to ensure than previously to ensure that all principle aspects of the site have been fully considered as there would be no going back once allocated. This would lead to additional work at the allocation stage that would be likely to be potentially time consuming and extend local plan production timescales. The Axminster urban extension is a good example of where this change would have effect in East Devon with the local plan having allocated the site subject to a masterplan. It is only through the masterplan that there would be sufficient clarity on what can be delivered on the site to be in a position to consider an outline planning application. Under the proposed new system a masterplan for a site like this would need to be undertaken prior to allocation of the site and based on experience could take many months in itself when proposals considered later in this report suggest that the whole local plan preparation process would have to be completed in 30 months.

3.52 **Proposed response to questions**

Question 9(a).

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

Proposed answer - Yes

Supporting statement to the response

In principle this proposal makes sense as an allocation in a local plan should give the developer greater clarity than at present and leave only details to be progressed rather than a need for an outline planning application and matters of principle already considered at local plan production stage to be revisited. It does however mean that local plan allocations would need to be considered in greater detail and master planned at plan productions stage in order to ensure that all principle issues have been fully considered prior to allocation. This is likely to be time consuming and costly with the need to involve expertise that local authorities may not have on staff or at least not with sufficient capacity to undertake this work for all allocations. It is difficult to see how this level of work could be done for all allocations with appropriate community engagement in the 30 month timescale now being proposed for local plan production and without significant additional resources being made available to facilitate this work.

Question 9(b).

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

Proposed answer – No

Supporting statement to the response

One of the stated aims of the white paper is to simplify any overly complex and opaque system and yet it is proposed that permission in growth and renewal areas could be sought through 3 different routes. These are presumably in addition to some developments being permitted development and not requiring consent. This is not simplifying the process but simply maintaining the already immensely complicated array of permitted development rights and prior notification processes that have created the immensely complicated and opaque system that we have today.

Simplicity is key to a successful new planning system. The array of prior notification processes that have been introduced in recent years simply lead to confusion as each has different processes and different matters to be considered and decisions to be made in different timescales. It would make more sense to remove these processes and simply have one simple planning application route to gain consent where required.

Question 9(c).

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

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

Proposed answer – No

Supporting statement to the response

Our experience of developing Cranbrook new town in East Devon has shown how very difficult it is to get community acceptance of a new settlement being built when it is imposed on the existing residents from above. It is vitally important that local communities are fully engaged in new settlements in their locality from inception through to delivery and in order to achieve this it is important that they brought forward by their local council with local representatives fully engaged in the work and able to guide the form and scale of the development.

Intervention from above at the national level is unnecessary to get new communities built when incentivising local councils to bring them forward in a form that they would be content with is a far more acceptable strategy. If sufficient funding were available to deliver high quality new communities that will genuinely meet local housing needs with the required infrastructure being delivered upfront then there would be much more support for new communities. Locally led development corporations provide a route for local authorities who are willing to do this and greater government support for this approach and funding to help authorities to deliver through this route would be a far more acceptable way of delivering new communities.

3.53 Proposal 6 summary – Digitising the planning process

3.54 Under this proposal the white paper proposes that far greater use should be made of information technology in managing planning applications. This, allied with simpler

requirements for details to be submitted in planning applications, should speed up the determination process.

- 3.55 In summary, this proposal calls for: greater digitalisation of the application process to make it easier for applicants; a new, more modular, software landscape to encourage digital innovation and provide access to underlying data; shorter and more standardised applications; data-rich planning application registers; data sets that underpin the planning system; a digital template for planning notices; greater standardisation of technical supporting information; clearer and more consistent planning conditions; streamlined approach to developer contributions; the delegation of detailed planning decisions to planning officers where the principle of development has been established (*Pillar One, Proposal 6, pgs 36 & 37*).
- 3.56 From the outset of the white paper, the Government make it clear that they think "planning systems are reliant on legacy software that burden the sector with repetitive tasks" (*Introduction, pg 13, para 1*) and that "planning process remains reliant on documents, not data, which reduces the speed and quality of decision-making" (*Introduction, pg 13, para 1*).
- 3.57 The Government has a desire to harness "digital technology to make it much easier to access and understand information about specific planning proposals" (*Vision, pg 18, para 2*) and promises "new digital engagement processes will make it radically easier to raise views about and visualise emerging proposals whilst on-the-go on a smart phone" (*Vision, pg 18, para 2*), aspiring to a planning system that is built on "real time information," "high quality virtual simulation" and "straightforward end-to-end processes".
- 3.58 The Government wants to take a "digital-first approach" to modernise the planning process, with an emphasis on data rather than documents. There will be support for the Council "to use digital tools to support a new civic engagement process for Local Plans and decision-making, making it easier for people to understand what is being proposed and its likely impact".
- 3.59 Other proposals include that critical datasets, including planning decisions and developer contributions, would need to be standardised and made open and accessible, digitally; whilst local authorities would work with tech companies to modernise software used for making and case-managing a planning application, improving the experience for the applicant.
- 3.60 In the section of the white paper that discusses the Government's desire for "a more engaging, equitable and effective planning system," the aspiration for a more democratic system is laid out, with technology again playing a big part:
- "Residents will no longer have to rely on planning notices attached to lamp posts, printed in newspapers and posted in libraries to find out about newly proposed developments. Instead people will be able to use their smartphone to give their views on Local Plans and design codes as they are developed, and to see clearer, more visual information about development proposals near them – rather than current planning policies and development proposals presented in PDF documents, hundreds of pages long. And existing and new residents alike will gain from more affordable, green and beautiful homes near to where they want to live and work" (*The Change We Will See, pg 24, para 2*).
- 3.61 There is also the promise that "Government will support modernisation of the planning process so that routine tasks are automated and decision-making, and plan-making, is improved by better access to the data local authorities need" (*The Change We Will See, pg 25, para 3*).

3.62 **Potential implications for this Council**

3.63 As with many of the other proposals, the White Paper advocates making a series of changes without providing the necessary detail to fully assess the potential implications. However, it would likely result in a greater reliance on the Council's IT systems, with many officers needing additional training and the potential transitioning to and investment in new software. This may also rely on applicants having access to technology to submit information in correct formats which in the case of large scale developments from national housebuilders etc may be feasible but given that the majority of our planning applications are made by householders and land owners through small local agents and architects it is unclear how they will invest in and operate in these new systems.

3.64 Traditional report writing would be eschewed in favour of a more visual based approach when creating the Local Plan. Key to the whole proposal is just how much the Government is prepared to invest in the new technology, or how much would be made available to local authorities to invest in their own bespoke systems. Much of the technology appears to be untested and the implications unknown in terms of the ability of our infrastructure to operate the new systems.

3.65 There would seemingly be pressure to reach a decision on an application in a timelier manner, in theory, this should be balanced out by use of the new tech. The white paper refers to making the 8 and 13 week timetables absolute firm deadlines with the potential for fees to be returned if these are not met or even consent is deemed to be granted if a decision is not made in time. The strict adherence to these time limits has always had unforeseen consequences in the past with authorities routinely refusing applications in order to make a decision in the timescale even if the concerns could easily be addressed. Research has established that customers were willing to accept a longer timescale where it gave them the opportunity to submit amended plans and work with officers to address concerns. Before that we would have refused the application and the applicant would have had to reapply and go through the whole process again actually leading to a longer timescale to get consent overall.

3.66 **Proposed response to questions**

3.67 The white paper uses the 'buzz' phrase of focusing on "data, not documents" – but what is data without being put into context? The focus should be information, rather than data; the maligned documents in question possibly put the data into a context that provide that information.

Question 10.
Do you agree with our proposals to make decision-making faster and more certain?
[Yes / No / Not sure. Please provide supporting statement.]
Proposed answer - No
Supporting statement to the response
In principle we would support the use of new technologies to engage our communities in the planning process, however this would require substantial investment from government not just in the technology to enable our own systems to be upgraded but also in improving broadband speeds across East Devon so that our residents can benefit from this technology. Many parts of the district do not yet benefit from high speed broadband and struggle with using the existing technology used for planning applications through the planning on-line system and downloading plans.

We also in principle support the standardisation of data to speed up the planning application process where appropriate, including the move towards making planning applications machine-readable and the use of standardised templates. However, it should be noted that the use of technology will always have its limitations and it is difficult to see how technology could make many of the subjective judgements that planning officers are routinely required to make when considering the impacts of developments and the views of residents. Planning is not and never could be a simple tick box exercise of assessment against a rule book.

Making the 8 and 13 week targets absolute requirements or introducing fee returns or deemed consents will likely have the unforeseen consequences of forcing local planning authorities to refuse applications that could otherwise have been successfully resolved in order to meet the target date. In our experience this is not what our customers want with many happy to agree an extension of time to enable us to consider amended plans and most would acknowledge that this route gives them a quicker route to gaining consent overall than first obtaining a refusal and then having to go through the whole process again. The needless refusal of applications and subsequent unnecessary reapplications or appeals just leads to more waste in the system overall. In addition in the lifespan of a development from inception to completion the time taken to secure planning permission is a very small part of the total timescale but it is a vitally important one that must be done right and must engage the local community rather than be rushed and lead to a poor quality development that will be standing for hundreds of years to come.

3.68 Proposal 7 summary - Standardising Local Plans

3.69 Proposal 7 seeks much simpler and shorter local plans, facilitated in part by development management policies being contained in a revised NPPF. There would be standard national templates established for local plan production with a requirement for plans to be interactive. There would be a reduction in evidence requirements to support new local plans.

3.70 The white paper advises that Local Plan should be web-based interactive and map based rather than paper documents. It says that any text should be limited to “spatially specific matters” and capable of being accessed by various means and formats including via smart phones. It also refers to the use of 3D modelling and visualisation tools to help people engage in the process. It is envisaged that this will open up means for people to engage in plan making through social media and other modern forms of communication.

3.71 Potential implications for this Council

3.72 If other proposed changes to local plan making and planning go ahead then it might be seen as a logical outcome to move to standardised templates for local plan content. However the ‘logic’ for standardisation may abruptly come up against the realities of variations and need for local approaches that exist across the diverse nature of England.

3.73 If there are affordable and robust software solutions available to enhance plan making and consultation there use should speed up and improve overall levels of quality. However, at this stage it is not clear what these systems are, or indeed if they exist.

3.74 Proposed response to questions

- 3.75 The suggested response below gives qualifies support to additional use of information technology in local plan making.

Question 11.

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

Proposed answer – Yes

Supporting statement to the response

Use of greater information technology to support local plan production and accessibility is to be welcomed. Engaging with a younger demographic through the use of technology is clearly important in developing plans, however the Government need to be aware that not everyone has or chooses to use computer based systems and for many paper documents will be far more appropriate and desirable. There are also many things that can be achieved through traditional approaches to engagement and document production that digital approaches cannot come close to matching. Ultimately both traditional and modern interactive approaches will need to be taken in order to engage all groups in society as removal of traditional documents risks excluding groups in society who choose not to or cannot engage with these technologies.

3.76 Proposal 8 summary - 30 month timetable for Local Plan production

- 3.77 Proposal 8 seeks to introduce a 30 month (or shorter) timetable for new local plans to be produced. Five stages are identified:

- Stage 1 (6 months) - a call for suggestions for areas to fall under the three proposed zones (growth, renewal, protection);
- Stage 2 (12 months) - the local authority draw up the plan;
- Stage 3 (6 weeks) - submit the plan for examination and invites public comments on it;
- Stage 4 (9 months) - an examiner considers whether the three identified zones are sustainable as per the statutory test) those making comment have a right to be heard by the examiner.
- Stage 5 (6 weeks) – the plan is finalised and comes into force.

- 3.78 There is reference made in the white paper for statutory time limits to be in place in respect of plan making and mechanisms for government intervention should this not happen.

3.79 Potential implications for this Council

- 3.80 On face value, assuming all other Government changes are implemented, it would seem logical that plan production timescales would be very much reduced. However, as much as the white paper talks about removing elements of work from plan production it also adds elements such as design coding for allocation sites which is likely to be a time consuming process.

- 3.81 The Government advise that they wish to see more public involvement in plan making. However it is very difficult to see how this would be readily achieved through the steps and in the timetable that they set out. The timeline appears to allow for public consultation primarily when the plan has already been drafted and submitted for examination at stage 3. This seems directly contrary to good principles of public engagement and consultation as the Council will have determined what is in the plan by this stage and it will appear as a fait-

accomplish to residents. It may be that the Government envisage some public engagement to take place at Stage 2 of the process. If they do then having just 12 months to complete all stage 2 tasks could be very challenging – public engagement, let alone evidence gathering and plan drafting, could well be expected to take over 12 months, especially if alternative land zoning options are to be explored and assessed.

3.82 A more immediate impact for East Devon is that proposals to reform the plan production process raises questions about how to proceed with a new Local Plan in the meantime. Ideally there would be clarity over the future form of Local Plans and legislation and regulations in place before plan production commences, however it seems likely that these will take some time to pass through the legislative process which leaves a question of what we should do in the meantime. This will require further consideration and will be the subject of a further report to Strategic Planning Committee in October.

3.83 **Proposed response to questions**

3.84 The response below highlights the time limited opportunities for public engagement that the timetable imposes.

Question 12.

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

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

Proposed answer – No

Supporting statement to the response

The Council is in favour in principle of simplifying and speeding up the plan production process but this must not be at the expense of appropriate and timely engagement with Members and our communities and must not prejudice our ability to develop the most appropriate plan for East Devon.

Without further details about the proposed process and the work that each stage would entail, particularly stage 2, it is difficult to understand how a 30 month statutory timescale could be achieved. The white paper proposals for local plans themselves indicates to some extent how time could be saved in the plan production process yet other proposals within the white paper simply add to the work to be done through proposals for greater design guidance and coding at allocation stage, the potential need to allocate reserve sites and substantial increase in housing numbers through the revised standard methodology would all add to the number and scale of sites to be allocated and the amount of work needed to be undertaken to allocate each of them in the plan. There is therefore a clear contradiction between proposals to stream line the plan making process and other proposals that suggests that the proposed 30 month timescale while desirable would be unachievable.

There considered to be unintended consequences to such a tight timescale that could be counter-productive to the government's aims. For example if the required evidence on a particular site cannot be produced in time and there is a danger of the timescale slipping then there is a danger that an authority would be minded to leave it out and not seek to deliver as many new homes as was achievable simply because of time constraints.

There is clearly a need to speed up plan making but this should not be at the expense of quality both in terms of the plan itself and the outcomes that it delivers.

3.85 **Proposal 9 summary- Retaining Neighbourhood Plans**

3.86 The consultation acknowledges the importance of neighbourhood plans and their role in allowing communities to think proactively about how they would like their area to develop. It is therefore proposed to retain neighbourhood plans but it states that they would want to consider how they can become more focused in order to reflect proposals for new local plans as well as how they can use digital tools and data to support their development and improve accessibility.

3.87 **Potential implications for this Council**

3.88 Neighbourhood planning has been a big success in East Devon with 19 made plans and over 20 others in production. Having encouraged and successfully engaged our communities in neighbourhood planning it is important that this continues and all this work is not wasted. If there is going to be changes to the system that impact on neighbourhood plans then it is considered important that the government put in place to enable the quick and simple review of neighbourhood plans.

3.89 **Proposed response to questions**

Question 13(a).

Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

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

Proposed answer – Yes**Supporting statement to the response**

Neighbourhood plans have proved very popular in East Devon with 19 made neighbourhood plans and more than 20 others in production. It is vital that neighbourhood plans continue to guide development in the district.

Question 13(b).

How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Supporting statement to the response

The use of digital tools in neighbourhood planning will be significantly affected by the skills and knowledge available in any particular community and the willingness of those with skills in this area to get involved. Accessibility to cheap software and hardware will also be key as will improving broadband in rural areas to ensure that communities can access new technologies.

A key issue with neighbourhood plans is the need to review them every 5 years. While the need to keep them up to date and relevant is understood there is no streamlined review process and so communities end up starting all over again even when the required changes may be minor. This is understandably frustrating and demoralising to

those that have given so much of their time to the process only a few years earlier. It would seem to make sense to enable a streamlined review process where changes are limited to support neighbourhood planning groups through this work particularly if changes to the planning system will necessitate a review.

3.90 **Proposal 10 summary – A stronger emphasis on build out through planning**

3.91 This proposal stems from the findings of the Oliver Letwin Review of Build Out Rates in 2018 and proposes to revise the NPPF to ensure that masterplans and design codes for substantial developments include a variety of different types of homes by different builders to allow more phases of development to come forward together.

3.92 **Potential implications for this Council**

3.93 Cranbrook is an example of a large strategic development that has not delivered as quickly as it could have done because of the small number of house builders involved in delivering the project and the limited range of homes being built. In principle the proposal to break up sites between a wider number of developers delivering different products would make sense and could speed up delivery but it is not clear how this could be achieved on sites such as Cranbrook that are delivered by a consortium of small number of developers who control all of the land.

3.94 **Proposed response to questions**

Question 14.

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

Proposed answer – Yes

Supporting statement to the response

Our experience of Cranbrook new town has shown how a large new community being delivered by a small range of housebuilders delivering similar products leads to relatively slow build out rates. Any measures that would increase build out but also deliver a wider range of new housing and increase competition to improve quality would be welcomed. It remains unclear exactly how this is to be achieved as the ownership of land and how it is disposed of is key to achieving this. At Cranbrook the first phases have been delivered by a consortium of a small number of developers who have had control of the land from the early stages. The development was master planned and design guides produced. These routes alone will not lead to diversification it is wider process of addressing the land market and how sites are brought forward more generally that is needed. Models where a development corporation or public body have brought forward development on their land and acted as master developer have been far more successful in achieving diversification, quality and build out. It is these mechanisms that need to be explored further to address this issue.

- 4.1 This chapter sets out the key proposals which seek to improve the quality of new developments coming forward. It references a recent publication by the Building Better, Building Beautiful Commission, which was influential in formulating a number of the proposals. As with the previous chapter, it begins with a number of general questions directed at the public which this report does not intend to cover.
- 4.2 **Proposal 11 summary- Design guidance and codes to be prepared locally with community involvement**
- 4.3 The white paper reflects on recent and emerging national guidance and expect 3 documents have a direct bearing on the design of new communities:
- The new National Design Guide (October 2019) which defines ten characteristics of successful places
 - A new National Model Design Code to be published this autumn
 - A revised and consolidated Manual for Streets (last published in 2007)
- 4.4 The proposal is to supplement this broad guidance with local guides and codes to reflect locally diverse character where possible. This can be done by:
- Adding a visual dimension to the local plan,
 - Through the work of neighbourhood planning groups
 - Through proposals for significant new areas of development.
- 4.5 For all methods it would be essential to effectively involve local communities in considering evidence of what is popular and characteristic in their area. For guides and codes to be given weight, it would be necessary to demonstrate such input in their formulation.
- 4.6 In the absence of local guides and codes, the above national documents should guide decisions on the form of development.
- 4.7 **Potential implications for this Council**
- 4.8 The National Design Guide sets out the broad characteristics of what constitutes a successful place in terms of urban design. This is a useful guide which has brought together elements of good urban design and place making into a fairly concise and readable document.
- 4.9 Work has started (in-house) to restructure and reformat an emerging East Devon Design Guide so that it can be read alongside the national guide. The aim is to broadly reflect each characteristic in a local context alongside the Local Plan and demonstrate examples of local distinctiveness and good design in a concise document that is accessible to all readers. The intention was to reflect local plan policies; this would no longer be appropriate. The National Model Design Code will also impact upon any Local Design guide and this is awaited.
- 4.10 A few Local Authorities in England have chosen to develop local design guides which contain detailed design codes. They involve a substantial amount of work, usually prepared by teams of urban design consultants working with local authorities over a number of years. These types of document have sometimes been criticized for being too prescriptive of particular styles or materials thus not allowing creativity and innovation. Due to the detail required, these documents by their nature are lengthy (over 200 pages) for general use, but more useful for reference.

- 4.11 The Local Plan emphasises the critical importance of high quality and locally distinctive design, which reflect local traditions and the use of local materials. East Devon has a diverse character which has evolved as a unique combination of historical influences, within a large area. To carry out a granular survey of what comprises the elements of local distinctiveness within the district, translated into a series of local design codes, would be a highly time consuming, resource intensive task.
- 4.12 In East Devon Local communities have been encouraged to prepare local design guides and to include policies on local design in their Neighbourhood Plans. A few useful village design guides have been prepared by local communities in the early 2000's but due to the work involved this was not taken up by many communities. (The emerging Design Guide encourages the involvement of local communities throughout the design process, reflecting the latest NPPF, and sets out separately methods of involvement).
- 4.13 It is likely that work to produce local design codes involving communities would be taken up in only a few areas leading to inequalities across the district.
- 4.14 Digitising methods of involvement and engagement may encourage some sectors of the community but it is unlikely to be effective for all groups. For example, many of the people with time to be involved in plans may be more familiar or comfortable with methods which are hands on and not reliant on the internet or use of a smart phone.
- 4.15 In principle, national and local design codes are welcome, in guiding local design. However a combination of the intense work involved in producing detailed local design codes and in involving the community in such evidence based decisions would be highly time consuming and expensive. It would also be likely to lead to differences in the quality of design across the district.
- 4.16 **Proposed response to questions**

Question 17.

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

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

Proposed answer – No

Supporting statement to the response

The proposals to publish a National Model Design Code and an updated Manual For Streets are welcomed. Proposals to help deliver local design that is distinctive and that encourage community involvement from an early stage are also welcomed. Design codes would be one effective method of influencing what design can be approved.

However producing detailed local design codes and involving the community in this would be highly intensive and time consuming exercises. The proposal would not be possible without significant additional resources for their implementation and unlikely to be completed quickly.

East Devon covers a large area with great diversity of design and many local communities. It is likely that only a few of these communities would have the desire and time to contribute to the development of design codes, leading to imbalances across the district.

To be effective, more resources would also be needed to monitor the implementation of proposals, especially where large developments are planned involving volume housebuilders.

4.17 Proposal 12 summary - To support the transition to a planning system which is more visual and rooted in local preferences and character

4.18 The white paper proposes to improve the design skills available to many local authorities and to ensure design is given the right priority.

4.19 This would be achieved by

- setting up a body to support the delivery of locally popular design codes
- each authority having a 'Chief Officer of Design and Place Making'.

4.20 The paper recognises that this would not happen quickly, Local Authorities would need support. It proposes to explore the options for a new expert body to support local authorities in the use of design guides and codes as well as a wider monitoring role, which could be:

- An arms-length body reporting to government
- A new Homes England centre
- A reinforced network of existing architecture or design centres

4.21 Proposals are to be brought forward to improve the resourcing of planning departments more broadly, but there is also reference to streamlining and refocussing existing skills. To drive a strong vision, a new Chief Officer for Design is proposed.

4.22 Potential implications for this Council

4.23 The implications are far ranging, in terms of the additional skilled staff that would be needed, in both design and community engagement.

4.24 It is not possible to comment further on a new expert body that would be set up without the detail of its constitution or how it would operate in practice.

4.25 Proposed response to questions

Question 18.

Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

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

Proposed answer – Not sure

Supporting statement to the response

Any initiative that aims to support the local authority in building better places, including advice from an expert body and providing resources for new skills is welcomed. However it is not possible to comment further until the more detailed options have been explored.

Subject to resources, a chief officer with expertise to raise the profile of design within the local authority would be welcome.



4.26 Proposal 13 summary- Homes England design focus

4.27 The proposal supports the Building Better Building Beautiful Commission’s recommendation for Homes England, to

- Attach sufficient value to design as well as price
- Give greater weight to design quality in its work

4.28 Homes England have already taken steps to champion design quality and can lead by example. The white paper proposes to engage with Homes England as part of the Spending Review on how to give more weight to design quality and embed it more deeply in its work.

4.29 Potential implications for this Council

4.30 For schemes where Homes England are partners, this can only help the quality of design. Design standards would be best applied across all types of housing. The design standards that were previously applied to social housing through the Housing Corporation, with grant incentives for higher than basic standards were very effective. There may be implications for current proposals and for the time scales of future development projects and programmes?

4.31 Proposed response to questions

<p>Question 19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]</p>
<p>Proposed answer – Yes</p>
<p>Supporting statement to the response</p> <p>Design quality is of great importance and should be given greater emphasis in Homes England strategic objectives. The re-introduction of detailed design standards, or improvement of existing ones in Homes England projects and programmes is welcomed.</p>

4.32 Proposal 14 summary - Fast track for Beauty

4.33 Proposal 1. Where development proposals comply with what good design looks like, agreed by local communities (through design guides / codes), they can be fast tracked by:

- Providing clarity in the NPPF that schemes complying with local guides and codes will have greater certainty of swift approval
- Growth areas to require a masterplan and design code agreed as a condition of permission in principle, prior to proposals being submitted

Masterplans and codes could be prepared alongside or subsequent to the Local Plan, at varying levels of detail – in some cases to have basic codes for a site layout with more detailed codes prepared (by Council or developer) as sites come forward.

- 4.34 Proposal 2. Widen and change the nature of permitted development rights in renewal areas, allowing pre-approval of popular and replicable designs by:
- Developing a limited set of development types to redevelop existing buildings (where conditions satisfied) enabling increased densities
 - Prior approval would still be needed from the Council on context and other planning considerations such as flood risk and safe access
 - A pilot scheme will be developed to test the concept
 - For existing schemes to expand PD rights through upward development and demolition / rebuilding, the paper proposes to legislate so that prior approval for existing rights take into account local or national design codes.

4.35 **Potential implications for this Council**

- 4.36 Proposal 1: the principle of fast tracking proposals that comply with locally agreed codes is sensible. However it is dependent on the production of the masterplans, guides and codes in consultation with communities, which as explored previously, would not be a ‘fast’ exercise and may lead to inequalities across the district.
- 4.37 Where established, standardised codes have been agreed, leading to greater ease of approval in the long run, there would still be a need to review these codes regularly to reflect the latest developments in design and technology.
- 4.38 Proposal 2: In developing a limited set of development types to redevelop existing buildings – there is a danger of standardising such design nationally through “pattern books” of provably popular design leading to ‘nowhere / identikit housing’ that is already seen in some recent development. The input of officers on context and detail would be important.
- 4.39 For existing schemes, legislating to ensure that PD rights take into account local or national design codes makes sense. However if there are no local codes developed this may allow for a very broad interpretation of what constitutes good design within that area.
- 4.40 We need to see the detail of the National Model Design code but presumably there would still be much work needed by planning officers on context and other planning considerations not covered by a code. For example, new development needs to be mixed use, and homes both accessible and inclusive and this may be difficult to express in terms of ‘design codes’.

4.41 **Proposed response to questions**

Question 20.
Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]
Proposed answer – No
Supporting statement to the response

The idea of fast tracking proposals that meet with agreed detailed, locally agreed design codes sounds good. However as previously explored, it is highly unlikely that the process to get to this position could be achieved quickly, or equally across a large district. Also there would also be a need to review the guides and codes regularly, to reflect developments in design and technology (for example in low carbon solutions).

Guidance on redeveloping existing buildings where appropriate in renewal areas is welcomed. However there is a danger in standardising building form that our towns across the nation will be 'anywhere housing.' The input of planning officers on details of context would be important and therefore take time. "Pattern books" for popular and replicable design that may be acceptable as good design in one local community may not be in another.

Research has indicated that the agendas of speed of delivery and quality in design tend to be polemic. Experience in East Devon has been that design quality in housing has sometimes been lost when delivered by volume builders.

4.42 **Proposal 15 - Amending the National Planning Policy Framework**

4.43 This proposal relates to amending the NPPF to include a simpler and effective approach to assessing environmental impacts. This includes reference to local, spatially specific policies and the role that these can continue to play in issues such as identifying important views, improving public access or identifying areas for woodland creation or renewable energy projects.

4.44 There is very little detail upon which to identify implications for the Council and no questions are asked about this proposal.

4.45 **Proposal 16 summary- Streamlined assessment of environmental impacts**

4.46 The government acknowledge the importance of properly considering environmental impacts but believe that the current framework which includes Strategic Environmental Assessment, Sustainability Appraisal and Environmental Impact Assessment leads to duplication, overly long reports and inaccessible reports and delays.

4.47 It is stated that a new system will need to meet the following objectives:

- Processes for environmental assessment and mitigation need to be quicker and speed up decision making and the delivery of development projects.
- Requirements for environmental assessment and mitigation need to be simpler and consolidated into one place.
- Take advantage of opportunities for environmental improvement while meeting legal obligations for environmental protection.

4.48 Again there is little detail and so no specific implications to highlight and no specific questions on these proposals. There is however reference to a further consultation on these issues in the autumn.

4.49 **Proposal 17 summary- Historic conservation**

4.50 Under these proposal the consultation refers to the critical role that planning plays in conserving and enhancing historic buildings and areas. It states that the existing system is

working well but they envisage historic buildings will play a central part in the renewal of cities, towns and villages. The need for adaptation of historic buildings to address climate change and support zero carbon objectives is also acknowledged.

- 4.51 The consultation refers to reviewing and updating the NPPF with regard to listed buildings and conservation areas and exploring new and better ways of consent being secured for routine works to enable us to focus on conserving and enhancing the most important historic buildings.
- 4.52 There is little detail to this proposal to raise implications for the Council and no questions asked to require a response.
- 4.53 **Proposal 18 summary- Energy efficiency standards for buildings**
- 4.54 The white paper advises that the Government consulted on proposals to move towards a Future Homes Standard last year. These seek to deliver, from 2025, a 75-80% reduction in CO2 emissions for new builds when compared to current levels, reducing further towards zero carbon as the electricity grid decarbonises. The document states that the aim of the Government is to ensure that homes built under the new planning system will not need to be retrofitted.
- 4.55 The document states that it will provide a full response to the Future Homes Standard Consultation this autumn, specifically mentioning the response it received from the Committee on Climate Change. They advise that they will be reviewing the roadmap to the Future Homes Standard to ensure that implementation takes place in the shortest possible timeline. It alludes to a further review of options for the future of energy efficiency standards for new development, beyond 2025. It also advises that the response will seek to clarify the role that Local Authorities will play in setting energy efficiency standards for new build developments.
- 4.56 No questions have been included in the white paper for this proposal.
- 4.57 **Potential implications for this Council**
- 4.58 East Devon District Council provided a response to the Future Homes consultation earlier this year, covering the technical aspects of the new standards. Little new information has been provided in the White Paper as to the Government's response to the FH consultation, which is expected this autumn.
- 4.59 What can deduced from the White Paper is that the Government would appear to be sticking to the benchmark of a 75-80% reduction in emissions when compared to current building regulation standards, although it is inferred that the transition towards this standard may be accelerated, with higher standards possibly coming in post-2025.
- 4.60 Members should note that amongst other matters, the FH consultation included the proposal to remove the ability of Local Authorities to set their own energy efficiency standards for new builds, instead enshrining them within building regulations. The white paper advises that the response to the FH consultation will provide clarity on the role that Local Authorities will play on this topic going forward. This will be particularly relevant to the development of a new Local Plan, which would be unable to cover matters of energy efficiency of new buildings should this be enforced.
- 4.61 **Proposed response**

- 4.62 Given the lack of detail provided in the White Paper and the fact that this Council already submitted a response to the Future Homes consultation earlier this year, it is proposed not to include any comments until further clarity is provided in the response to the FH consultation this autumn.

5 Pillar Three – Planning for infrastructure and connected places

- 5.1 This chapter sets out the key proposals which seek to improve the way in which contributions towards infrastructure associated with new development is made, to improve certainty and transparency . As with the previous chapters, it begins with a number of general questions directed at the public which are not covered in this report.

5.2 Proposal 19 summary- Reforming Community Infrastructure Levy (CIL)

- 5.3 This proposal seeks to replace s106 and CIL with a new, consolidated ‘Infrastructure Levy’. This levy would be set nationally as a fixed proportion of the development value. It will be levied at point of occupation, and include a minimum threshold below which the levy is not charged to prevent low viability development becoming unviable. The levy will be charged for all use classes. The Government propose to allow local authorities to borrow against Infrastructure Levy revenues to forward fund infrastructure.

- 5.4 The government believe that this approach would help to better capture increases in land value and would be more sensitive to economic downturns.

- 5.5 An alternative option is presented whereby the Infrastructure Levy could remain optional and set by individual local authorities. However, the Government are concerned that their influence on levels of land value capture would be less strong under this approach.

5.6 Potential implications for this Council

- 5.7 This proposal is a radical change in planning obligations with huge implications for how the Council operates. We currently charge CIL based on the rates in our Charging Schedule adopted in 2016, with a new Charging Schedule having recently been approved at Examination. The CIL rates were informed by a local assessment of infrastructure needs and viability. We seek s106 planning obligations where the statutory tests can be met, which often involves lengthy discussions around local viability issues, infrastructure, and affordable housing needs amongst other things.
- 5.8 The Governments’ proposal would sweep away much of this local assessment, particularly the need to test site viability. Whilst this would simplify the system and save the Council time and resources, it lacks flexibility to reflect local circumstances which may mean that more ‘difficult’ sites remain undeveloped.
- 5.9 Including all planning obligations in an Infrastructure Levy, payable by developers at point of occupation, could lead to substantial risk and uncertainty in delivering the necessary infrastructure to support development. Such infrastructure is traditionally delivered by developers, so passing this responsibility to local authorities, particularly where it is required upfront, could be a significant financial burden for this Council.

5.10 Proposed response to questions

- 5.11 It is difficult to meaningfully respond to some of the questions given the lack of detail around such radical changes to the planning obligations system. Nevertheless, responses are set out in the boxes below.

Question 22(a).

**Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?
[Yes / No / Not sure. Please provide supporting statement.]**

Proposed answer – Not sure

Supporting statement to the response

It is difficult to meaningfully respond without detail on issues such as what the fixed proportion of development value may be, above what threshold, and how much this may raise for infrastructure and affordable housing delivery in East Devon. Although the proposed Infrastructure Levy will save time and resources for local authorities in setting CIL rates and negotiating s106 agreements, it lacks flexibility to reflect local circumstances. For example, without local or site-specific flexibility there is potential for sites with higher existing use value or greater constraints to remain undeveloped; and it may stall some non-residential development where values are generally less than residential. It is noted that a minimum threshold will be set, below which the Infrastructure Levy will not apply, but this raises the prospect of lower value areas not being able to raise sufficient funding for infrastructure and affordable housing.

Question 22(b).

**Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?
[Nationally at a single rate / Nationally at an area-specific rate / Locally]**

Proposed answer – Locally

Supporting statement to the response

Setting the rates locally would ensure a bespoke approach taking account of local costs and values, along with infrastructure and affordable housing needs. There are massive variations in values and costs not just across the country but within regions and local authority areas. It is difficult to see how nationally set rates could possibly pick up on these local variations and therefore would risk either setting rates too low and not capturing sufficient value from developments or setting rates too high such that they are not viable. Local knowledge and understanding is needed to set appropriate rates. A national approach would be far too simplistic and risks delivery of sites with higher existing use values and greater constraints.

Question 22(c).

**Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?
[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]**

Proposed answer – More value

Supporting statement to the response

Landowners, particularly of greenfield sites, can currently make substantial sums when their land is released for development. The latest East Devon viability study (to inform CIL rates) incorporates a benchmark land value of £300,000 per hectare for greenfield sites, which is approximately 15 times the agricultural land value of £19,750/ha. Based on our experience this is what landowners expect to receive in order to release land for development and appeal decisions have shown that this is reasonable and that we cannot set a lower benchmark land value. The Infrastructure Levy should seek to suppress land values at a national level, to ensure more value is available to support local investment in infrastructure, affordable housing and local communities. This could be consistent on a national level by setting a specific proportion of value as a component of calculation of infrastructure levy rates but allow local knowledge and understanding to inform other elements of the calculation.

Given the proposal is to capture the new infrastructure levy at occupation, it would seem reasonable to set the Levy at a higher rate than authorities receive at present, given that the developer will benefit from the greatly reduced risk associated with low cash flows throughout the course of a development.

Question 22(d).

Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

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

Proposed answer – Yes

Supporting statement to the response

The proposal for all planning obligations to be included in an Infrastructure Levy, payable by developers at point of occupation, could lead to substantial risk and uncertainty in delivering the necessary infrastructure to support development. Such infrastructure is traditionally delivered by developers, so passing this responsibility to local authorities, particularly where it is required upfront, could be a significant financial burden for local authorities. It is unrealistic to expect local authorities to deliver enabling infrastructure. Nevertheless, if this approach is pursued, it is essential to allow local authorities to borrow against Infrastructure Levy revenues.

5.12 Proposal 20 summary- Capturing changes of use in Infrastructure Levy

5.13 Currently the CIL regulations only apply where additional floor space is created and so changes of use do not pay. The government is proposing to extend the base for charges by including changes of use including some of those that benefit from permitted development rights such as the change of use of offices to residential.

5.14 Potential implications for this Council

5.15 Although the Council has not seen any significant office to residential developments under permitted development rights there are some changes of use to residential that would have generated CIL income under these proposals and so they have the potential to increase funding for infrastructure and close a loop hole in the current regulations.

5.16 Proposed response to questions

Question 23.

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

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

Proposed answer – Yes

Supporting statement to the response

It makes sense that changes of use where viable should pay towards the infrastructure that the development will require through the infrastructure levy. Changes of use to residential uses should be captured by this whether they gain consent through planning permission or permitted development rights.

5.17 Proposal 21 summary- Infrastructure Levy to deliver affordable housing

5.18 Affordable housing is currently still provided under Section 106 planning obligations and CIL cannot be spent on it. The government propose to enable funds raised from the infrastructure levy to be used to secure affordable housing as this would be necessary with Section 106 agreements being removed.

5.19 The proposals are that this could be secured as payment in kind on-site delivery of affordable homes in a manner akin to the current requirements through Section 106 but in-lieu of part of the infrastructure levy payment. The reduction in infrastructure levy payment would be calculated based on the difference in price between the open market value of the property and the price paid by the affordable housing provider who would take on the home. Through this route the government would retain the incentive for developers to deliver affordable homes on-site and local authorities would retain the ability to specify tenure and mix of homes. The consultation acknowledges the measures would be needed to maintain appropriate standards of affordable housing and for on-site delivery to be flipped back to a financial contribution where the homes are of poor quality or in the event of market fall and the levy contributions are insufficient to cover the value of on-site delivery.

5.20 An alternative option is also detailed based on a “first refusal” right for local authorities or affordable housing providers acting on our behalf to buy up a set proportion of on-site units at a discounted price broadly equivalent to build costs. This purchase would be funded from infrastructure levy receipts. It is also indicated that this mechanism could be used to buy homes and then sell them at market value to raise funds to deliver affordable housing elsewhere.

5.21 Potential implications for this Council

5.22 The delivery of affordable housing on-site by developers through Section 106 agreements has been our main outlet for affordable housing. Since the introduction of CIL it has been

susceptible to the number of units or tenure split being negotiated away from policy requirements due to viability issues. This is because with CIL being fixed there are few areas left for negotiations due to viability. The proposals potentially address this albeit again there is a distinct lack of detail.

5.23 The alternative option would present an opportunity for the Council to be more proactive in the delivery of affordable housing and also presents a mechanism to help fund the delivery of affordable housing in parts of the district where development is not coming forward so readily. For example under the alternative option it would be possible to sell off at market value affordable units required by policy in the west end of the district where there is greatest supply of affordable homes and use the funds to deliver units elsewhere where there may be greater need and lower provision.

5.24 **Proposed response to questions**

Question 24(a).

Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

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

Proposed answer – Yes

Supporting statement to the response

There are acute needs for affordable housing and any changes need to ensure that they at least maintain if not markedly increase the provision of affordable housing to meet those needs. On-site provision by the developer is generally the best way of achieving this and should be the norm.

Question 24(b).

Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a ‘right to purchase’ at discounted rates for local authorities?

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

Proposed answer – Not sure

Supporting statement to the response

Both approaches have their advantages but if all affordable housing came forward under the ‘right to purchase’ then this would place a massive additional burden on local authorities to administer this and given the number of homes concerned this may be unrealistic.

A hybrid approach whereby in-kind payment is the normal approach but perhaps on large scale strategic sites the ‘right to purchase’ could be applied. This would give local authorities greater flexibility on developments such as new communities to ensure that they make suitable provision for affordable housing but this does not all need to be as part of the development itself and can instead help to deliver affordable housing elsewhere in the district. This would avoid situations such as we have found at Cranbrook

where the new community has unusually high levels of affordable housing leading to some undesirable outcomes where the ability to provide some of the affordable housing elsewhere in the district would have been attractive and would have better met local needs.

Question 24(c).

If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

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

Proposed answer – Not sure

Supporting statement to the response

If the value secured through in-kind payments is greater than the final levy liability then we would not want to be a position of monies being reclaimed from the Council, however the system should be designed in such a ways that this does not happen. It would seem fundamentally unfair for a developer to be penalised for providing on-site affordable units.

Question 24(d).

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

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

Proposed answer – Yes

Supporting statement to the response

Affordable housing providers generally have their own requirements in terms of standards such as space standards, accessibility standards, epc ratings etc which mean that the affordable housing units are often built to a higher standard than the market units. It would however make sense to standardise this approach and roll out these standards for all new homes both market and affordable so that there is a consistency of approach and everyone can benefit from a quality home.

5.25 Proposal 22 summary- Increased freedom for spending Infrastructure levy

5.26 The government acknowledges the importance of the neighbourhood proportion of CIL that enables up to 25% of CIL receipts to be spent in the locality of the development by the community. The consultation proposals to retain this element in the proposed new infrastructure levy.

5.27 Greater flexibility over the spend of infrastructure levy funds for local authorities is proposed so as to allow spend of receipts on policy priorities once core infrastructure obligations have been met. In addition to the provision of local infrastructure including parks, open spaces,

street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax. The consultation refers to potentially ring fencing funds for affordable housing to ensure that this is delivered as well as opportunities to enhance digital engagement with communities on spending priorities.

5.28 Potential implications for this Council

5.29 The importance of the neighbourhood proportion to communities is understood but it is too soon to say whether these monies are being used effectively by communities to deliver what the community needs.

5.30 Greater flexibility over spend in theory sounds positive but in reality CIL has left a funding gap of over £70million just for priority 1 projects. The likelihood is that the new infrastructure levy would not bring in sufficient additional funds to close this gap and so it seems unlikely that we would be able to benefit from such flexibility.

5.31 Proposed response to questions

Question 25.

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

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

Proposed answer – Yes

Supporting statement to the response

Flexibility is good but fundamentally the levy is to fund infrastructure to support development and so some controls must remain in place to ensure that this happens. It seems that there is also a presumption that the new levy will bring in more than enough funds to achieve that but this seems unlikely given the massive funding shortfall for infrastructure that CIL has generated. In the case of East Devon we have a funding shortfall of £70million just for priority 1 projects on our infrastructure delivery plan and so it seems unlikely that this gap will be closed to enable flexibility to be applied. Any new levy needs to bring in substantially more funding for infrastructure first and foremost.

Question 25(a) - (note this question is a follow on to Question 25)

If yes, should an affordable housing 'ring-fence' be developed?

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

Proposed answer – Yes

Supporting statement to the response

It is important that the infrastructure levy is ring fenced for infrastructure first and foremost and not just affordable housing. Its fundamental purpose is to fund infrastructure and any freedoms should only be applied once this has first been achieved.

5.32 Proposal 23 summary- Resource and skills strategy

5.33 In this section the government acknowledge the need for a comprehensive resources and skills strategy for the planning sector to support the implementation of reforms. The consultation refers to the following key elements:

- Planning fees to continue to be set on a national basis but should cover at least the full cost of processing the application type based on national benchmarking.
- If the new approach to development contributions is implemented a small proportion should be earmarked for local planning authorities to cover their overall costs including for preparing a local plan, other policy documents and enforcement activities.
- A review to identify and eliminate outdated regulations which cost time and money.
- Some planning activities to still be funded by general taxation given the public benefits of good planning but new burdens funding to be made available to aid the transition to a new system.
- A new performance framework to be established to ensure continuous improvement in all local authority planning functions.
- The planning inspectorate and statutory consultees to become more self-financing through new charging mechanisms with associated performance targets.
- Significant enhancement in digital and geospatial capability and capacity across the planning sector.

5.34 **Potential implications for this Council**

5.35 Views are not sought on these proposals but it is considered that they should generally be welcomed albeit performance frameworks have historically focused on timescales for decision making rather than the quality of service and decision making which is unfortunate.

5.36 **Proposal 24 summary- Strengthened enforcement powers**

5.37 The consultation acknowledges the importance of planning enforcement in ensuring development standards are maintained and enforced as well as its importance in public confidence in the system. The government propose to strengthen enforcement powers and sanctions against intentional unauthorised development, consider higher fines and look at ways of supporting enforcement activity.

5.38 No details are included and no questions are asked on this section.

6 **What happens next**

6.1 This chapter sets out the next stages towards implementing the changes proposed in the document. Following the consultation, further work will be undertaken to develop the proposals before new primary and secondary legislation is brought to Parliament. Changes will be made through an updated National Planning Policy Framework (NPPF).

6.2 Members will note that a quick timescale is alluded to, with the paper stating that new Local Plans will be expected to be in place by the end of Parliament in 2024. This would mean that legislation would be in force by the beginning of 2022 at the latest.

6.3 Finally, the paper includes a question on the potential impacts of the proposal on people with protected characteristics as defined in section 149 of the Equality Act 2010 (Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It argues that a simplified planning system will allow for greater engagement for all groups up and down the Country.

6.4 Proposed response to question- Equalities impact

6.5 Like all public authorities the government is required to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

Question 26.

Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Proposed answer – No