

## **APPENDIX C – PROPOSED DISTRICT COUNCIL RESPONSE TO THE PLANNING WHITE PAPER**

### **Questions**

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

**2. Do you get involved with planning decisions in your local area?**

*[Yes / No]*

**2(a). 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]*

Careful consideration would need to be given to the response to this question and who has responded. If the majority of respondents are developers and local authorities, the target audience for this question will have been missed. This Council, as well as others where planners have been employed, have received numerous complaints that people are unaware of a proposal notwithstanding site notices, neighbour letters and press notices being utilised. It is acknowledged social media has a very important role in today's life. However, each Council would need to be sure that the communities where a proposal is, are aware they need to check social media (as well as have the facility to do so). They would also need to be aware of the frequency that they would need to check in order to not miss out on a consultation.

**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]*

- Sustainable places and growth – with quality homes and an enhanced environment
- More or better local infrastructure
- Supporting the local economy including our Town Centres

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

## **5. Do you agree that Local Plans should be simplified in line with our proposals?**

Newark & Sherwood District Council does not in principle object to a zoning system replacing the current planning policy framework, the proposed approach is not a proper zoned system. Labelling all land as one of three (or even two) types is too simplistic to reflect the mix of land uses that exist in most English urban areas. For example the white paper suggests that existing urban areas will most likely be in the Renewal areas and that Conservation Areas will most likely be in Protected. Conservation Areas tend to cover the historic core of most settlements and this is certainly the case in Newark & Sherwood. If we want to promote appropriate redevelopment in Newark town centre that sympathetically respects the build heritage and delivers real change, it is not clear that this would fit into one of the three categories proposed – particularly as the proposals are not explicit about the ability of the Local Plan to resist permission in principle in locations where this might not be appropriate.

The Council strongly supports the alternative option that would limit automatic permission in principle to land identified for substantial development in Local Plans (*Growth* areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.

The Plan Making reforms effectively diminish Local Planning Authorities ability to design and deliver a locally based strategy beyond the location of new development. It curtails the ability of authorities to be spatial – that is integrate plans and programmes that local authorities have to improve their areas. Place making is effectively redefined as design, rather than intervention to deliver change.

There is no mention of the Minerals and Waste Planning framework in these proposals.

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

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

The setting of some national development management policies is a welcome step in situations where national policy has a clear requirement to be consistent, e.g. Green Belt Development Management policy in many instances are directly related to the strategy and overall aims of a plan.

For many other policies LPAs will seek to shape their policies to reflect local concern and issues, going beyond design. For instance policies which direct development away from areas of nature conservation or seek to diversify housing stock.

It is not clear how development proposals will be able to demonstrate compliance with planning policy using automatic machine readable technology.

The District Council strongly supports the alternative that local authorities should have a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.

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

**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?**

A simplification of process of establishing a plan’s acceptability is welcomed however the tool of sustainability appraisals is an important one in establishing not just environmental but social and economic acceptability of a plan’s proposed approach. If the principals of Sustainability Appraisal could be retained in the proposed statutory test then the Council would support this approach.

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

There needs to be a mechanism or arrangement for proper consideration of more than local issues, the duty has only been partially effective given that some authorities have failed to resolve such issues which has resulted in delays to plan making. Removing the duty will not however remove the problem. This is particularly an issue were Local Planning Authorities cover parts of larger urban areas. The white paper proposes a significant removal of local discretion resulting in a mostly nationalised planning system however it does not propose a definite method or solution for effective planning at geographies above local planning authority level in all circumstances.

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

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

Any assessment of housing need should take into account both projected demand and the ability and desirability for an area to accommodate new development. Statistical and data based approaches to establishing housing numbers can attempt to accommodate concepts of constraint; but this is only part of the picture in establishing if the figure is deliverable. The standard methodology which simply dials up housing figures that are not actually deliverable because developers are not going to precipitate market saturation or ignores the

availability of deliverable sites will not deliver additional houses, just additional housing figures.

**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?**

As set out in 8(a) the inclusion of constraints within the calculation is not adequate to appropriately indicate that the quantity of development that can be accommodated. Affordability and the extent of existing urban areas alone will not provide a robust basis for calculation.

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

**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?**

There is very limited information as to how this process is to work in practice. Prior to outline permission being granted under current legislation, there is a need where necessary for certain assessments to be undertaken such as Flood Risk, Noise, Contamination, Archaeology, Transport etc. to understand the constraints a specific site might have. Would the automatic permission be on the basis the applicant/developer will undertake these or is this the role of the planning authority prior to allocation? If the latter, this has a significant impact in terms of resources, both financial and professional, before the land is allocated. If this is not a requirement (as is the case for Permission in Principle), these constraints, if they exist, could mean the principle of development is unacceptable or the amount of development that can be provided will be significantly hindered.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

Unsure – without a greater level of detail it is not clear if the District Council can support these proposals. They would need significant resource given to planning authorities in order to achieve this aim as well as a change in skills from current practice for all three suggestions. Without this resource, the propositions put forward are unlikely to be realised. As referred to within these responses, it is not known/understood how a programme can be set-up to determine beauty as is suggested.

The principle of having Local Development Orders is supported, but this has significant resource implications, are lengthy to complete, a need for land owners to be fully engaged with the process amongst other matters, as evidenced by pilots that were undertaken by PAS a few years ago. The resources are not available within planning authorities to undertake this task and land owners, particularly when there are a number, will likely make this extremely challenging.

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

Not sure – without a greater level of detail it is not clear if the District Council can support these proposals.

This response is provided subject to the following:

- That appropriate engagement with all interested parties in the process is undertaken and taken account of. This role would need to ensure that the communities most affected by the proposed settlement are able to shape and design its impact.
- New settlements are likely to lead to a need for significant infrastructure to be provided to mitigate the impacts of the scheme. By having such developments considered under the NSIP route, there should be greater ability for this to be provided cohesively.

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

**10. Do you agree with our proposals to make decision-making faster and more certain?**

Not sure – without a greater level of detail it is not clear if the District Council can support these proposals.

The principle of developers knowing whether a development is going to be supported or not is agreed in principle. This adds certainty for all and could enable appropriate infrastructure to be provided when it is needed.

The proposal to have machine readable plans will discriminate against many householders (for example) who draw their own plans, which are likely to not meet the standards required.

Detail is not provided regarding the digital template for planning notices. Engagement is key and whilst it is agreed press notices are somewhat obsolete, most people engaging in the system do so as a result of site notices and/or neighbour letters. To remove these without communities knowing how/where to engage will be a step backwards.

The amount of information indicated would need to be supplied for major developments, indicates that these would only ever come forwards as a result of being defined within a growth area. This then means the necessary considerations – flood risk, contamination etc - could likely not be supplied within the 50 page limit, leading to unintended consequences of refusals on the basis of lack of information. This section for major developments coming forward as a result of being allocated appears to suggest the assessments, flooding, drainage, noise, contamination etc. will have been undertaken by the planning authority prior to allocation. If this is what is suggested this will put greater pressure on the proposals to shorten the local plan process. The knowledge for these assessments is not held within planning authorities, therefore the procurement of the necessary expertise will add significant expense to planning authorities.

It is not understood how a design code is able to be made digital enabling assessment of plans against this code. Very often, it is the detail that makes or breaks a proposal. It is also not understood how a neighbourhood plan would fit in with this automated process, which appear to relate to subjective matters.

Automatic approval of applications if not determined within certain timescales will likely lead to a greater number of refusals if negotiation is required in order to make the development acceptable. This will ultimately lead to a longer period for development to come forwards. Fault is laid with the planning authorities, but very often it is the developer who does not respond in a timely manner, or does not apply for pre-application advice in order to submit a satisfactory application.

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

**11. Do you agree with our proposals for accessible, web-based Local Plans?**

Yes – however the Council is concerned that any proposals do not exclude those that do not have access to digital services.

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

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

No – given the need to prepare design codes, masterplans for large sites, a diminished but still significant evidence base, and front load elements which allow for permission in principle it seems unrealistically optimistic. Furthermore if Council's have strategic cross boundary issues to address then it may not be possible to meet the timetable nor necessarily the authority's fault that it cannot meet it.

The District Council is particular concerned that the draft Local Plan will be submitted to the Planning Inspectorate without an opportunity to amend the plan in response to consultation responses from the community and other stakeholders. This will often address concerns raised and speeds up the examination process. To remove this will have a detrimental impact on the LPA being able to submit a plan with as wide a support as possible and will make the Inspectors job harder.

An arbitrary word limit on consultation responses whilst superficially attractive to those who have to review the comments seems unnecessarily restrictive for consultees.

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

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

Not sure. It's hard to see how Neighbourhood Plans could fit into the proposed new Local Plan system. The way the new system is designed attempts to nationalise and standardise as many elements as possible. It is hard to avoid the conclusion that this will diminish the role of Neighbourhood Plans to promote community priorities other than as introducing local design codes.

Hyper Neighbourhood Plans at street level will not reduce complexity in the planning system and risk creating anomalies in how development in adjoining streets would be treated.

**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?**

Not sure – The Neighbourhood Planning process relies on local volunteers giving up their own time to develop community specific plans. They rely on the grant scheme and LPAs to assist them with technical aspects of the work. Developing design codes could be a costly exercise. Similarly given that 'growth' areas in the new system will grant permission in principle this would be a potentially costly exercise to ensure that an allocation is appropriate.

**Proposal 10: A stronger emphasis on build out through planning**

**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

This question again implies that planning authorities are solely responsible for delaying development and as the Letwin Review has demonstrated that this is clearly not the case. House builders are known to only build a certain number of units within a given area. Phasing of developments with different developers is already undertaken by planning authorities.

**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]

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

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

Yes – the Council is currently exploring the development of a design guide and support for the importance of design in the system is welcomed.

However, such design codes should respond to the place in order that we do not end up with the same types of developments everywhere. Each town/village within an area will often have a different identity to its neighbour and it is important that this quality is not lost through inappropriate design codes through lack of time/skill in producing them especially if the design assessment is going to be based on computerised algorithms. This is currently an issue, for example with many house builders having a book of designs that is replicated across the country.

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

**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 – we believe that this is a positive move that will support Council's to deliver good design. Alongside the requirement for a chief officer it may also be appropriate for Councils to appoint a senior Councillor as a Design Champion.

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

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

Yes – however place making is about more than design and as a concept should be key to the work of Homes England. Homes England could equally be required to provide all of the evidence base work upon which LPA's will need to rely for plan allocation (eg. Viability appraisals, SI's), all in a timely manner given the need to have a whole plan produced within 30 months.

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

**20. Do you agree with our proposals for implementing a fast-track for beauty?**

No. Surely the reforms will fast track all development that meets design codes, the issue will be if development isn't acceptable for other reasons.

The principle of masterplans for growth areas is agreed with. However, there is a skills and resource shortage to enable this to occur. Additionally, the cost of preparing such plans will be significant for a planning authority, it would appear the landowner/developer is absolved



of these costs. Where a promoter prepares the masterplan or code for their area, this needs to be with engagement from the planning authority and community it will affect and an ability for it to not be accepted if it is not appropriate.

Beauty is in eye of the beholder. As well as being subjective, beauty is beyond the physical environment but includes the areas around e.g. paths, open space. Having a code could prevent relaxation, where applicable, in order to encourage development particularly where viability issues are present.

The work involved with preparing these plans where Neighbourhood Plans do not exist is extensive when there is already a shortage of staff across planning authorities. The skills needed also do not exist. The skills and preparation of the plans would need to be undertaken whilst still dealing with applications under the current regime.

Regrettably many of the homes that have been created as a result of the widening of permitted development rights are inappropriate, are not beautiful and do not create communities. Progressing and expanding these rights will run counter to the 'beautiful' aim.

## **22. 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]

**Note proposals 15 to 18 have no consultation questions** – The District Council wonder if this is an oversight? These are important issues relating to the environment.

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

**23(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?**

No - The current system enables negotiation to take place to ensure that community benefits are secured alongside consideration of viability. Having a set threshold is likely to lead to viability issues in many instances and thus prevent development as opposed to encouraging it.

The timing of the payment, being of the development value, will only be known once the development is constructed and sold. This would likely lead to the delay of many monies which will have impact upon infrastructure provision and in the event of a developer collapsing leaving the District Council to pick up the responsibility for mitigating the impact of the development. It will also not provide certainty for developers regarding the amount of money which they are required to pay as part of the development and could impact on the level of finance required to fund schemes.

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

Locally – rate setting will require a detailed consideration of local viability. Our experience in setting CIL has shown that even in a single LPA area many different level of viability exists. A nationally set rate (either single or area specific) would not be able to adequately reflect this. It would be impossible to have a single rate as it would incentivise development in the South/South-East and East of England where land values are higher and thus developers will get more profit.

**23(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?**

It should aim to capture the amount of contributions required to deliver infrastructure to support new development.

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

Yes – however at the time money is borrowed, it would be on an anticipated amount of levy being received sometime in the future. If the value of the development goes down or the developer collapses, the local authority could be responsible for repaying a debt they are unable to afford.

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

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

Yes. However without the requirement for seeking consent how will this be enforced? It will add considerable work to LPAs and likely lead to the need for additional staff to support this.

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

No – it will ensure that Affordable Housing is not the subject of negotiation in the sense of whether or not it will be provided, however inclusion within the levy may make the setting of a levy rate difficult.

**25(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?**

No – it should seek to secure the identified need and should require onsite provision in all but exceptional circumstances.

**25(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?**

An in-kind payment will ensure that the cost of the affordable housing is reflected in the final payment made under the levy, however rates will have to be set to ensure that the affordable housing contribution does not subsume all the levy receipts. It may be that a minimum affordable housing contribution of 10% similar to the current NPPF is introduced.

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

Yes - it should be required that if the value secured through in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments.

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

Require that the scheme meets national standards for affordable homes.

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

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

No - the levy is being charged to fund infrastructure and affordable housing it should not be used to reduce Council Tax or as revenue funding. Local Authorities should be properly funded by central government through general taxation for the provision of public services.

Careful consideration will need to be given to the levels of funding passed to Town & Parish Council's 15% or 25% of the proposed infrastructure levy is significantly more than the current amount passed on through CIL. The District Council would like it to be explicitly set out that the portion the Infrastructure Levy passed to Town and Parish Council's is spent on local infrastructure and facilities as this is what the monies have been collected for.

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

N/a