

Planning for the Future

Consultation Questions: ECC responses

Note - Some of the questions posed by the Government are directed at the public; these questions are in blue text below and are not responded to.

Questions

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

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

2(b). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / other – please specify]

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

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

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

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

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

No – Simplifying and streamlining the Local Plan process and a move towards a genuinely plan-led system is welcomed. However, the proposed approach would appear to be a move away from democratic accountability and localism. There appears to be confusion regarding what land would be within each zone and what this would mean; for example it is unclear whether residential gardens would be within renewal areas or protected areas (or how this would be shown on the Local Plan map). It is also difficult to see how the new zones will work within urban areas such as Exeter to deliver sustainable growth. Larger urban regeneration schemes don't appear to fit into any of the three proposed zones. Furthermore, there are concerns that Council's ability to deliver good well designed sustainable development that contributes to local distinctiveness would be adversely affected.

Having a statutory timetable is a positive move to get plans in place quicker. However, there is doubt as to whether the 30 month timetable allows sufficient time for consultation (which seems even more necessary considering this is the only stage at which consultation is envisaged under the new system). There is also the limiting factor of achieving a robust evidence base with the available resources to do this specialist work. Certainly without significant additional resources Councils will not be able to respond to this tight timetable.

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

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

No - There may be potential for setting centrally generic development management policies that are common to many Local Plans, which would achieve greater consistency and reducing waste work. However, it appears that national policy would overrule local considerations. The approach seems to ignore local issues, the desire for local distinctiveness and the need to address climate change and deliver sustainable communities. Locally produced design codes do have merit, but are also resource and time intensive to produce. Plus it is not clear how 'locally produced design codes' will sit alongside NPPF development management policies, or which will take precedence.

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

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

Not sure - the 'Tests of Soundness' have endured for a long time and are well understood. In contrast very little detail of the proposed 'sustainable development' test is provided at this stage; and whilst government states we all know what sustainability is in fact this is not the case. The suggestion that the need to demonstrate deliverability will be less prescriptive is also lacking in any detail (although this could be welcomed if this is just intended to promote pragmatism on behalf of PINs). More clarity on the detail is required.

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

Many agree that the Duty to Cooperate is not fit for purpose but clarity is needed on what will replace it. It may be that this points to a return to strategic plans or regional planning, or indeed that the changes pre-empt a major reorganisation of local government to introduce more unitary authorities, but the document itself makes no mention of this.

As a minimum, in order to ensure the growth agenda is achieved in a coordinated manner with the strategic infrastructure delivered to support it, some form of 'strategic planning' involving co-operation between neighbouring local planning authorities is considered essential.

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.]

Not sure – This seems to signal a return to a top down approach with housing numbers being provided centrally. This is welcomed to the extent that it should reduce the scope for arguments about housing numbers at Examination (etc). However, it is unclear how this fits with the Government's focus on 'Localism'. It is also important that the formula used to calculate housing numbers is transparent. The method should allow local authorities to calculate their housing need using the most up-to-date data (ideally including latest populations projections) to avoid accusations of being a 'fix' to meet what many people regard as an arbitrary national housebuilding target of 300,000 per annum. Whilst the Government's promise to take into account 'land constraints' offers hope to those areas that

are heavily constrained, it is not yet clear how requirements would be arrived at. In order to have legitimacy any process would need to be transparent.

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

No – The extent of urban areas is not a good reflector of need and the evidence does not suggest a causal link between affordability and number of homes required or delivered. Housing stock is not a good predictor of housing need and therefore should not be used. The Government seems to suggest the approach has been influenced by a concept of fairness; however, the outcome is likely to be far from fair as those authorities who have helped deliver significant housing development over previous years would have a relatively higher requirement.

Affordability should not be factored into the standard method. Issues of affordability cannot be addressed through dwelling requirements; the evidence does not suggest a causal link between dwelling requirement, dwellings delivered and affordability. Instead the focus of the standard method should be on need, with other measures being taken to address affordability (based on the provision of truly affordable housing products).

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

No – The proposals are not clear and it is not apparent that good, well designed development would result.

There is concern that this might signal a move away from the current process where those affected get to voice any concerns. Local residents, communities and elected members need to have an opportunity to be involved in planning decisions (it is often difficult to get engagement early on in the local plan process when the implications are hard to envisage; only when proposals are close by, in distance and time, and the detail is known, does development become 'real' for neighbours and local residents).

This approach would remove local decision making based on the factors pertaining to the specific area. The focus on heights and scale is too narrow; there is little to suggest that this will deliver sustainable communities. Delivering good well designed development is about more than adhering to a set of rules; locally agreed design codes may help speed up the decision making process, but significant resources are needed to bring these forward.

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

No – The proposals are not clear and it is not apparent that good, well designed, sustainable development would result. Proposals refer to a presumption in favour of development for uses specified as being suitable in renewal areas, but what about the form, design and sustainability of development? (Negotiation is normally focused on these issues, rather than 'use' issues which are already relatively easy to conclude upon). The multiple approaches to obtaining consent for development will lead to confusion and delay.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?
[Yes / No / Not sure. Please provide supporting statement.]**

Not sure – unless NSIP were to work alongside the local authority and community to ensure proposals deliver for the local area, this could result in a significant move away from local democratic accountability. However, it is recognised that NSIP regime may improve the chances of getting funding for critical infrastructure.

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

No – Strict adherence to a time limit is likely to result in more applications being refused or poor development being approved as LPAs seek to meet deadlines. Much of the delay in determining planning applications is attributable to applicants, and negotiation (which takes time) is often needed to ensure good development results.

The proposals for templates and greater standardisation of supporting information are welcomed. However, supplementary information will still be required for LPAs and statutory consultees to assess difficult technical issues and that there will always be site specific information requirements. Furthermore increased automation could lead to an inflexible ‘tick box’ exercise that fails to deliver good, well designed, sustainable development.

There is concern that this might signal a move away from the current process where those affected get to voice any concerns. Local residents, communities and elected members need to have an opportunity to be involved in planning decisions. Whilst early engagement in the Local Plan process is to be encouraged, the Local Plan lasts for a long time and, especially with a transient urban population, it is at the planning application stage that communities need the chance to be involved.

Proposals for automatic refund of planning fees (after statutory time limit) and the potential for deemed grant of planning permission, would work against the delivery of good well designed development and works against the commitment to ensure fees cover costs.

Genuine front loading of major applications through pre-application discussions (perhaps made mandatory above a certain threshold of development) would assist in speeding up decision making, particularly for major development when likely to be subject to panning obligations.

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

Yes – but LPA’s need resources and technical expertise to enable this to happen and it should be understood that the move to digitise will not, of itself, result in civic engagement (as suggested). A standardised approach to mapping, using the latest digital technology, is welcomed. However, whilst templates are often useful to ensure consistency of approach, their applicability to Local Plans, which need to respond to the specific needs of the area, is questionable.

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

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

No - Having a statutory timetable is a positive move to get plans in place quicker. However, there is doubt as to whether the 30 month timetable allows sufficient time for consultation (which seems even more necessary considering this is the only stage at which consultation is envisaged under the new system). There is also the limiting factor of achieving a robust evidence base with the available resources to do this specialist work.

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

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

No – the positive outputs for communities from Neighbourhood Plans have been few and they have not resulted in an uplift in homes delivered.

It would be better to replace Neighbourhood Planning with funding for true community engagement and community projects; giving communities a leading role in shaping their areas. Few Neighbourhood Plans have policies that can be genuinely used for planning decision making purposes. Furthermore with the limited resources in planning departments there is no scope to support communities to ensure plans are credible and deliver as intended. There is also an assumption that neighbourhoods want their own plan, and yet that has simply not proved to be the case, especially in urban areas. If Neighbourhood Planning could be made more accessible for urban authorities it could be an important building block for the Local Plan process; but this is not currently the case. Whatever replaces Neighbourhood Planning needs to be more accessible for all communities; deprived urban communities need to be engaged as well as more affluent areas.

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

The positive outputs for communities from Neighbourhood Plans have been few and they have not resulted in an uplift in homes delivered. It would be better to replace Neighbourhood Planning with funding for true community engagement and community projects; giving communities a leading role in shaping their areas. Whatever replaces Neighbourhood Planning needs to be more accessible for all communities; deprived urban communities need to be engaged as well as more affluent areas.

Most neighbourhood plans are not drawn up by specialists or consultants but by lay-people and without considerable support they will continue to fail to deliver for the Government or for the communities concerned. Far better to focus resources on getting communities to engage with the Local Plan process and bringing forward masterplans and design codes.

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

Yes – This appears to be a positive objective; detail on how this would be enforced would be welcomed (including measures to ensure larger sites are not subdivided to bring them below the affordable housing threshold). A variety of development types is already sought by NPPF and local policy, but requiring 'different builders' would seem to require public land ownership through, for example, a New Town Development Corporation. Furthermore

measures to address excessive land banking are needed. Developers should be required to implement the planning permissions they already have and measures identified to achieve faster build out of developments where needed.

Enforcement of planning, both of conditions and unauthorised development, should be made a statutory function of Local Authority planning to ensure resources are made available to deliver quality development. In many cases well designed and thought through schemes with appropriate conditions are merely poorly executed in the build out stage. Proactive enforcement is vital to ensure development is delivered in accordance with approved plans. Resources are needed to support this.

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

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

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

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

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

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

Not sure – Design codes have already been used successfully within the existing planning system (often in association with master planning). However, it needs to be clear who will create them and what input is required from local communities. This is not a skill set most planners currently have and thus both additional training and resources would be required. Furthermore, the reference to 'more binding' seems to signal a move towards a more rule based system of planning as is seen in other countries. Whilst this approach has its advocates, it could hinder innovation and constrain excellence. The primacy of aesthetic values over other considerations could fail to deliver efficient and sustainable use of land. Design codes must address climate change and deliver net zero carbon by 2030.

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

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

Not sure – This concept is welcome, but more clarity is needed on what role and functions this post would perform. Furthermore, without additional resources this is unlikely to be achieved.

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

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

Yes – Although this is not perceived as a significant issue.

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

Note sure - It is difficult to disagree with the sentiment but 'beauty' is a subjective judgement and there is no common understanding of 'beauty' or what would represent a positive in terms of 'appearance'. If the intention is for planning proposals to be 'fast-tracked' if they are in accordance with an approved design code, then this makes sense (as long as there are minimum standards to ensure sustainable development) but if it means more than this then it becomes too subjective. There needs to be clarity on what is intended and how it will operate.

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

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

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

Not sure. Whilst it is clear that the Community Infrastructure Levy and S106 planning obligations systems are not always delivering the sustainable communities that are needed, there is insufficient detail in the proposals trailed in the Planning For The Future White Paper to conclude that an Infrastructure Levy would resolve current problems such as the failure of CIL and S106 to deliver sufficient funds to meet infrastructure needs in cities like Exeter which are experiencing unprecedented growth. Exeter City Council is open to the concept of a new consolidated Infrastructure Levy, but is concerned that it will further transfer responsibility for infrastructure delivery to local authorities, along with related financial risks, without resulting in the necessary increase in financial resources to deliver on expectations or ambitions. The Council is also concerned about the human resource implications of local authorities assuming greater responsibility for infrastructure delivery when available resources continue to decline. The Council believes the Government should comprehensively model the financial implications of introducing an Infrastructure Levy in comparison to current arrangements in a variety of locations before current arrangements are abandoned.

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

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

Locally - Development values vary considerably across the country and at more local levels. If introduced, Infrastructure Levy rates should be grounded in local development values, however they are set. The process by and basis on which Infrastructure Levy rates would be set need to be clarified.

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

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

More value - The Infrastructure Levy should aim to capture more value to support greater investment in infrastructure, Affordable Housing and local communities. Current

mechanisms for capturing developer contributions capture nothing like the value necessary to secure the investment that is required to deliver sustainable communities.

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

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

Yes. If an Infrastructure Levy is to be introduced, from which a fixed proportion of development value is to be secured, the development value is likely to be calculated close to the point of completion, if not after completion at the point of occupation. If an 'infrastructure first' approach is to be adopted, i.e. if infrastructure is expected to be delivered upfront or at least alongside development, using the proceeds of development contributions secured from development, it will be necessary for local authorities to borrow against the Infrastructure Levy to deliver the infrastructure made necessary by the development. Local authorities are likely to be exposed to potentially considerable risk. An infrastructure implementation programme is likely to be required, with attendant human resource implications. The Council believes that the Government should model the likely financial risks and human resource implications in a variety of locations, and that the implementation of a new Infrastructure Levy should take these considerations fully into account. It is likely that local authorities will need to be endowed with a significant, recyclable, infrastructure investment fund from the outset of the implementation of the kind of new Infrastructure Levy being contemplated.

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

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

Yes. A permitted development change of use from office to residential (for example) can increase the burden on particular types of infrastructure in the same way that any other type of development can, for example pressure on local education and health facilities.

Additionally, exemptions for self-build and custom build should be revisited. Exeter City Council's experience is that self-build and custom build homes are typically extremely high value homes built by people with significant financial resources available to them. There is no justification for exempting such homes from making a contribution towards the costs of infrastructure made necessary by them.

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

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

Yes – As stressed in this consultation affordability is a key issue that needs to be addressed; if affordable housing reduces as a result of the introduction of the new Infrastructure Levy it would have failed in one of its key objectives. It is important that local authorities should be able to set both their own local affordable housing targets and tenure splits, in order to best meet locally assessed needs. Affordable housing should be provided on-site wherever possible to ensure balanced mixed communities.

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.]

Not sure, unclear what this would mean in practice. What is important is to ensure new communities remain as mixed tenure, particularly for large scale development to avoid "ghettoization" and homes should be tenure 'blind'. Thus makes sense for developers to continue to provide affordable housing rather than payment through the Levy.

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.]

Not sure. Not convinced in kind delivery is appropriate

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

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

Yes, all affordable housing should be designed to be tenure blind and of the same quality and design as market housing so should be approached in the same way and be subject to the same design criteria.

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

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

Yes. Whilst infrastructure delivery should remain the focus of any Infrastructure Levy, it is always useful to have greater flexibility over how any levy is spent.

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

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

Not sure. If, as it appears, the transfer of responsibility for delivering Affordable Housing from developers to local authorities is being contemplated, then it may be important to ring fence some Infrastructure Levy receipts for this purpose. However, as a general principle, decisions on how to spend Infrastructure Levy receipts should be devolved to local authorities to make. If the expectation is that planning will become more responsive to local communities, local communities should be trusted to hold the people they elect to account for the decisions that they make in allocating resources.

Also not convinced affordable housing should be delivered in this manner.

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?

There is potential for the following protected characteristics to be impacted by the proposed changes:

Disability

Any reduction in consultation will impact negatively on disabled people who are likely to find accessing the consultation more difficult and time consuming whether through physical,

cognitive, mental or sensory disability. Although adjustments can be made to how the specific consultation is presented and accessed it is the cumulative impact on disabled people that is concerning. Many disabled people find multiple obstacles to living their lives at the same pace as the rest of the population so finding time and energy to respond to a planning consultation may take longer.

Age

While older people who are retired may be perceived to have more time to respond they may also find the complexities of proposals such as the local plan more difficult to navigate.

Sex/Gender

Additionally working age people with caring responsibilities, most of whom are women, may also find it difficult to set aside time to respond to complex proposals such as the local plan.

Ethnicity

People for whom English is an additional language may need a longer time frame to be able to access planning consultations particular complex ones such as the local plan. Language support may also be needed.

For some BAME people, cultural barriers exist that make people less likely to access 'official' spaces where consultations and engagement activities are sometimes carried out/advertised. This is particularly true of Gypsies and Travellers.