

29 October 2020

## **Planning for the Future White Paper Consultation**

### **Response of the South Worcestershire Councils**

1.1 Further to the publication of the Planning for the Future White Paper on 6 August 2020, please find this response on behalf of the South Worcestershire Councils (SWCs), namely Malvern Hills District Council, Worcester City Council and Wychavon District Council.

#### Pillar 1 – Planning for Development

**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.**

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

2.1 The current planning system is plan-led (NPPF) and its proposed replacement is also plan-led albeit with a fundamentally different process.

2.2 The proposed 'three types of land' i.e. Growth, Renewal and Protected will, at first glance, appear clearer and simpler to interested parties. The document states that the clear role and function of a Local Plan is to provide some certainty to interested parties as to where development will take place and where it should be necessarily restricted. It is evident that this is what Local Plans currently do through allocations of land for various land uses, the setting of Development Boundaries and the identification of Green Belts, Areas of Outstanding Natural Beauty, Sites of Specific Scientific Interest, Conservation Areas etc.

2.3 Regarding Growth areas; it states that these are suitable for substantial development, but the scale is not defined. It is agreed that substantial development should be comprehensively planned but that should surely apply to Renewal areas as well. To exclude areas of flood risk is too crude as new settlement scale growth may include such areas which can form part of the Green Infrastructure. Additionally, LPAs will presumably have to determine whether land within the Growth areas is actually available for development as otherwise there would remain great uncertainty over future housing supply.

2.4 Regarding Renewal areas; 'existing built areas' could mean anything from towns to isolated brownfield sites and typically their suitability and sustainability will vary substantially.

Further, 'small sites within or on the edge of villages' gives no more certainty regarding future development to interested parties compared with the current position.

2.5 Regarding Protected areas; this includes a variety of current designations which typically are very different in terms of both purpose and scale. We consider it inappropriate to include Green Belt with landscape designations as many areas of the Green Belt are neither sensitive, important landscape, biodiversity rich or indeed accessible. Further, many Green Belt locations are more sustainable, in terms of access to services and employment opportunities, relative to non-Green Belt areas so they should not be ruled out from substantial growth as a matter of principle.

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

**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?**

2.6 It is agreed that there is scope to reduce the number of development management policies in Local Plans as some are not materially different to those set out in the NPPF. To provide greater certainty for decision-takers it is suggested that some policy areas are covered in more detail in the proposed revision to the NPPF. There will be instances where there is a need for a locally specific development management policy and clearly the NPPF could not achieve this appropriately across all plan-making areas.

2.7 Regarding design guides and codes; these should also deal with the function of new development. The concern here is that producing such information on a 'twin track' with the Local Plan raises some issues. First, the capacity of LPAs to produce such material over what will be in many cases extensive areas. Secondly, and related to the first point, the capacity of Neighbourhood Planning groups to produce the material, and the fact that a LPA cannot compel groups to prepare Neighbourhood Plans. A further concern is potential, substantial abortive work should a Local Plan fail at an Examination. The other suggested option of design guides and codes as supplementary planning documents may not provide enough certainty for decision-takers unless SPDs are to be given the same status as development plan documents.

2.8 The principle of machine-readable formatting is supported.

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

**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?**

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

2.9 For most interested parties we agree that the number of tests of soundness coupled with legal tests will be confusing. A simpler test is therefore welcomed albeit how effective the sustainable development test will be will of course depend on its detailed formulation. We would suggest that the new sustainable development test be subject to public consultation as LPAs would not want to see the bar for passing such a test so low that sustainable development is not achieved further down the line.

2.10 The matter of infrastructure is considered critical. Where strategic scale development, including free standing new settlements, have the greater planning merit / sustainability credentials, it needs to be recognised that the associated infrastructure needs to be delivered and that will necessitate a combination of revised development returns, lower land prices and public funding support.

2.11 We consider deliverability should be part of any new test, but the evidence for small scale development simply high level with more detailed evidence for substantive growth such as free-standing new settlements.

2.12 Without a formal Duty to Cooperate or regional plans in place, cross boundary development or infrastructure is unlikely to be resolved without Government supportive intervention. The SWCs therefore have grave concerns about the proposed abolition of the Duty to Cooperate, particularly as it has worked well in south Worcestershire in recent times.

**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.**

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

2.13 A standard method for establishing housing requirement already exists, of course, and is proposed to be amended, but to make such a housing requirement binding on the LPA is not supported. Any version of the standard method will fail to take into account local circumstances, and there should therefore be scope for LPAs to adopt a different housing requirement in exceptional circumstances.

**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?**

2.14 Whilst the need to include an element of affordability within the standard method calculation is agreed with, in-principle, the extent of such an affordability adjustment should not be disproportionate to any baseline housing requirement; it may therefore be appropriate to introduce a cap on the affordability adjustment.

2.15 It is not considered appropriate to use the extent of the existing urban area to determine future housing requirement. This is a very simplistic approach and does not take account of the local demography and its associated local housing need, which is far more complex than the number of existing dwellings in an area but clearly more representative of housing need.

2.16 Any housing requirement should be based on housing need. A standard method for calculating housing requirement using the size of the existing urban area and an affordability adjustment, in addition to consideration of land constraints and brownfield land availability, does not represent housing need. Whilst the concept of a standard method to reduce the amount of time taken to agree on a housing requirement in Local Plan production is supported, the current and proposed standard method outputs do not represent housing need. The determination of housing requirement should therefore be calculated at LPA level using local demography; this will ensure the amount of homes that are needed in the areas that need them will be delivered, rather than seeking to achieve an arbitrary figure of housing development across the country through a formula which takes no account of local demography or local circumstances.

**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.**

**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?**

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

**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?**

2.17 The theory of automatic planning permission for land within Growth areas will be very attractive to some interested parties e.g. developers and landowners within such areas, and quite the opposite for those currently living in those areas, such that it puts significant emphasis on the identification of such areas. The proposal may not lead to housing completions any quicker as there may be many instances of outstanding issues incapable of being resolved without a level of compromise. Notwithstanding the matter of land availability within Growth areas, we consider for non-strategic proposals within them a reformed reserved matters process if preferable to the LDO route as the latter replicated across the area would be resource hungry. It is assumed that reserved matters applications will need to be approved by the LPA.

2.18 We agree that for large scale, significant developments such as new garden villages or towns, they should fall under the National Significant Infrastructure Projects regime as invariably they require major infrastructure for them to function as sustainable settlements.

2.19 For Renewal areas, we consider that the process should be the same as for Protected areas as typically they will be smaller scale and the current system of obtaining detailed planning permission is more effective here.

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

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

2.20 It is agreed that there would be benefits in speeding up the process of determining planning applications in aiding housing delivery, however it is questioned whether the measures set out would actually deliver this and furthermore whether the proposed measures suggested would undo the efforts made to engage local communities in the plan making and decision making process and the balanced way in which planning applications are currently determined.

2.21 It is the opinion of the South Worcestershire Councils that the measures proposed constitute a shift away from localism, inevitably reducing the role of Neighbourhood Planning. It is considered that the fast tracking of proposals which have the principle of development established through the Local Plan would undermine public involvement in the planning process and lead to greater distrust of local government and planning departments that permission being granted is a 'done deal'. Specifically whilst permission may have been established through a Local Plan allocation there would potentially still remain a great number of matters to be considered, many of which are the focus of community involvement in the planning process and highly emotive to local residents, including matters such as impact on the highway network, impact on neighbouring amenity, design and impact on heritage assets, and impacts on local services. To fast track such applications would deny local residents the opportunity to get involved in the planning process and to have any valuable input resulting in distrust of the LPA.

2.22 It is agreed that there would be merits to LPAs in a standardised approach to planning software. At present, several different software providers provide planning departments with subtly different software packages each with different capabilities. LPAs also have vastly different budgets for such planning software. A standard approach across all authorities would allow for better service improvements which would allow for the software to better respond to changes in technology and changing requirements in the planning system, for example in relation to monitoring of housing delivery. However it is unclear whether appropriate consideration has been afforded to the complexity of the task of standardising planning software, whether LPAs have the resources within their planning budget to make provision for this and whether such a value has been weighed up against the minor benefits to customers in seeing a standardised approach across LPAs. Furthermore, it is questioned whether any assessment has

been made as to whether a single software supplier exists that has the capacity to supply and support all LPAs and whether the lack of competition within this market might raise unintended issues.

2.23 LPAs have very different budgets for planning software and the data cleansing and migration costs and time involved in changing software providers or even upgrading current systems are huge. It is questioned whether the minor benefits would outweigh the upheaval involved in standardising software across all authorities, or if a standardised software could be developed which meets the needs of all LPAs, who have been using differing software systems in differing ways for a number of years. It is unclear how the errors and costs incurred by planning authorities would be reduced in moving to such a standard approach rather than exacerbated and it is suggested that far greater costs and errors would occur through the adoption of a standardised approach.

2.24 It is questioned whether the provision of standardised software would help automate routine processes to the extent that is inferred in the consultation. Whilst there may be a benefit to applications such as certificate of lawful proposed developments (which account for a small proportion of applications) it is unlikely that the same benefits would be reaped for full planning applications which are assessed against local planning policies, different in each authority and importantly include consideration of material considerations and strike a planning balance. To assess whether a proposal is 'within the rules' would involve differing input of various planning documents, for example to assess whether an extension would result in a loss of light to a neighbouring property would typically involve inputting a residential design guide or similar into such an algorithm. But such an assessment would unlikely capture the experience of the planning officer on the ground who will assess orientation of buildings, positioning of neighbouring fenestration, position, type and height of boundary treatment, differences in floor levels and matters raised through neighbour representation and other material considerations in making their assessment. Again, such a standardised approach further reduces the value of neighbour involvement if the granting of planning permission becomes little more than an algorithm and concerns regarding potential issues with a proposal cannot be given full weight. More thought is required for the logistics of making a standardised software a reality and how neighbours can continue to have meaningful input in the planning process before such measures can be adopted without risk of consequence.

2.25 Whether a simplification of information requirements would speed up the planning system is questioned. Inevitably less information submitted up front with an application would result in documents necessary in reaching a planning judgement being requested either in the course of the application determination or as part of a discharge of condition application. Neither of which would speed up the planning system. The documents which form part of a planning application submission are requested as they are necessary to assess the merits of the proposal and if these do not form part of the submission it is unclear how the LPA can consider all matters relevant to the proposal. Whilst the submission of machine readable documents would be welcomed this would likely exclude many of the smaller operators (planning agents or individuals submitting their own planning applications) from being able to submit applications and due

consideration would need to be given to how such operators (many of which continue to submit hand written application forms) can be assisted in reaching the standard machine-readable submission requirements.

2.26 The standardisation and digitally availability of information relating to planning decisions and developer contributions is welcomed, however appropriate consideration to the mechanisms and costs involved in achieving this, and standardising the back catalogue of planning decisions in order to reap the full benefits of this information. That this information is linked spatially will be key to harvesting any value from such a project, however in many cases the data held by LPAs will not be adequately accurate due to errors in GIS recording and time and money will need to be considered in the delivery of data cleansing and transfer to deliver such a project, typically beyond the expertise of in-house planning teams.

2.27 The standardisation of technical supporting information is a laudable aim, however it is considered that this would again oversimplify the planning process and in itself not speed up delivery of housing. Such a suggestion fails to consider the complexity of information submission requirements for different application types and how constraints and issues differ within a district and from area to area. It is oversimplistic to consider that the validation requirements for a householder application in an urban area would be the same as within a national park and again this removes 'local' from decision-making. It is likely that most applications in addition to these standardised requirements would require a number of site-specific requirements, thereby introducing delay to the planning process and confusion over submission requirements.

2.28 That different authorities use different wording for conditions is inevitably linked to the differing issues facing each authority and that the conditions relate to policies within the Local Plan. How the different phrasing of conditions causes any problems or delays in the planning process is unclear. To standardise this approach for 'common issues' would give only minor benefits as most issues which are the subject of a condition tend to not be 'common' and relate to Local Plan policies and issues specific to the proposal or local area. There would therefore be only a very minor benefit to this proposal.

2.29 Measures to incentivise the determination of applications within the timeframe completely fail to consider the role of the planning authority in determining planning applications. Improvements to proposals are sought in a high proportion of applications and the current system where extensions of time can be agreed benefits the overall outcome of the proposal and also means that applications aren't needlessly withdrawn or refused to adhere to determination time targets. Such measures of fee refunds would speed up decision making but not the quality of the decision and many of those decisions could be a refusal, an approval with numerous conditions to be discharged, or a withdrawn application as the quality of submission does not always allow for a positive outcome to be reached at the point of application submission. This will delay rather than speed up delivery of housing. Furthermore, the severe delays caused by applicants (as opposed to LPAs) needs to be considered. Such an approach penalises the LPA who are only one part of the decision-making process. Whilst the merits of speeding up key infrastructure projects are acknowledged such proposals are unlikely to allow for the many considerations which come into play with major applications including highway

safety, flooding, design, ecology etc. The oversimplified approach would not benefit the planning outcome or the capacity of the public to get involved in decision making. Any efforts to speed up any part of the planning system would need to also deal with statutory consultees, many of whom provide comments far beyond the statutory consultation date has expired. The involvement of such consultees is critical in the delivery of well-designed places which are appropriate in terms of landscape, ecology, flooding, heritage and highways impacts, and hence delays in the submission of their responses (in some cases providing holding objections for several months whilst information is reviewed) can have a significant knock on effect in the timeframe for application determination. Any requirements to speed up the planning process will need to tackle this from the ground up and require that consultees such as Highways England, the Environment Agency and Historic England provide full and useful comments within the set timescale and seek to become more actively engaged in the consultation process. Additionally, it should be noted that there are plenty of high performing LPAs operating efficiently with limited service budgets. Rather than force all LPAs to make significant changes which is inevitably going to cause disruption and delay certainly in the short to medium term, Government would still be better focussing on those LPAs that are not performing so well, encouraging them to improve, as a one size fits all approach isn't necessary or desirable.

2.30 The speeding up of the appeals process is welcomed. In line with the standardisation of the planning process it is assumed that the appeals process can also be standardised, and more matters be dealt with by written representations. However, the suggestion that planning fees be refunded where an appeal is allowed is over-simplistic. This fails to consider the costs incurred in processing a planning application and the finely balanced nature of decision making. The LPA would have incurred costs which would not be recovered and the capacity to continue delivering services with budgets impacted so severely would be compromised. Again, it is questioned how this would speed up the planning process.

2.31 Digital technologies are likely to be disruptive and pose significant teething problems. The ability for LPAs to address these problems given limited staffing and budgets is questioned. What support will be offered to LPAs to allow them to deliver such digital technologies in a consistent way across all LPAs, each of which with differing budgets? Such digital tools could improve engagement of digitally literate groups, however, could exclude less digitally literate groups, such as the elderly. Due consideration will need to be given to how such groups are engaged in the planning process.

2.32 Of utmost importance in any planning reforms is the transparency on the ground to members of the public. It is important that local residents understand how decisions have been arrived at. There is likely to be significant levels of mistrust in a system which determines planning applications based on an algorithm with no or limited capacity for public engagement. Recent experience has taught us that algorithms can be flawed, and to place the fate of the planning process in this generates concerns about the capacity to fully balance material considerations when determining a planning application: such a balance, which might for example give due weight to the fact that an extension is for a disabled occupant, would fail to be considered by an algorithm and is therefore considered to fail to address a key component of the

planning system, that being the role of material considerations in application determination.

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

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

2.33 There is insufficient detail included within the White Paper to respond to this question. It appears that the proposals aim to digitise the evidence base data layers of policy development to open up this stage of the process to non-planners in an effort to improve the incidence and ease of engagement. The principle of making Local Plans more accessible using technological solutions is supported, as is the principle of improving accessibility to information garnered through the evidence base through loading this to map based public engagement platforms. The standardisation of formats is also welcomed. However, there remains a question around quality of engagement.

2.34 Many different digital engagement platforms have been developed. Many of them have been purchased by local authorities at great cost, and many of them replicate paper form filling processes necessitating lengthy interrogation after the close of consultation. The newer interactive digital formats lend themselves very well to commenting on specific proposals and the ideas generation stages of planning (site allocation and issue gathering stages and planning application stages) but are generally less useful at distilling directions for growth and areas of development opportunity where there are not obvious brownfield development options. These systems tend to offer the digital equivalent of “post it” notes. The consultation software examples linked through the document at footnote 12 at <https://www.commonplace.is/> are of this type. Plan making is not just about renewal of urban areas and brownfield development but also green field development, and often Green Belt review. Placing digital post-it notes on digital maps does not help policy makers come to conclusions about where development could be located.

2.35 The type of decision making required to build consensus regarding areas for growth require dialogue with consultees which is at present, built up through the consultation process and through democratic processes as elected members agree development plans for consultation. The removal of the many current opportunities for consultation is a cause for concern, as is the much faster time period for development of the proposed zones. The proposed new style Local Plans will need to define areas for renewal and protection but also areas for growth. It is the proposed growth areas that will be the most difficult to delineate, particularly where sensitive and/or valued landscapes would be affected. Where only two opportunities to comment are offered, it is questionable whether even the most dedicated parties will be able to engage effectively.

2.36 It is also of relevance that not everyone has access to a smart phone or personal computer, that internet access is not free, nor is there universal coverage across England. That rural areas and blackspots in urban areas have poor internet connectivity needs to be considered in a move to predominantly digital engagement, as does the cost associated with

procuring and learning how to use any new engagement software effectively.

**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.**

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

2.37 It is evident that the current plan-making process is typically too lengthy, contributing to Local Plan coverage falling below 50%. The South Worcestershire Councils consider that a 30 month process is appropriate for most Local Plans, but that there should be an opportunity for Local Planning Authorities dealing with complex Local Plans e.g. joint Local Plans, to agree a longer timeframe with MHCLG. In addition, to help deliver plan led strategic growth, in particular new settlements, support from Homes England should be made available to LPAs.

2.38 The proposed stages are logical. The call for areas under the three categories could result in some areas for which no representations have been received. Consideration needs to be given as to how a LPA is supposed to deal with situations such as defining areas, in particular the growth and regeneration areas, where the landowner does not support development. Stage 2 at 12 months is tight given some evidence requires survey work and depending on securing the services of consultancies who could also be dealing with multiple LPAs. The timeframe for Stage 3 is considered appropriate. The timeframe for Stage 4 is considered excessive unless a Local Plan is particularly complex. Further, whatever time is eventually set for this stage should be excluded from any potential sanctions as clearly a LPA is not in control of that stage. The timeframe for Stage 5 is considered appropriate.

2.39 Regarding the transition to the new system, it is suggested that for those LPAs who have an adopted Local Plan the 30 month trigger should be such that no Local Plan is more than 5 years old.

2.40 The SWCs consider the examination of Local Plans to be very important to interested parties and that, as is the case now, they can be tailored to the complexity of the Local Plan.

**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.**

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

2.41 Incidental changes to national policy have already diluted the value and importance of Neighbourhood Planning since its introduction almost 10 years ago, for example through the introduction of the requirement for Local Plans to be reviewed every five years which means that Neighbourhood Plans can become out-of-date soon after being made. It is considered that the

changes to the planning system proposed by the Planning for the Future White Paper will further limit the impact Neighbourhood Plans can have on the local planning policy landscape and will mean that even fewer Town and Parish Councils and Neighbourhood Forums will engage with Neighbourhood Planning in the future.

2.42 If Neighbourhood Planning is to be retained, it should either be made explicitly clear the limited scope Neighbourhood Plans will have in the new planning system in order to avoid disappointment amongst qualifying bodies who engage with Neighbourhood Planning, or the role of Neighbourhood Planning should be strengthened to ensure local people can have a real say in the development of their areas. The latter could be achieved by allowing Neighbourhood Plans to amend the extent of defined Growth, Renewal and Protected zones and be able to write locally specific Development Management policies, otherwise Neighbourhood Plans will simply be Design Guides which many local people will not see value in producing.

2.43 If Neighbourhood Planning is retained but is refocused to simply involve the production of local design codes, the SWCs are of the opinion that this and wider proposed reforms would represent a shift away from localism and public participation in the planning system, which the SWCs consider is unacceptable.

**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?**

2.44 It is clear that the Neighbourhood Planning process will need to be revised in line with the proposals outlined in the Planning for the Future White Paper, particularly in relation to the length of time Neighbourhood Plans take from commencement to being made which will need to be aligned with proposals for Local Plan production.

2.45 The proposed “sustainable development test” which Local Plans will be required to meet could also be incorporated into the Neighbourhood Planning process, with the related removal of currently required documents including the Basic Conditions Statement and Strategic Environmental Assessment.

2.46 If the current Neighbourhood Planning process is to largely remain as is, it is considered that changes should be made to streamline and speed up the process, as it can be off-putting to local people interested in engaging with Neighbourhood Planning. It is suggested that the two draft Neighbourhood Plan consultations, known as Regulation 14 and Regulation 16, could be combined, and that the Examination and Referendum elements of the process could be revised or streamlined.

2.47 With regard to digital tools, it is agreed that these have potential to assist in the process of Neighbourhood Plan production and this may help engage younger people in Neighbourhood Planning.

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

**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?**

2.48 Yes, however the actions put forward in the White Paper are unlikely to lead to any increase in housing delivery. Under the proposed zoning approach, there is no incentive on developers of large sites to build out where hope value may significantly increase the value of the final product, nor are there any inherent consequences for developers who chose not to build out their sites promptly.

2.49 The proposals suggest that a variety of development types, alongside a range of site sizes, and design expectations will automatically result in a range of different developers taking up the development site and working as one to build the site out. This is unrealistic. The introduction of a complicated design framework, combined with a non-standard set of development sites and plot types, is unlikely to fit with the main building companies' set approach to delivering developments. However, if this approach is to be supported then the Milton Keynes model has much to recommend it as highlighted by the Letwin<sup>1</sup> review. Funding for compulsory purchase of sites based on a reasonable value of the land with planning permission, allied to funding for infrastructure at the start of the development process provides ready to develop parcels/phases to individual developers, SME builders or self-builders and puts local government in control of housing land supply. It would be prudent to reflect on the Letwin review and the findings of the July 2020 Commons Select Committee report, Building More Social Housing<sup>2</sup> in order to develop a more holistic approach to ensuring the right type of housing comes forward where and when it is required. The planning system already grants permission and allocates sufficient land to meet housing targets.

2.50 Sites allocated in the new style local plans would effectively already have gained planning permission. What incentive would therefore be in place to build these at a pace suiting the housing land supply rather than the individual company's landbank? At present there are conditions requiring certain milestones to be reached attached to planning permissions. There are currently no proposals to de-allocate sites if they are not built out in a timely manner. The 2017 White Paper "Fixing our Broken Housing Market" advocated a number of alternative measures to support delivery which seem to have been omitted in the drive to reform the planning system. These include the inclusion of deliverability as a material consideration for planning applications, reducing the standard implementation timescale for a permission to two years, and supporting a more effective use of completion notices to encourage timely development of sites. These actions are supported and should be fully investigated as alternatives to increase delivery both within the current planning system and any wholesale

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/752124/Letwin\\_review\\_web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752124/Letwin_review_web_version.pdf)

<sup>2</sup> <https://committees.parliament.uk/publications/2102/documents/19835/default/>

reform.

## Pillar 2 – Planning for Beautiful and Sustainable Places

### **Question 15: What do you think about the design of new development that has happened recently in your area?**

3.1 Other; this is an open question and to a greater or lesser extent all the suggested responses are applicable.

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

3.2 Other; this is an open question, and it is considered all should be priorities for achieving sustainable development. The question should also include reference to social and economic factors which also underpin the concept of sustainability.

### **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.**

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

3.3 Yes. Currently the use of design guides and codes already provide an important framework for delivering design quality in terms of buildings and places, whilst allowing for flexibility for designers and architects to respond specifically to any site characteristics or local distinctiveness. That said the process does not always translate into 'quality'. They would be likely to fail if they are not sufficiently context-specific and co-designed with residents and local communities. Further the normal application of design codes is to interpret masterplans or development briefs, setting out design rules that are to be followed and expected in any subsequent planning application. The potential consequences and conclusion to be drawn from this then is that detailed masterplans or development briefs will need to be prepared for sites, large or small, putting further pressure on local planning authorities.

3.4 It is crucial to understand the details on how a national design code will be prepared and implemented and it is unfortunate that this is not available alongside this consultation to inform responses. As the centrepiece of the proposed new planning system, which is to be led by beautiful design, it will be inevitably applicable to a wide variety of contexts.

3.5 A key concern must be, where local planning authorities and communities are unable to prepare site specific design codes, the White Paper is suggesting the national design code, revised Manual for Streets etc. will form the basis of determining quality design. If the higher-

level documents become established as a basis for development, opposition against proposals which are designed in compliance with it will be stifled.

3.6 Therefore, it is critical that all stakeholders are involved and participate in generating local design guides and codes. It is acknowledged the White Paper recognises this point, which is a welcome step change in the relationship between these parties in the development process. Clearly though this has implications for local planning authorities to be fully resourced and properly skilled in terms of design professionals and planning officers well versed and experienced in achieving effective engagement with and participation amongst local communities.

**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.**

**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?**

3.7 Yes. It is unfortunate that CABI was merged with the Design Council in 2011 and effectively broken up as the former body to a degree was already undertaking this function. Any new body needs to go further than CABI's remit and be comprehensively resourced by Government. The proposals put forward by the Place Alliance in its pamphlet 'Towards A Design Quality Unit for England' (October 2020) are supported. In addition, any new body needs to be complimented by a more coherent approach to local Design Review on a regional and sub-regional, e.g. as currently provided by MADE for the Midlands or the South West Design Review Panel. There would also be benefits from replication at a local level, as prescribed in the NPPF para 139. This places an onus on Local Planning Authorities to set up local review panels, which can focus on smaller development schemes and published material, e.g. design codes, Supplementary Planning Guidance. Clearly there is also a role here for neighbourhood plans and long-standing initiatives such as Village Design Statements. At present it is felt the proposals in this section do not make the most of the Localism agenda and the advances made in community planning via the initiatives referred to above.

3.8 Support is given to the position of a Chief Officer for Design and wider based design skills generally in local authorities, e.g. urban designers or even architects (as was the case in the past with many district and county councils). But this must be properly resourced by Government so that planning departments can put in place a team of design professionals that have the same status / level of skills as conservation, heritage, and landscape officers. In any reform good quality design should also be inbuilt council wide. In the same way as corporate responses to climate change are evolving, since sustainable design is crucial in both reducing the impacts of climate change as well as helping to mitigate by helping to achieve climate

naturality.

**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.**

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

3.9 Yes. Support must be given to Homes England to provide the strategic overview and engage on larger scale projects to assist developers, local authorities and communities that may not have the skill set or resources to participate, influence or inform these types of schemes, e.g. new settlements. However, it is essential that Homes England is properly resourced in terms of funding and professional expertise and that advice and guidance is given in equal measure to local authorities, particularly when bringing forward large-scale strategic sites and allocations.

**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.**

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

3.10 Not sure. The emphasis on the proposals to deliver beauty, or high quality design via the reforms to the planning system are welcome and the idea that ‘beauty’ should be a central tenet of it clearly reflects the ideas set out in the 2020 report of the Building Better, Building Beautiful Commission ‘Living with beauty’. However, the relation to design codes and the emphasis on ‘beauty’ as the principal consideration for emerging proposals is concerning for a multitude of reasons. First, ideas of beauty are not all the same, and are subjective in a similar sense to how ‘good’ design can be interpreted. ‘Provably popular’ design in one setting could well be disliked in another. Secondly, although beauty is a feature of design, it is not the sole purpose of good design which should be of a high quality and meet all three tenets of sustainability (economic, social, and environmental); high-quality homes are more than their appearance and more than ‘beautiful’, e.g. sufficient and flexible living spaces, how the buildings relate to each other and their surroundings, creation of neighbourhoods and connectivity to existing development. Thirdly, the focus on beauty above other design considerations could give rise to a stifling of individualism and innovation. These concerns are compounded by the idea of a ‘fast-track’ process to automatically approve development which is considered ‘beautiful’. If locally derived design codes are not in place the default will be to rely on the national design guide and design codes. Therefore, it is essential that local authorities are adequately resourced to work with local communities, as well as developers to produce locally distinctive design codes (incorporating the above traits) that together can achieve ‘beauty’ from new development.

3.11 Furthermore, what is not clear is how robust environmental assessment will be applied to such "fast-tracked" developments. Issues to be resolved include whether the scope of the national and local design codes will really address local and site-specific environmental considerations, and how the environmental protections provided by the current EIA process will be retained in the new "fast track" process. It also remains to be seen what safeguards will be put in place to ensure beautiful buildings are truly at the heart of creating healthy sustainable communities. Unfortunately the detail is lacking and much more consideration is required as to the use of national and local design codes alongside environmental assessment requirements to ensure developments are beautiful, sustainable, and limit adverse impacts on the environment to the extent possible.

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

3.12 It is considered that further information is required from this proposal. In assessing environmental impacts, simplicity does not necessarily equate to effectiveness.

3.13 In terms of the development management process, section 3.26 states the role that local, spatially-specific policies can play. The same section then states that the Framework will be reviewed in order to provide a clearer steer for the development management process so that reliance no longer needs to be placed on generic policies in Local Plans. Clarification is therefore sought with regards to how these roles will interact with each other in the future in shaping planning policy and determining planning applications, particularly from an environmental aspect.

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

3.14 It is considered that further information is required from this proposal. In assessing environmental impacts, simplicity does not necessarily equate to effectiveness.

3.15 Local authorities do not always have the capacity or expertise to undertake environmental assessments (such as Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment) in house.

3.16 Whilst advances in technology and data storage techniques will help with the environmental assessment process, it is likely that site-specific surveys will still be required.

3.17 The South Worcestershire Councils welcome and look forward to the forthcoming detailed consultation on this matter in the autumn.

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

3.18 The proposed reforms recognise that the planning system has played a critical role in the protection of historic buildings and conservation areas. However, it does not explicate how the framework has preserved and enhanced the archaeological record of the nation. Heritage assets of archaeological significance are a finite resource and should be considered in any review of the planning system. Without the protection that is currently in place significant archaeology would have been lost.

3.19 Currently between 4-5% of applications become subject to archaeological mitigation. This number is so low due to the engagement of developers with heritage matters early in the planning process. Pre-application advice sometimes suggests that a developer should undertake evaluative survey prior to the submission of an application. This work frequently results in heritage officers providing positive responses to consultations in the planning process.

3.20 There are occasions when developers do not engage with heritage matters and face significant delays through the planning process. A development in an area of archaeological potential relating to human remains requires careful investigation. If no condition is in place to deal with the remains the development can be halted due to the requirements of the 1857 Burial Act. Imagine the delays to HS2 if the thousands of excavated remains were not considered through the planning process? It is a requirement by law that historic human remains are treated with dignity and are excavated by a competent person. Without considering archaeology it is certain that human remains will be lifted on the teeth of diggers for all to see, an unpleasant and offensive result of eroding current planning requirements.

3.21 Developers like consistency. They know that bad publicity and campaigns against development are more costly and harmful than undertaking the site evaluation and possible mitigation currently required. By removing current policy requirements and introducing a non-regulatory system there will be delays, confusion and increased costs. One only needs to look at what happened at the Globe Theatre to see that developers would prefer a consistent approach.

3.22 When considering the archaeological potential of a site we must also attempt to understand site constraints. Areas of medieval potential may be characterised by deserted medieval villages. Such places largely became deserted or shrunken due to the 14<sup>th</sup> century plague, something that we consider when excavating in such areas. Anthrax is occasionally identified in tannery sites and in areas that were subject to night soiling. Lead contamination can be an issue on certain Roman sites. Other than lead contamination, such issues cannot be identified by current geotechnical surveys and requires archaeological excavation to clear the land safely for development. Without archaeologists some land will be too dangerous to develop, unless the government feels dealing with an outbreak of plague is acceptable.

3.23 Early engagement with heritage officers allows developers to understand possible site constraints, archaeology can be a costly and time-consuming resource to mitigate effectively. However, without early engagement development could risk increased delays and costs which

hugely exceed the current situation. Developers will have to clamber to obtain the professional advice that should have been in place in accordance with current policy.

3.24 The new requirements seem to transfer the responsibility to assess heritage and environmental matters from the developer to the local authority when making a local plan. To do this, LPAs will need their own expanded teams to carry out the required surveys and excavations. Who will pay for this? How can we be considered to be impartial if we are carrying out the work and agreeing with ourselves that it meets policy?

3.25 The suggestion that architects should be allowed to work without listed building consent will lead to the erosion of the historic environment. Currently the 'vision' held by many architects leads to substantial harm to heritage assets. Like for like repairs do not require control, but the extension of permitted development rights to listed buildings will most certainly lead to confusion and an increase in public complaints and enforcement action.

3.26 There have been a number of sites found through the planning process, including:

- Amesbury Archer, Amesbury - watching brief. The archer has also been called the King of Stonehenge. The individual is considered to be instrumental in bringing the Bronze Age to Britain.
- Driffild Terrace, York - evaluation and excavation. Part of a Roman cemetery was identified under several dwellings in the terrace. Over 10 decapitated remains were identified. It was concluded that several of the remains belonged to Gladiators.
- Terminal 5, Heathrow - excavation. A Bronze Age farming complex with connected trackways was identified. Our understanding of prehistoric land management allowed wider archaeological understanding so that we could expect certain archaeology on similar sites.

3.27 A large list of similar sites is available from Historic England<sup>3</sup>

3.28 In South Worcestershire, the following have been discovered through the planning process:

#### Malvern Hills

- Powick, Worcester Southern Link Road - survey including utilising OSL dating for the first time in the district, evaluation, excavation, and targeted metal detecting survey. Physical evidence of the final battle of the civil war has been identified. Musket balls and carbine balls both fired and unfired were identified. Battle paraphernalia is widespread across the battlefield.

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<sup>3</sup> <https://historicengland.org.uk/images-books/publications/building-the-future-transforming-our-past/building-future-transforming-past/>

- Malvern, QinetiQ - building recording, evaluation followed by excavation. The building recording has now preserved the site by record, the site was famous for the part it played in the creation of radar and Britain's air defences during WWII. Under the rapidly constructed buildings a significant Romano-British pottery production site has been identified. Just centimetres under one of the WWII buildings a perfectly intact 3<sup>rd</sup> century vessel was unearthed.
- Land West of Worcester - survey, evaluation and excavation identified Romano-British occupation and widespread historic agricultural activity ranging from the Prehistoric through to the Medieval periods.

#### Worcester City

- Kings sports hall, Severn Street - excavation of part of the medieval castle bailey rampart which turned out to be dated to the early Iron Age, so had been in use for over two millennia between then and the Civil War.
- The Hive - excavation of Roman buildings including several facing a previously undiscovered road, and the base of a stone-built kiln which has been reconstructed inside the Hive; medieval and Civil War defences.
- Newport Street – Roman road and extensive remains of buildings dating from the 13th to 18th centuries in an city quarter which was the centre for clothworking, the city's main industry in the 15th to 17th centuries.
- St Martins Quarter – Roman road, medieval and 17th century tile kilns, massive Civil War bastion ditch, 19th century Grainger porcelain works.

#### Wychavon

- Sedgeberrow - evaluation and excavation. Roman T shape corn driers and associated decapitated remains similar to that found in Driffield Terrace. Not gladiators, the burial rite had now become more common.
- Rotherdale Farm, Throckmorton - evaluation, watching brief and excavation. A double ditch enclosure and associated features were subject to mitigation. The excavation confirmed that such features were not in place with two ditches, but it was in fact an evolution of the site.
- Pilades Nursery, Offenham - excavation. A Roman military villa, the first of its type in the region.

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

3.29 It is considered that action should be being taken now towards achieving net-zero carbon emissions by 2050. A Future Homes Standard should be introduced as soon as possible, not by 2025. Achieving energy efficiency standards and zero carbon homes should be a priority as part of proposed planning reform.

3.30 Air quality considerations should also form a key part of planning reform. Measurable improvements should be targeted and then be obtained by achieving net-zero carbon emissions, in part from improved energy efficiency standards.

3.31 The South Worcestershire Councils look forward to reading the government's response to the Future Home Standard consultation in the autumn.

### Pillar 3 – Planning for Infrastructure and Connected Places

#### **Question 21: When new development happens in your area, what is your priority for what comes with it?**

4.1 In broad terms, in south Worcestershire (Malvern Hills, Wychavon and Worcester City), affordable housing and transport infrastructure requirements are considered to be the highest priorities as this relates to new development impacting upon an area, with key infrastructure requirements also identified in education, health and emergency services, utilities, waste, flood risk, telecoms, green spaces, play areas, community buildings, leisure facilities and public realm improvements. The South Worcestershire Councils work in parallel with Worcestershire County Council and the Worcestershire Local Enterprise Partnership (LEP) in order to facilitate the delivery of the infrastructure requirements across south Worcestershire. A number of these infrastructure sectors can also contribute to measures to address climate change mitigation and adaptation and support the transition to a low carbon future through the planning system.

4.2 A multitude of evidence base updates are required in establishing, justifying, and implementing the above infrastructure requirements. In particular, evidence base updates in the form of the South Worcestershire Infrastructure Delivery Plan Updates (2016 and 2019) and the Strategic Housing Market Assessment (2019) outline the infrastructure requirements and affordable housing need, as related to the growth being planned for in the current adopted South Worcestershire Development Plan (SWDP), and the emerging SWDP Review.

**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.**

**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?**

4.3 Yes, in principle. However, it is considered that the 'fixed proportion' of development value will be higher in areas such as the South East and so some areas of the country may benefit from higher levy rates and will therefore have a greater 'pot' of funds from which to deliver infrastructure schemes.

4.4 This proposal raises questions such as how decisions will be made regarding infrastructure negotiation and delivery, and whether there will be time limits on the spending of Levy funds. Further, will s106 planning obligations remain in place for certain aspects such as mitigation on planning applications to make them acceptable in planning terms?

4.5 If the rate is to be levied at the point of occupation, this may impact on the ability for enabling infrastructure (either associated with the development or related mitigation/improvements on the wider area) to be delivered in an appropriate timescale prior to the point of occupation. Borrowing against anticipated Infrastructure Levy revenues is fraught with risk. For example, what would happen if infrastructure project costs overran and not enough levy was raised to cover the initial borrowing?

4.6 There is a risk that infrastructure requirements will not be funded for those areas where land value uplift is insufficient to support significant levels of land value capture. It is considered that any levy threshold should be set at as low a bar as possible to maximise contributions, mindful of the necessary viability considerations.

**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?**

4.7 In charging above a set threshold, a nationally set levy could mitigate against the impact on viability of development. However, a national rate may not respond sufficiently to local variations in land value uplift. It is considered that the 'fixed proportion' of development value will be higher in areas such as the South East and so some areas of the country may benefit from higher levy rates and will therefore have a greater 'pot' of funds from which to deliver infrastructure schemes. Area specific or locally set rates may be able to adjust their threshold levels according to their land values from which to charge the levy. In areas of low land value, the national threshold may end up being set too high, which would result in developments in an area having no obligation to pay the levy, and result in lower levels of funding from which to deliver infrastructure requirements.

**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?**

4.8 In terms of applying the Levy, it is considered that ideally, more value should be captured, subject to appropriate viability considerations corresponding to the threshold level (be this nationally or locally set). However, this approach may result in higher asking house prices, for example, as whilst the levy costs would be capitalised into land value, the requirements to

deliver the necessary infrastructure and affordable housing to make development acceptable would likely be passed onto the eventual purchasers.

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

4.9 Potentially - up to a certain limit. Borrowing against anticipated Infrastructure Levy revenues is fraught with risk. For example, what would happen if infrastructure project costs overran and not enough levy was raised to cover the initial borrowing?

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

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

4.10 In principle yes, as it would be based on land value uplift and not floor space, but these forms of development may have a different threshold level when compared to a new build housing development for example, from which to charge the levy. There is a risk that relatively small schemes could be rendered unviable by an inappropriate threshold level, or alternatively the threshold level could be set at such a low rate that none of these schemes would ever be applicable.

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

**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?**

4.11 The preference for the South Worcestershire Councils would be to secure at least the same amount of affordable housing, and as much on-site delivery as at present, if not more.

4.12 In the areas of south Worcestershire where development land is at a premium (such as areas in Worcester, Evesham, Droitwich and Malvern), it would be necessary to achieve at least current levels of affordable housing on each site, to ensure there are enough properties to meet increasing demand.

4.13 There are concerns regarding 'in kind' delivery which may result in developers taking advantage of the deregulation of the system, which could result in properties being provided as affordable which do not meet prevailing needs or standards.

4.14 As an alternative to full deregulation, some minimum standards or expectations should be set by local planning authorities, especially given the additional risk that is to be transferred.

4.15 However, as Homes England do not fund S106 units, it may prove beneficial that if under a new national levy, where the 'S106 units' do not meet the total levy required on sites, other units could be brought forward as affordable via additionality, so Registered Providers could then claim grants on the units where they cannot fund s106 units. It may be that a national Levy could increase Homes England grant capability to enable units and bring sites forward. Further information from the Government relating to this would be welcomed.

4.16 Finally, what would happen if the level of the levy captured on a site was not of a sufficient enough level to match the equivalent of an alternative in-kind delivery of the infrastructure levy insofar that the required affordable housing provision (as set out in the Local Plan, for example) could not be achieved? This would also potentially have knock on effects to the delivery capabilities of other required items of infrastructure through the levy charge on site.

**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?**

4.17 Further to question 24(a), there are concerns regarding 'in kind' delivery which may result in developers taking advantage of the deregulation of the system, which could result in properties being provided as affordable which do not meet prevailing needs or standards.

4.18 If local authorities are to receive in-kind payments towards the Infrastructure Levy, there would need to be a clear process in place to ensure that the payments were distributed fairly and consistently, to enable new 'on-site' affordable housing to be built elsewhere.

4.19 In terms of a 'right to purchase' at discounted rates, this could mean that local authorities have to accept a particular mix or tenure on a site which may not meet local needs, or local plan requirements. If developers end up with discretion over which units are to be delivered in this way, local authorities could end up with an over provision of one particular property size/tenure, which would not appropriately address the local housing need, and there could be no one to let/sell to. This would in turn put Registered Providers off and there would potentially be no provider to purchase the units. Additionally, both Registered Providers and local authorities are focussed on securing a mix of property types and tenures in a bid to create mixed and balanced communities, so there are concerns that this may not happen if developers are left to decide which properties are sold in this way.

4.20 As an alternative to full deregulation, it is considered that provision standards could be set by local planning authorities, especially given the additional risk that is to be transferred. However, it is also considered that the right to purchase additional homes is potentially useful as this could generate additional affordable units, which could be funded by Homes England as at present, they are not allowed to fund S106 units.

**Question 24(c): If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

4.21 The South Worcestershire Councils would welcome further guidance from Government on this. No local authority or Registered Provider should have to pay disproportionate costs for

affordable housing. There is a risk that this could happen without some form of regulation and the potential loss of minimum quality standards could mean that local authorities have no say in the mix or price of units, or the tenure.

**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?**

4.22 It is considered that appropriate safeguards and/or standards would be required, either set nationally or locally to ensure that affordable housing quality is protected.

4.23 A lot of work has been carried out over the past twenty years to raise standards of affordable homes by government, local planning authorities and Registered Providers, and the units being built now are of very high quality and are eco-friendly, which makes them affordable to rent and run, especially as many occupants of affordable housing are on low incomes. There are concerns that with deregulation developers could put profit above quality, resulting in a decrease in standards and an increase in costs, which may prompt Registered Providers to seek alternative opportunities away from the 's106'/levy route and instead compete on acquiring alternative sites.

4.24 It is noted that the consultation document sets out a potential option for the local planning authority to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality. It is considered that further information relating to how this contribution could be calculated would be beneficial.

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

**Question 25: Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

4.25 Yes, provided that funds are still allocated towards spending on identified infrastructure needs (for example infrastructure that is itemised in an Infrastructure Delivery Plan/Infrastructure Funding Statement or a Neighbourhood Plan), with a proportion ring-fenced towards meeting identified affordable housing need as per question 25a. It could also prove beneficial to ring fence a further proportion of the Levy towards 'critical' infrastructure projects, as identified in a local planning authority's IDP/IFS, for example.

4.26 The South Worcestershire Councils agree that the neighbourhood share should be retained. The 15-25% neighbourhood share would become much more common practice for an increased number of local authorities under a new national levy. This will require additional administration and monitoring in order for local authorities to keep up to date with how parish and town councils, (and other 'community groups' in areas where there is no parish or town council) are proposing to spend their portion of the levy. It is considered that the neighbourhood share should not contain any ring-fenced proportion in order to provide greater flexibility in spending options in those neighbourhoods benefitting from the levy.

**Question 25(a): If yes, should an affordable housing ‘ring-fence’ be developed?**

4.27 Yes. It is considered appropriate for a proportion of the levy to be ring-fenced for affordable housing provision. It is considered that this mechanism could help to deliver affordable housing on-site at current levels, or higher. Further information from the government relating to how this would be implemented would be welcomed. It could also prove beneficial to ring fence a further proportion of the Levy towards ‘critical’ infrastructure projects, as identified in a local planning authority’s IDP/IFS, for example.

4.28 It is considered that the neighbourhood share should not contain any ring-fenced proportion in order to provide greater flexibility in spending options in those neighbourhoods benefitting from the levy.

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

4.29 The South Worcestershire Councils agree that Local Planning Authorities should be sufficiently staffed, appropriately skilled and funded in order to effectively implement the proposed changes to planning reform, particularly for any new performance framework to work. A resources and skills strategy is therefore welcomed.

4.30 The enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making is welcomed.

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

4.31 The enforcement of planning standards and decisions is welcomed in principle, but will need to be sufficiently staffed, appropriately skilled and funded in order to effectively implement the proposed changes.

4.32 The strengthening of the existing planning enforcement powers and sanctions is welcomed in principle. Further details from government regarding this matter would be welcomed.

Equalities Impact

**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?**

5.1 The response to this section is posed as a series of questions. There is, unfortunately, insufficient detail included within the White Paper to be able to comment effectively on the equalities impacts of the proposals. This list of considerations is by no means exhaustive but highlights the scant consideration for equalities duties under the proposed reforms.

- How will the location of polluting development be determined?
- How will development that is in the wider strategic interest be negotiated in the absence of the Duty to Co-operate or any alternative strategic framework?
- What will be the balance between affordable housing and infrastructure delivery where levy payments are insufficient to meet the requirements of both?
- How will the continued emphasis on home ownership through the plethora of supported access routes impact on the achievement of affordable housing for those who cannot afford market rents?
- How will housing standards be maintained under the permission in principle regime?
- How will sites for Gypsies and Travellers be allocated?
- A hybrid system with a mixture of discretionary and codified zones will be procedurally complex. How will the public be educated to understand the changes?
- How will people who are not able to access technology be able to engage with planning proposals?
- How will communities be supported to engage with the plan-making process effectively under the 30-month timescale?
- How can restricted local authority financially support a move to digital plan making when there are stark choices being made with restricted social care and education budgets?