

## Planning

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### BY EMAIL

29th October 2020

Dear Rt Hon. Robert Jenrick,

### Planning for the Future Consultation

Thank you for the invitation to comment on the above consultation document. South Oxfordshire District Council (SODC) has reviewed the consultation documents and attach our detailed response to this letter.

The Council wishes to strongly object to the introduction of the planning reforms as proposed in the consultation paper. Whilst we welcome a few of the proposals, more detail and significant amendments are required. The Council considers that the following areas of the reforms are of significant concern:

- The reduced opportunities in the new system for democratically elected members and local people to comment on planning proposals that directly affect them.
- The zoning approach set out in proposal 5 does not provide sufficient detail to reassure local planning authorities that these proposals are workable.
- South Oxfordshire is a leading authority on neighbourhood planning, and we are not clear on what the intentions are for the future of these. Any reforms should build on the progress made by local authorities and communities in this area following the Localism Act.
- The use of the standard method to establish housing requirement will place pressure on our District to deliver significantly more homes in the future than is the case at present. This could have serious consequences for the rural environment that attracts residents here in the first place.

- Whilst duty to cooperate as a concept could be improved, it should not be removed without an appropriate alternative in place.
- The current system has enabled affordable housing to be provided on site as part of new housing developments. Any reforms should not encourage the development of gated communities.

The paper is also silent on the following key areas;

- The paper has a section on 'effective stewardship and enhancement of our natural and historic environment' but provides little information about how the new system will protect the environment and increase biodiversity. For example, what will replace the raft of important environmental protections that form part of the existing planning system?
- Planning has an important role to play in addressing climate change but there is little in the paper to explain how planning will pay its part in delivering net zero by 2050. Proposed changes to the National Planning Policy Framework (NPPF), and the intent to provide national development management policies must reflect the government's obligations under the Climate Change Act 2008 to achieve zero carbon by 2050 in setting out ambitious policies on energy efficiency amongst other matters. If those policies do so, it will strengthen the likelihood that new development will help meet those obligations. However, if the new national policies are weak, those obligations are unlikely to be met. Additionally, there should also be recognition of the role that historic building stock has to play in the fight against climate change and net-zero goals, which we set out in our answer to Proposal 17.
- There are no comments on the future or importance of strategic planning in the White Paper. South Oxfordshire together with the other 5 Oxfordshire authorities has already invested significant resources in the plan which is not yet at the examination stage. Strategic planning will also be required for plans for the Oxford-Cambridge Arc.

We support the following proposals;

- Retaining a plan-led system and supporting local authorities to encourage all sectors of the community to engage with planning.
- Seeking to capture more of the land value than is possible through the current system.
- Capturing payments towards infrastructure from changes made under permitted development.

We trust that these comments are helpful. Please keep us informed of any further consultation documents and please do not hesitate to contact us if you wish to discuss any matters relevant to our Council that arise as you progress with the reforms.

Yours sincerely,



**Juliet Evans - Senior Planning Policy Officer**

## **Pillar One – Planning for development**

*Q1. What three words do you associate most with the planning system in England?*

Regulation, Democracy, and Community

*Q2. Do you get involved with planning decisions in your local area? [Yes / No]*

Yes, as the Local Planning Authority we are directly involved in planning decisions locally.

*Q2(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]*

N/A

*Q3. 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]*

We support the utilisation of digital tools (such as social media) to enable the public to access plans and contribute views to planning decisions. However, as stated in our answer to Q10 below, there should still be the option to access plans and voice opinion in a non-digital way, such as through viewing documents physically in the Council offices and being able to post responses to planning consultations. This ensures that no-one is unfairly disadvantaged by a move to a more digitalised planning system.

*Q4. 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]*

Increasing the affordability of zero carbon high quality housing, action on climate change and protection of the environment, biodiversity and green spaces, and the promotion and creation of sustainable transport options and healthy place-making.

**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.**

*Q5. Do you agree that Local Plans should be simplified in line with our proposals?*

We support a move to improve the Local Plan process, and consider it encouraging that the government recognise the importance of Local Plans and a plan led system. However, we are concerned that the proposals present a simplification of Local Plans on too great a scale, and believe that they also hold a significant risk that local democracy could be adversely affected by their implementation.

By scaling back the purpose of Local Plans to only identifying the three ‘growth’, ‘renewal’ and ‘protected’ land designations, we are concerned that this approach will over-simplify the role of Local Plans, especially when combined with the move to set development management policies nationally. We consider that this broad-brush approach could potentially reduce the ability of plans to address local circumstances and constraints. Currently, policies in the emerging SODC Local Plan have been shaped in light of key local priorities, however the proposed ‘new style’ Local Plan will lack this important role of local policy shaping.

It is also unclear as to whether the whole district will need to be assigned to one of the three categories. If so, we are not convinced that all land can neatly fit into these three types of land identified in the paper. Land constraints do not follow natural boundaries, and therefore if all land is required to be designated as a ‘growth’,

'renewal' or 'protection' area, this would require boundaries of protected areas to have large buffers to prevent potentially negative impacts that could arise from development, which could be problematic. The classification of land into three categories is a complex task, and particularly time and resource intensive in light of the new 30-month plan-making timescales, where this stage is expected to take only 6 months to complete. It is also unclear if the Local Planning Authority (LPA) only need to identify as many areas as required to meet their housing target and economic growth, and what scale and type of evidence will be required to justify the classification. Will a landowner be able to challenge the classification given to their land? Further detail is encouraged in how these areas should be identified and brought forward.

The first of the three land designations, known as growth areas, have the role of delivering 'substantial development' and therefore would likely fit into the category of what we currently regard as 'strategic sites'. To ensure this is a correct assumption, it is crucial that the term is defined shortly to ensure clarity. There is considerable concern regarding the loss of local democracy in relation to growth areas following the proposal to grant outline planning permission through their allocation (which we will discuss further in our response to Q9(a)). The White Paper has stated that engagement with Local Plans will be increased as a result of these reforms, however we consider in this area input from local people will be significantly reduced, and this is worrying.

We also consider that automatic outline consent for growth areas, and presumption in favour of development in renewal areas, could result in unregulated growth, and ultimately the creation of unsustainable communities. Local determination in decisions is important to ensure that appropriate decision making takes place, and this cannot always be achieved in a 'fast-track' system.

The proposal for there to be sub-areas within growth areas and renewal areas is understood, however we are not convinced how this would work in practice, and little detail is set out in the White Paper. The White Paper states that proposals different to those in the plan can be brought forward, however these should be the 'exception to the rule' and require a separate planning application. If a specific area was

designated for self-build but was not brought forward, would there be flexibility surrounding future use? If a community-led housing group wished to bring forward development on a growth site once it was allocated, would the new system provide the flexibility to do so? Would areas have to be explicitly defined for example for self-build, or could a general area within a growth or renewal area have a number of appropriate uses? Requiring a planning application for any small change would not result in a faster process. Thus, it appears that sub-areas demand too much detail at a too early stage. Sub-areas must have a degree of flexibility, or further down the line their proposed purpose could be identified as undeliverable, which could result in delays. Further detail in this area is necessary. Regarding the identification of sub-areas, we consider that Neighbourhood Plans could be utilised for this purpose, as they have the benefit of being able to provide more detailed locally specific evidence and local knowledge.

Additionally, as set out our response to Q12, the proposed new style of Local Plans will shift the financial burdens for the collection of data on the natural environment from developers to LPAs. For this to be possible, there would have to be significant up-front investment by the Government to increase the capacity and finances for LPAs to undertake all of the detailed evidenced based surveys that would be required to allow the allocation of the three zones. If this is not done properly then the results of granting outline consent for Growth areas or consent regimes for renewal areas could include significant negative impacts on the natural and historic environment, increasing biodiversity loss. The envisaged speed from the new system should not be at the expense of unforeseen adverse impacts on future generations and on the environment.

Regarding the third of the land designations, protected areas, we consider there to be a lack of detail set out in the White Paper regarding how these would operate, and how they differ and importantly, go further, than current protections we currently have in place. We believe that the planning reforms present an opportunity to integrate and benefit wildlife in all areas of development and three land designations, as biodiversity does not only exist in protected areas. Therefore, this should be a national policy requirement in both growth and renewal areas.

There is also a lack of detail about how protected areas will help to protect undesignated green space, which is often of significant value to local communities. This could be addressed through a national development management policy if LPAs are unable to set a locally defined approach.

Reflecting on this, we consider that protected areas could be utilised to help protect the open countryside, which is both a valuable and notable characteristic of SODC. Our emerging Local Plan<sup>1</sup> includes Policy ENV1: Landscape and Countryside, which protects not only designated areas of AONB, but also South Oxfordshire's landscape, countryside and rural areas against harmful development. Development is only allowed in these areas where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's valued landscapes. Sustainable clean economic growth is also supported, provided it conserves and enhances the landscape, countryside and rural areas. Although we understand that the White Paper proposals provide a limited scope for development management policies in new style Local Plans, we consider a similar policy should be implemented nationally, or LPAs should have the flexibility to include such policies that protect particular valuable characteristics in their areas. We discuss this further in our answer to Q6 below.

We also consider that protected areas could go further in their purpose, to not only protect areas, but also restore and improve them. Traditionally, Local Plans have sought to solely protect areas designated for environmental protection (AONB, SACs, SSSIs etc.) as well as open countryside. However, the role of the environment is far more important now, given the environment and climate emergency. The environment is a key asset both locally and nationally and will have a vital role in bringing development forward. In order to achieve 'net zero' by 2030, development will need to be offset by environmental improvements. Therefore, it is necessary to not only protect these areas but proactively restore and improve them. Protected areas could utilise 'sub-areas' and identify within them sites that are appropriate for restoration and improvement – based on the nature recovery

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<sup>1</sup>[https://data.southoxon.gov.uk/ccm/support/dynamic\\_serve.jsp?ID=1283204605&CODE=C4C7C358BBCD4F9BA1E41452861DDF29](https://data.southoxon.gov.uk/ccm/support/dynamic_serve.jsp?ID=1283204605&CODE=C4C7C358BBCD4F9BA1E41452861DDF29)

network. Developers could then submit a strategy/plan for environmental improvements in these areas to offset the impact of their developments. Once the sub-areas/sites have been identified the Council could also identify their own strategy/projects for nature recovery that developers could fund. We consider this is one way in which protected areas could go further than simply 'protecting' our environment, but also restore it and improve it.

We also consider there to be little to no references made in the White Paper that encourage the creation of healthy places. There are also only fleeting references to the importance of green space in development, particularly in relation to growth and renewal areas. We encourage the government to ensure that moving forward there is an emphasis on the importance of healthy place making in growth and renewal areas, and importantly demand that these areas provide or improve access to green spaces, which has proven to benefit both physical and mental health and reduce health inequalities.

Furthermore, we consider the White Paper to provide very little information or emphasis on employment land and how any new employment space will be delivered in 'new style' Local Plans. Overfocusing on housing misses the opportunity to place shape in the true sense.

Lastly, it is crucial to emphasise that training, support and guidance is required to be delivered by government in good time ahead of implementation of these reforms, to ensure these proposals are implemented successfully and there is no drain on a LPA's time and resources.

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

*Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?*

We recognise that some areas of policy can be addressed at a national scale and understand that national policy should not be simply repeated in Local Plans.

However, we do not agree that all development management policies should be set out nationally, as policies have a very important role in shaping our local area and addressing local needs and concerns, such as climate change. The Local Plan process currently allows for public involvement in the shaping of these policies, as through consultations they have an influence on how they are developed. The proposal to set out all development management policies nationally through the NPPF would remove the ability for both local people and democratically elected members to have a say in policies that shape the development in their area. Again, we consider this proposal to negatively impact local democracy.

Setting all development management policies in the NPPF will remove the ability for SODC to respond to local issues through the Local Plan, and we consider that national policies would not be able to reflect local circumstances and address area specific constraints. In reality, the proposals could stifle creativity rather than encourage it. Furthermore, the removal of local development management policies may weaken the protection of some features that are particularly characteristic of the District. The protection afforded to Chalk Streams and Rivers for example is seen as an important element of planning locally, we have concerns that a nationally defined set of development management policies will remove this important element of local policy provision. Additionally, without sight of any draft development management policies, it is difficult to comment on how successful they would be.

We instead support the alternative approach proposed where there are a set of standard development management policies, with the option to include additional policies where locally specific conditions justify their inclusion. We consider this to be an agreeable middle ground, that would have the benefit of avoiding duplication, and could help to ensure time is spent on more locally specific policies. This could only be achieved subject to there being an opportunity for policies to reflect local needs and specific issues where appropriate. As we stated earlier in response to Q5, an example of one locally defined policy we would be keen to retain is protections for local landscape and countryside, particularly those areas that are undesignated and thus currently have no national policy protection.

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

*Q7(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?*

We agree with proposals to simplify the sustainability appraisal process and replace the existing legal and policy tests with a consolidated test of ‘sustainable development’. However, there is currently very limited detail on what the new ‘sustainable development’ test would consist of. Although the tests will be consolidated, without the finer detail of how they will work there is a chance that this process may still present delays to the process as it does now. Additionally, the process currently allows for a significant level of scrutiny to be undertaken, and it is important that this scrutiny is not lost through the proposal to strip back the process. There is also a risk that if the Local Plan doesn’t have to be subject to as many assessments, this could lead to unsuitable allocations moving forward as a result. It is also important that the consolidated test allows for a full consideration of climate change, which is not currently mentioned once in Pillar One.

Therefore, we support the proposal, but request further details about the new ‘sustainable development’ test in order to gain better understanding of how it would work in practice.

*Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?*

We do not object to the removal of a Duty to Cooperate (DtC), however we do believe that it is important that this is replaced by a mechanism that can allow for strategic, cross boundary issues to be effectively considered and addressed. Strategic planning, including the Duty to Cooperate, has had a vital role locally in helping to address cross-boundary strategic issues, notably regarding housing need and infrastructure planning and delivery. In future, strategic planning will continue to be necessary, with plans for the Oxford-Cambridge Arc being a notable example of

where joint working will be required. Therefore, it is important that through the removal of the Duty to Cooperate emphasis on the importance of strategic planning is not lessened.

In Oxfordshire, we have a successful joint statutory committee, known as the Oxfordshire Growth Board, where the six Councils and key strategic partners come together to discuss strategic issues and collaboratively deliver projects. The board has also helped to secure significant infrastructure and housing investment in recent years, and aid plan-making. This is one way in which cross-boundary working can still be facilitated in the absence of a Duty to Cooperate. However, we do consider that the White Paper does not currently provide any ways in which strategic planning could be undertaken, and therefore more detail should be provided on this.

Importantly, the Oxfordshire Plan 2050 is currently being prepared, and in light of the proposals to set both housing numbers and policies at a national level, we would appreciate further clarification on the role of this Plan moving forward.

**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.**

*Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?*

The purpose of the standard method, to reduce time, resources and debate at examination is understood. However, as we set out in our response to 'Changes to the Current Planning System' consultation, we consider that the standard method is too inflexible and simplistic as a tool for determining housing numbers and that a more nuanced approach is required. Our response also explained that we consider using the latest household projections averaged over a 10-year period unfairly

penalises those local authorities that have been delivering growth and incorporating the housing stock in the calculation will not give a clear indication of what is required or why. We have appended our response to the 'Changes to the Current Planning System' for your reference and encourage this previous response (particularly our response to Q1) to be read alongside this answer.

We have a number of concerns with the proposal to introduce a binding housing requirement. Although it would provide further certainty, we are not convinced that the housing requirement will be able to fully reflect local circumstances, and thus the need, constraints and opportunities in the local area. The White Paper does not explain in enough detail the methodology behind the housing requirement figure, particularly in relation to local constraints such as designated areas of environmental value. AONB's and Green Belt cover a significant portion of the district, and it is not clear how they are going to be fully considered when drawing up the requirement. Additionally, by introducing a centralised binding housing target, there is no room for local input or consideration into the level of housing planned in South Oxfordshire. This top-down approach is not supported and should instead provide greater flexibility.

*Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?*

We consider that using these two factors as indicators would result in a very simplistic approach to determining the quantity of development that could potentially be accommodated in the district.

We agree that affordability is an important consideration, however the Council considers that affordability is affected by several factors and that there is no evidence to support the view that providing more homes will improve affordability locally. An important factor that effects affordability locally is the average house price to earnings ratio, which is well above the national average in SODC (12.53,

compared to an average 6.93 nationally<sup>2</sup>). As a result, even the cheapest market housing remains unaffordable for lower paid worker. Additionally, as we set out in our response to the 'Changes to the Planning System' consultation, that due to the proximity of the district to London, Oxford, and other economic centres, the provision of more homes is unlikely to improve affordability. Adjusting the housing need calculation on this basis potentially puts unreasonable additional pressure on rural authorities like ours to deliver more homes, and in the longer term this could have a detrimental impact on our valuable rural environment.

Regarding the extent of urban areas, we also consider this to be a simplistic measure of how the quantity of development that could potentially be accommodated within our district. As stated above in response to Q8(a), it is not clear how constraints will be effectively factored into this measure. It is essential that factors such as the natural and historic environment are taken into account when determining the housing requirement, as amongst other key constraints, the natural and historic environment are an important consideration for determining growth in urban areas within the district.

We propose that there could be an option to allow the LPA to feed into the government's process of assessing constraints in the District when determining the housing figure, potentially as a cross-check to ensure all constraints have been considered and factored into the final number. Local knowledge is valuable, and the LPA are happy to provide this.

**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.**

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<sup>2</sup> [lginform.local.gov.uk](http://lginform.local.gov.uk) – 'Ratio of lower quartile house price to lower quartile gross annual (workplace-based) earnings in South Oxfordshire table'.

*Q9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?*

No. One of our principle concerns with granting automatic outline permission in Growth areas is that it will result in reduced local democratic involvement at this stage of the planning process. We consider that by removing the opportunity for local communities to comment on outline applications, there will be a reduced chance for interested parties to raise their concerns once outline permission has already been granted, leaving only detailed matters to be resolved. Front-loading engagement to the plan-making stage would not allow the same opportunity for local involvement as currently available, particularly in light of the restricted timetable. As a result, we consider local democracy will be lessened as a result of this proposal.

Additionally, there is a juxtaposition apparent between the proposals for Local Plans to take on the additional role of granting outline permission for strategic sites, whilst also streamlining and simplifying the plan-making process. This additional role is likely to require further time, resources and evidence to be required at the plan-making stage, potentially elongating the process rather than reducing it. Without such technical details, sites could be liable to flood and have implications for highway safety for example, and thus it is questionable whether this would create a more fast-tracked process. We also question whether planning conditions would need to be addressed at this stage as well. There is very little detail in the White Paper about how this outline permission will be achieved and what it would involve within the time limitations the plan-making stage would be required to adhere to. There is potential for important matters normally considered at the outline application stage, to be pushed to the reserved matters stage, which would not achieve the desired aim of making the planning process quicker. Thus, further clarity on the process is sought.

Furthermore, LPAs simply do not have the level of information available to them relating to the natural or historic environment to allow this allocation of land to be done in an informed way. This information is critical, particularly if the allocation of land as a 'Growth area' would confer outline planning consent. Unless LPAs have access to up to date high quality environmental data the allocation of these areas is

likely to lead to significant negative environmental impacts on important habitats, protected species, landscape and trees. The collection of such data would result in a great financial burden on LPAs, which would have to be supported by Government investment in order to be possible.

In addition, we have significant concerns that the delivery of 10% net gain for biodiversity in the Growth Areas will not be achieved if sites are automatically granted outline permission once the Local Plan is adopted. There is not enough time within the proposed 12-month period for LPAs to gather sufficient baseline data on the land and assess the requirements to deliver 10% net gain prior to submission to the inspectorate.

*Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?*

We do not agree that Renewal areas should have a general presumption in favour of development. We consider that this could lead to development being automatically granted planning permission simply because it fits with a design code or pattern book, which although we agree would speed up the planning process, would not necessarily ensure positive and sustainable development. This proposal risks unregulated growth taking place, and ultimately the creation of unsustainable communities. Instead development proposals should be assessed by an officer and local councillors in a planning committee against local and national policy as is undertaken currently.

As we have previously stated in our response to Q5, if sufficient evidence and assessment is not collated and undertaken when designating land, consent regimes for renewal areas could include significant negative impacts on the natural and historic environment, increasing biodiversity loss. Additionally, there is a lack of acknowledgement that much of what is known about factors such as transport, drainage, and known and unknown heritage assets, is found during the planning process both at plan making and delivery stages – relying only on what is known at a fixed point and not requiring investigation before or subject to granting permission gives a false sense of what the constraints of a site are.

Regarding protected areas, we consider the detail set out in the White Paper to be lacking. We understand that planning applications in these areas will come forward as they are now but will be judged against national policy set out in the NPPF. We are concerned that this approach is too simplistic, and risks limiting environmental and historic assessments to being determined by national policy with little regard to local circumstances and expertise. It is also not clear how conservation areas fit into protected areas, as high-quality development can still be successfully brought forward in these areas following careful consideration of key issues, the implementation of mitigation measures and effective evaluation of impact and harm. There should be further detail provided on what development would be appropriate in protected areas, and how this would be fully assessed through the streamlined planning application process.

*Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?*

No, we consider this would remove the opportunity for local engagement on proposals that will have a significant impact on local communities in their own areas. It would also remove the ability for an LPA to influence the development and importantly consider local issues. Although we acknowledge that exceptionally large sites come with significant challenges, local input should not be lost.

The Garden Communities initiative is both a successful and widely utilised way in which new settlements can be delivered locally. An example within the District is Didcot Garden Town, which although not a new settlement, is taking on the transformational development of an existing development. Didcot was awarded Garden Town status in 2015 and is currently utilising this locally led initiative to ultimately deliver 15,000 homes and 20,000 new jobs in the area. At the heart of the Garden Communities initiative is a locally led approach, and local input in the Didcot Garden Town initiative has been invaluable and will enable the creation of new sustainable communities shaped by existing residents, local businesses, and stakeholders. The success of the Didcot Garden Town initiative demonstrates the benefit of LPA and community involvement in the delivery of large-scale

development. A Development Consent Order would not be able to achieve a sufficient level of local input or engagement (similar to that achieved through the Garden Communities initiative), and therefore this method of securing consent is not appropriate.

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

*Q10. Do you agree with our proposals to make decision-making faster and more certain?*

The Council has significant reservations about this proposal. The Council supports the aim of achieving greater certainty for planning applications and agrees that timescales should be adhered to. However, we do not consider that penalising LPAs is the right approach to ensure timescales are met. There are several reasons as to why a planning application deadline may be extended, and it is not wholly dependent on the actions of the LPA. Unexpected matters can emerge during the consideration process that ultimately cause delay. Additionally, there are often delays caused by poor quality applications, where new documents are required to be submitted and reconsulted on. If the current 8 or 13-week deadlines become absolute this will cause significant issues in instances where the submitted information is missing or inadequate. This is particularly the case for example where protected species surveys are required, particularly if those surveys are seasonal and the application is submitted outside of the survey season.

If this approach is pursued, we consider the validation requirements should also become stringent in order for timescales to be met. The introduction of these penalties could potentially lead to significant financial implications on Councils if planning applications cannot be extended in any circumstances. The successful progress of a planning application within statutory timescales is the result of good teamwork between the LPA and applicant, and therefore further emphasis should be made on supporting this cooperation.

On reflection of the above, it is not appropriate to penalise local authorities financially or grant permission if an application is not determined within a certain timescale. This would add significant pressure on authorities to make decisions, which could lead to higher numbers of refused applications and appeals, delays and increased costs to all parties. Thus, the consequence of reduced time scales would mean more pre-application discussion would be required and more information would be needed up front, which would not shorten the overall time taken to reach consent. It is also very important to note that quicker decisions do not equate to better decisions, and therefore the quality of decision making should not be lost at the expense of a fast decision.

Regarding the proposal to standardise conditions, we are not opposed to this proposal, but do believe that the Local Authority should still have the right to amend these if local circumstances require. However, the proposed standardisation of technical information is concerning, as this would potentially risk losing the ability to consider a full range of issues. How will it be possible to standardise the satisfactory protection of heritage assets both known and unknown across the country with one policy, when there is such huge diversity across the historic environment? How can we set 'clear expectations' on land identified for development with no baseline evidence about what is already known?

The proposal for a single planning statement could have some benefits, as information is frequently duplicated in Planning Statements and Design & Access Statements. However, separate statements may be required on detailed technical matters such as highway safety and drainage, and therefore a 50-page cap may not be helpful.

The greater digitalisation of the application process is welcomed and fully supported. Having the ability to access and share key data would be beneficial. Digitalising the application process would also improve accessibility of applications for the general public, and thus could potentially improve levels of public engagement and could also help younger generations to become more involved in planning. However, it is important to ensure that there is not an overreliance on accessing planning through digital means, as it could potentially disadvantage those who do not have easy

access to the internet or are unfamiliar with certain technology. Groups that could potentially be disadvantaged are older people, those in deprived areas, and those with certain disabilities. Additionally, it is difficult to see how all key information required as part of a planning application will be available in a machine-readable format, for example certain certificates.

We consider that the move towards a digitalised planning system will also require significant support from the government, both in terms of resources (financial and software) and also guidance. With this support, a move towards a digitalised planning system could be successfully achieved.

Lastly, we consider that the planning reforms set out in the White Paper would likely result in fewer planning applications being submitted, due to greater decision making at the plan-making stage rather than the DM stage, and through proposals to lessen restrictions on development. Fewer planning applications combined with potential financial penalties for LPAs at the planning application stage would result in less income being generated for LPAs from planning. We consider that there should be ways in which the LPA can subsidise the cost of plan-making and generate further income in light of the proposals. One way in which this could be achieved would be to allow LPAs to charge applicants a fee to submit a site to be considered as a 'growth' area. This would cover the loss of the fee normally charged for an outline application and cover the officer time and resources required to assess such an application.

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

*Q11. Do you agree with our proposals for accessible, web-based Local Plans?*

As stated in our response to Q10 above, the Council fully supports the move to put datasets online for public access and consider this will help to make Local Plans more accessible and engaging to the local community. However, it is important that this is brought forward with full government support to implement these technical updates, and supply LPAs with the tools, software and training to implement the final

standards, principles and legislations decided upon, whilst ensuring this will not be a burden on physical or financial resources. It is again important to emphasise that as a result of digitising Local Plans, this should not disadvantage anyone as a result, namely those who may not have access to, or struggle to use web-based documents. Therefore, the web-based Local Plans should be created in an accessible format, that is also able to be reproduced physically if necessary.

Caution should be taken regarding the use of social media. Social media is a powerful tool and can be used very successfully, however it needs to be carefully regulated to avoid any negative impacts, especially regarding its influence. Importantly, social media often allows unregulated and unredacted comments to be made on posts 24/7, and therefore due to the issues that could arise as a result of this, comments on social media posts should be overseen or restricted in the case of planning applications.

The standardisation of Local Plans is welcomed as it will allow for Local Plan's to be more recognisable and consistent across the country, allowing for key information to be found easily by interested parties. However, we do consider that the standard template still needs to allow for a degree of local distinctiveness, so that local issues and priorities can still be addressed, and the area can be easily identified.

It would be helpful for the government to produce an example of the 'new style' Local Plan (as well as a design-code), so the LPA can envisage how technology can be utilised and the proposals realised. This would importantly allow us to provide a more informed view on many of these proposals if we could see how they would potentially work in practice.

**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.**

*Q12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?*

We do not support the proposed 30 month statutory timescale, as we consider it to be too restrictive to achieve the level of evidence, engagement and detail required whilst also effectively addressing the scale of issues that a Local Plan presents. After the initial 'call for suggestions' LPAs would have only 12 months to draw up a Local Plan which is a very restricted timescale to both prepare evidence and write the plan. The new plan, whilst omitting much of the information currently contained in Local Plans, would require the LPA to undertake the complex task of designating land into the three categories of Growth, Renewal and Protection. Under the current system, it is up to site promoters and applicants to undertake detailed surveys and assessments at application stage to enable LPAs to understand the constraints and opportunities on a site. Under the proposed system, particularly for Growth areas the onus would fall onto the LPA to collect this data to inform the allocation in the Local Plan. This is effectively shifting the burden of costs from the developers to the LPAs. Alternatively, if developers were charged with providing this data, this would present a significant additional cost to them as they would be doing this at the risk of not knowing whether their proposals would be allocated in the Local Plan.

If the Local Authority is tasked with collecting data, then 12 months is highly unlikely to be sufficient time frame to undertake this process. For example, many ecological surveys are seasonal in nature and would only be possible in an instance where the 12 month period encompassed an entire calendar year, allowing surveys to be planned, executed and results analysed before the proposed Local Plan is submitted for examination at stage 3. Additionally, there is no indication where the resources needed to collate information such as known and unknown heritage assets, potential archaeological interest, and historic landscape values all within a 12-month timeframe would come from. Failure to establish this baseline information will affect the deliverability of future sites, causing delays and costs which the White Paper currently criticises of the current planning system. Therefore, the amount of technical evidence that would be required to support the designation of a growth area, given that its designation automatically grants outline permission, would be very challenging to meet within the timescales set out in the White Paper.

We also consider that the proposals lack sufficient detail in order to adequately understand how each stage will be undertaken. Stage 1 states that there will be

“best in class” ways of achieving public involvement at this plan-shaping stage’, however provides no detail of how this would be achieved in such a small timescale of only 6 months. The White Paper also infers that the ‘best in class’ element of engagement relates to the new digital approach, rather than the level and type of engagement, which is concerning.

As detailed several times throughout our response to this consultation, we consider that engagement with local communities will be reduced as a result of these proposals. Engagement would be largely front-loaded to the plan-making stage, consequently reducing the amount of public consultation at the planning application stage. This would ultimately result in a significant imbalance in engagement for local communities to have the ability to input into planning decisions in their areas. Additionally, stage 2 states that some authorities would be ‘higher risk’, yet there is no detail about what this phrase means, and who would be regarded as a ‘higher risk’ LPA.

Although idealistically, a more rapid plan-making process would be beneficial, we consider that the 30-month statutory timescale could result in less informed and lower quality Local Plans being produced. Quicker plan making should not be prioritised at the expense of quality plan making. We consider a period of 48 months to be a more realistic timescale.

**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**

*Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?*

Yes, as noted in the White Paper, neighbourhood planning has helped democratise and localise the planning process. Neighbourhood plans have been vital in achieving meaningful community participation in the planning system and helping build a better relationship between local authorities and residents.

We note that one of the intentions expressed in the White Paper is to “move the democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made. In our view, neighbourhood plans provide an established, well-designed, democratic and accountable mechanism to realise this ambition.

We have proactively supported the preparation of neighbourhood plans and achieved success working with local communities culminating in 18 made neighbourhood plans and 28 currently being prepared – including some made plans currently being reviewed.

We support the proposal that neighbourhood plans should continue to play a crucial role in producing design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development. As part of the preparation of their neighbourhood plans, local communities in our district have produced design guides and character assessments which help capture local knowledge and preferences and contributes towards achieving better planning outcomes.

As regards the content of neighbourhood plans, communities may feel less motivated if the scope of neighbourhood plans is reduced to design only or if their status is reduced to a supplementary planning document/guidance. This would also represent a missed opportunity as it would curtail local communities’ ability to identify additional land for development to address local needs or tackle local issues.

It is important to highlight that neighbourhood plans can be produced a lot quicker than Local Plans and when they allocate sites for housing, they usually bring forward small to medium size sites which provide opportunities for SME builders and can be delivered at shorter timescales. Neighbourhood plans provide a flexible mechanism to meet local needs and address local issues, which can complement Local Plans and respond quickly to change if necessary.

Neighbourhood plans in our area have been successful in helping deliver housing growth and addressing local issues. Made neighbourhood plans in the district allocate sites to accommodate approximately 3,081 new homes. Emerging plans are

expected to bring forward allocations for 1,172 new homes. We also have communities such as Benson and Watlington, which have proactively embraced additional housing growth to help fund new bypasses to move traffic away from the historic village centres and address traffic congestion and air quality issues. The district Council's emerging Local Plan helped set a framework to encourage this proactive behaviour and this is something that could be built upon as the role of Local Plans and neighbourhood plans become more focused.

However, to be effective, we consider that neighbourhood plans need to retain the ability to allocate land for development, this means the proposed zoning system should also apply to neighbourhood plans, so that they can continue to have a role in promoting sustainable development and addressing local needs and issues.

*Q13(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?*

Local Plans will be expected to set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places. Doing this upfront will be resource intensive and the neighbourhood planning process should be developed to enable local communities to help and shape this process through neighbourhood plans.

Neighbourhood plans could play a positive role in identifying growth areas such as urban regeneration sites. But more importantly, neighbourhood plans could play a key role in defining renewal areas, helping develop a better understanding of how the settlement works and optimising opportunities for regeneration, meeting local needs and addressing local issues through the development of small sites within or on the edge of towns and villages. One of the ambitions set out in the paper is to ensure that the new system *"gives people the homes we need in the places we want to live at prices we can afford"*. We strongly believe local communities should continue to be empowered to play a part in this through neighbourhood plans.

Neighbourhood plans are particularly well placed to play a positive role in identifying sub-areas within each of the proposed zoning categories. This is because this process would benefit from more detailed locally specific evidence and local knowledge. Within this context we believe it is very important that neighbourhood plans also retain the ability to identify areas for protection such as local green spaces, which are demonstrably special to them and hold a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife.

In practical terms, the basic conditions test provides or could be amended to provide a suitable framework to ensure neighbourhood plans can operate effectively in a reformed planning system. Paragraph 136 of the National Planning Policy Framework provides an example of how a meaningful role for neighbourhood plans in the proposed zoning system could be managed. Local Plans could establish the need/opportunity for neighbourhood plans to be used to make detailed amendments to zoning areas and/or to introduce sub-areas. This would ensure neighbourhood plans support the strategic priorities for the area and where appropriate identify areas for development to meet local needs or to address local issues.

We welcome proposals to use Digital tools to assist the process of neighbourhood plan production. This has the potential of making the preparation of neighbourhood plans quicker and easier. We believe the development of pilot projects and data standards is important for this to achieve positive outcomes. We have worked with communities with varying degrees of IT skills and some would find working with digital tools challenging. Therefore, digital tools should be accessible and easy to use.

Adapting to this change will require community groups to attract new volunteers with new skills. Linking with the previous points we made, to ensure the neighbourhood planning process continues to attract volunteers, it is important to ensure neighbourhood plans are retained as a powerful and effective tool capable of instigating real change and addressing local needs and issues.

We support the proposal that neighbourhood plans should continue to play a crucial role in producing design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development. We believe the neighbourhood planning process has a good track record in achieving this and this may be further enhanced by using digital tools.

However, in order to ensure the neighbourhood plans are retained as an effective tool capable delivering sustainable development, their role should not be diminished to focus on design only.

We believe that developing the neighbourhood planning process alongside the Local Plan process and in a mutually supportive way, as outlined in this response, would be essential to meet the aim of moving democracy and participation forward and would truly give communities a meaningful voice in shaping the future of their area. It would also ensure neighbourhood plans are retained and enhanced as an effective tool capable delivering beautiful and sustainable places.

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

*Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?*

We agree that the delivery of sites is an important issue that requires addressing, and that updating the NPPF to encourage the build out of developments would help to achieve this aim of a stronger emphasis on build out rates through planning. However, although having a variety of development types by different builders is one way in which faster build out can be achieved, there are several factors that play in to build out rates. For example, Litchfield's<sup>3</sup> found that whether the site is brownfield or greenfield often impacts build out rates, and importantly the percentage of affordable housing being delivered on site also has a large impact, with sites delivering more than 30% affordable housing delivering twice as fast as those with lower levels. Therefore, there should also be a stronger emphasis on the fact that delivering higher rates of affordable housing supports greater rates of delivery.

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<sup>3</sup> Litchfields 'Start to Finish' February 2020 - <https://lichfields.uk/content/insights/start-to-finish>

Additionally, there should be more sanctions implemented on the building industry for not building sites out in a timely manner. Significant fines that could be used towards additional infrastructure (in excess to what is required) would be an incentive and would allow communities to fund projects relating to previous failings in infrastructure provision. Alternatively, developers could start paying council tax at the appropriate trigger.

## **Pillar Two – Planning for beautiful and sustainable places**

### Overview

In its initial review of the proposals, the Royal Institute for British Architects called the proposals ‘shameful and which will do almost nothing to guarantee delivery of affordable, well-designed and sustainable homes’. RIBA also said that proposals could lead to the next generation of slum housing<sup>4</sup>. The Council supports the intention to create beautiful and sustainable places but has a number of important concerns that are highlighted in our responses to the proposals and questions below.

*Q15. 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]*

The quality of design varies across our district, with some being well-designed but some poorly designed. There is a distinguishable difference between the poor quality of design produced by some of the volume house builders when compared to higher quality produced by medium or smaller house builders. This also correlates to the scale and pace of development, with larger sites taking longer to deliver and overall having lower quality design.

The quality of development is improved where a design code is used, it also gives certainty to the authority that clear design principles are adhered to and implemented. This achieves a high quality of design when developed through Pre-application engagement with the Local authority. Also, having a clear design

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<sup>4</sup> RIBA website August 2020 - <https://www.architecture.com/knowledge-and-resources/knowledge-landing-page/deregulation-wont-solve-the-housing-crisis-riba-criticises-jenricks-planning-reforms>

concept/ vision from an Outline stage supported by a design code result in a higher quality development.

*Q16. 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]*

As set out in our Corporate Plan we have themes for both homes and the climate emergency which should be at the heart of these proposals. Our Corporate Plan themes cover the sustainability of our communities. The Council has already committed to become a carbon neutral district by 2030 and our housing policies will be important to this.

In our housing theme we have identified the need for sustainable transport solutions increasing use of walking, cycling and public transport while reducing the reliance on cars. This mirrors the commitment in our climate theme to identify projects that will assist in the moving to electric cars.

Through Local Plan policy development, we aim for new developments to be future-proofed, meeting the highest environmental standards and enhancing nature through sensitive, high quality design. while spatial planning embeds public health, wellbeing and sustainability.

Furthermore, Paragraph 8 of the NPPF states that ‘achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)’. In producing its development plan and through its development management decisions this Council follows the guidance set out in the NPPF. In support of these 3 objectives, the Council wishes to raise some additional points;

In relation to the environmental objective, the paper references Government proposals for a replacement of much of the existing legislation and regulation around wildlife protection, and the removal of the requirements for SA, SEA and EIA. The proposals

make no reference to the Habitat Regulations but states that a new environmental assessment framework will be introduced and subject to consultation in the autumn.

Without understanding how the new environmental assessment framework would work and whether it maintains and strengthens the existing system of protection of our most important wildlife sites it is hard to know whether the proposed reforms to the planning system will indeed protect the natural environment adequately. This also impacts on whether we can respond to question 7a positively without knowing if the replacement system adequately promotes Sustainable Development or protects the environment

In relation to the social objective; this Council has also been working with the other Oxfordshire Councils and the Oxfordshire 2050 plan team to include within Local Plans and the Oxfordshire 2050 Plan, policies that encourage the development of healthy places. We would like to have seen the paper include acknowledgement of the positive role planning can play in improving the nation's physical and mental health. The current pandemic has highlighted the importance of tackling health concerns. It is also noted that a fundamental purpose of the original 1947 Planning Act was to tackle poor living conditions which were contributing to poor health outcomes for the population at large. Any replacement of the existing system should consider health matters as a priority.

The scope of the ambition of this Paper needs to be broadened so that it looks at the measures needed to ensure we plan and create healthy places. This should be a fundamental objective of the Paper and should be integrated within the government's proposed set of measures. This should mean that at the very least, the government's proposed planning policies and design codes at the national and local levels should explicitly address what is required to create healthy places. And in terms of delivery and implementation, there needs to be recognition that joint working between the health, development and planning sectors is patchy (and in some places non-existent). As such the proposed introduction of measures to strengthen joint working both at national level between government departments and at the local level between health and planning professionals should at least be flagged up in this Paper.

In summary, poor quality outcomes from the planning system undermine people's health, safety, well-being and life chances; there needs to be explicit recognition of this fact in the drafting of the new reforms which should underpin what is proposed.

**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.**

*Q17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]*

Yes – We agree there is a strong need for local design guides and codes, we broadly agree with the proposed routes for their production. Design guides and codes can assist authorities in a number of ways; provide clear criteria for assessing developments, benchmarking or monitor design quality. The greatest impact is achieved by design guides that have a rich visual dimension. Design Codes can be a really useful tool for ensuring a quality and cohesiveness of development and are especially useful in large urban extensions, new settlements or areas where development takes a number of years to be completed and/or is constructed by a number of different developers. It is a good mechanism for ensuring local distinctiveness. As described in the consultation paper, design guides need to have a strong evidence base in order to result in robust guidance that can be implemented. We also agree that local design guides should be given more weight within the planning process. Further information should be provided about the weight these will have in the new system. If design codes were to follow a Local Plan, for example, would the site be able to go ahead before the design code is in place?

However, the preparation of Design Codes, especially with the input of local communities, is a resource intensive task as it sets the standard of design for a development or whole area at the outset, it must be right in terms of creating a place that functions well in addition to being designed well. It is welcomed that Local Authorities are able to prepare these codes as well as developers, but it must be recognised that this is an additional burden on Local Planning Authorities where the specific skills required to write a design code may be limited or lacking entirely at present. The result of introducing these proposals to quickly could find local authorities

receiving requests to engage with local communities on design-based matters and unable to adequately respond.

There is also a concern, highlighted in our response to question 14, that using pattern books will limit flexibility and the ability of local planning authorities to consider each site based on its constraints and context, which leads to interesting and innovative development.

Design codes / guides should also include elements which support healthy place shaping in their remit - this needs to be explicitly stated by the government. Also the Building for Life 12 standards which have recently been re-worked to provide a focus on healthy place shaping should be explicitly referred to by the government as a key source of national guidance, especially as these were formulated with the support and involvement of Homes England.

**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.**

*Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, the Council agrees that the idea to appoint a 'chief officer for design and place making' is a good one and agrees that local authorities will need support during the transition to bring in these reforms. We also suggest that a Councillor should be identified as a 'design and place making' champion. This could further help embed the importance of design and place-making in the planning system.

**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.**

*Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, the Council supports an update to Homes England's strategic objectives that would give greater emphasis to delivering beautiful places. As highlighted above, Homes England has supported the Building for Life 12 standards and their strategic objectives should also include a commitment to this and an emphasis on healthy place shaping, which prioritises active travel and easy access to nature and green space. We also consider that Homes England should be leaders in delivering zero-carbon homes, and this could be incorporated into their strategic objectives.

**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.**

*Q20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]*

No, the Council considers that insufficient information has been given about the details of this proposal. It is agreed with the statement in paragraph 3.21 that further testing is required. We agree with the principle of a fast-track for beauty but understand the extent to which design can be coded needs piloting - particularly when considering a set of form-based development types and permitted development. We agree Local Plans should adopt a visual dimension, in place of relying on maps or templates descriptions for strategic allocation, which offer little to no visual representation of their policies.

We broadly agree more local, smaller scale coordinating codes or pattern books as defined in the White Paper would assist quantifying beauty and design elements that are measurable. There are however many attributes of design which are not easily measurable such as the character of an area or use of space. The direction, preparation and robustness of documents used to review proposals under the fast-track for beauty, will be the most critical part of its successful or failure.

For example, what is defined as a 'beauty' and what will 'fast track' entail? The term 'beauty' is subjective, and it is not clear who will decide what is 'beautiful' and on what basis. We are concerned that 'beauty' alone is not sufficient to deliver the wider benefits that should be secured to ensure that development is sustainable or deliver healthy places.

Good design alone should not give proposals a ‘fast track’ through the system. If, as proposed, ‘pattern book’ development is applied to all renewal areas it could potentially result in development that does not take account of local context and setting.

The paper states (paragraph 3.20) that to enable further tailoring of the ‘pattern’ books, ‘local planning authorities or neighbourhood planning groups would be able to use local orders to modify how the standard types apply in their areas, based on local evidence of what options are most popular with the wider public.’ This could prevent schemes for modern housing, innovative designs or anything that hasn’t been done previously to come forward.

**Additional comment on Permitted development (paragraph 3.19):**

The Council is particularly concerned by paragraph 3.19 of the White Paper reforms and highlights above the comment on the reforms made by RIBA highlighted above. To date, the widening of permitted development rights implemented by the government has contributed in creating some poor-quality housing and environments. Further proposals to widen permitted development rights as suggested in the Paper should be considered very carefully if more of the same is not to result.

**EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT**

The Council has some significant concerns with the proposed reforms in relation to issues related to the above. The Wildlife Trust’s preliminary analysis of the Planning White Paper<sup>5</sup> explains that they have 3 key concerns, and that the planning reforms could:

- increase nature’s decline;
- fail to integrate nature into people’s lives, something that is now recognised as essential for our health and wellbeing; and

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<sup>5</sup> (September 2020) <https://www.wildlifetrusts.org/planning>

- undermine the democratic process and provide little opportunity to influence individual development proposals.

Our view is that it is not clear how the Government's ambitions for Nature's recovery, biodiversity net gain and the climate crisis would fit into the proposed system of Growth, Renewal and Protection zones. It does not appear that they neatly fit into any of the proposed zones and there is a danger that if the proposed system is implemented poorly then the zoning of land could actually lead to a loss of biodiversity and increased carbon emissions. Our local authority area has many SSSIs and other important biodiversity areas identified for protection in our Local Plan and we are not reassured that the reforms guarantee these will have the same protections that they have now.

**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.**

The principle of amendments to the NPPF to address climate change and maximise environmental benefits are welcome. However, no detail is provided, and this is required to give the Council and the wider public the comfort that this will be achieved.

Whilst the NPPF is a helpful document, its policies are open to interpretation. For example, the document advises planning authorities decision makers in many cases what they 'should' do e.g. paragraphs 149, 51, 154. It isn't prescriptive, which is what will be required if the new system is to demand from developers that all new development can adapt to climate change and maximise environmental benefits.

**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**

The White Paper references Government proposals for a replacement of much of the existing legislation and regulation around wildlife protection, and the removal of the requirements for SA, SEA and EIA. The proposals make no reference to the Habitat

Regulations but state that a new environmental assessment framework will be introduced and subject to consultation in the autumn.

Without understanding how the new environmental assessment framework would work and whether it maintains and strengthens the existing system of protection of our most important wildlife sites it is hard to know whether the proposed reforms to the planning system will indeed protect the natural environment adequately. This also impacts on whether we can respond to question 7a positively without knowing if the replacement system adequately promotes Sustainable Development or protects the environment

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

Although there is some recognition that heritage assets require sympathetic changes with regard to climate change, there is no understanding or recognition of the role that historic building stock has to play in the fight against climate change and net-zero goals.

This section of the paper fails to consider that historic building stock has a vital role to play in reducing the carbon emissions of the building industry. With over 20% of residential buildings in England dating from pre-1919, it represents a large proportion of buildings consisting of traditional locally sourced materials that not only started with a smaller carbon footprint than modern materials but are in use in existing building stock and are capable of re-use and adaptation rather than replacement with a less carbon neutral modern material. Modern materials should, in carbon footprint calculations, include the lost embodied carbon of existing materials through their demolition and disposal. Traditional historic materials are better suited to adapting to local climate conditions and problems of climate change (see Historic England's *There's no place like old homes; Re-use and Recycle to Reduce Carbon 2019*<sup>6</sup>). The value of the embodied carbon in historic buildings is totally overlooked in this section.

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<sup>6</sup> <https://historicengland.org.uk/content/heritage-counts/pub/2019/hc2019-re-use-recycle-to-reduce-carbon/>

The need to understand the nature of historic materials when considering how best to improve, adapt and retrofit energy efficiency measures needs to be expressly written into climate change policy at a national level. A move towards zero carbon objectives needs to consider not only the carbon-neutral operational measurements for all buildings but the release of embodied carbon through demolition, carbon costs of construction and transporting 'environmentally friendly materials' across the world and then the operational costs of buildings when considering a building project's total emissions. Looking exclusively at designated heritage assets and dismissing historic buildings that are not designated undervalues the carbon cost of their demolition.

Local Plans already identify known assets but 'locally designated heritage assets' and potential locally interesting assets are not necessarily known or spatially identified. The resource needed to capture, assess and then locally designate heritage assets across our rural districts is well beyond what we currently have. The level of assessment required to identify all the possible assets and potential locally important views across the entirety of the southern half of Oxfordshire is well beyond current resources. At present much of the locally interesting heritage assets above and below ground, are discovered through the planning process – particularly archaeological assets. Requiring this information in advance of plan making risks losing opportunities to identify and protect assets of national and international interests for the sake of a sped-up plan process.

The aspiration here goes well beyond an alteration to planning policy frameworks but would require a fundamental change to the enabling legislation (P(LBCA)A1990). Giving 'autonomy' to an architectural specialist (note this should be heritage specialist rather than just an architect) who would be employed by someone with a vested or conflicted interest in progressing works without consultation appears very dangerous. Current policy allows for an informed approach. Perceived delays to this are as a result of a lack of information or appropriate assessment and understanding of significance rather than any issues with the existing policy or legislative frameworks. This seems an extremely dangerous and unethical step just to avoid working alongside local authority officers to achieve the best solutions for our heritage assets.

There should be no system which allows a specialist with a vested or conflicted interest to bypass the listed building consent system because they have somehow been awarded 'earned autonomy' – who would define this and how could it ever be fairly regulated at a national or local level?

All historic buildings are important and suggesting that policy would only relate to some, and not all, in a consistent manner would degrade the important historic building stock that gives the country so much of its cultural value.

This contradicts Proposal 24 that enforcement powers will be strengthened – how will a fair 'rules-based' system be applied when some people are given automatic go ahead over others, how will this be regulated?

**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.**

The above proposal is supported by the Council and we look forward to seeing the details behind this. However, the Council does consider that the government should go beyond this target and potentially bring it forward to 2030. As a Council, we have set a date of 2030 by which we expect to reach carbon emissions of net zero or near to net zero. The government should apply an equally ambitious approach to ensure climate change is effectively mitigated. Importantly, LPAs should be provided with the flexibility to implement more ambitious policy targets subject to local opportunities and constraints, to feed into the governments overall strategy for net zero. If this flexibility is not provided, then it is even more crucial that ambitious national development management policies on energy efficiency amongst other matters are implemented. If those policies are ambitious, it will strengthen the likelihood that new development will help meet those obligations. However, if the new national policies are weak, those obligations are unlikely to be met. Furthermore, we are also not satisfied with the level of detail provided within the reforms on protections for the environment, as set out in our response above.

### **Pillar Three – Planning for infrastructure and connected places**

Q21. 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]

As part of our Corporate Plan we have a theme of focusing on new housing with our priorities summarised as:

*'We will strive to ensure that new homes and infrastructure in South Oxfordshire meet local needs, are sustainable, zero carbon in their build and operation and high quality in design. We will provide homes that people can afford to live in. New developments will be accessible with walking, cycling and public transport a priority. Neighbourhood plans and local participation will sit at the heart of our planning process. We will work with partners to ensure that development is appropriate for our communities.'*

Further to the priorities mentioned above our projects include focusing on special planning, including infrastructure such as shops and leisure facilities.

It is also important to note that the Council considers that all of the priorities listed in Q21 are important when planning permission for new buildings is granted. What is provided on a site will reflect Council priorities for that site or local area as highlighted in the Local Plan, which is based on evidence of need in the local area. The Council's existing planning policies provide a sound framework for determining what will be provided on a site in the context of the local area. This will be further supported by the development management's discussions of individual applications with applicants and consultation on the application with local residents and the County Council (school and transport considerations) that will help bring forward a scheme that meets the local needs identified.

In order to deliver on our infrastructure priorities, we are also working with the County Council and our adjoining Oxfordshire authorities to prepare the Oxfordshire

Plan 2050. The role of wider strategic planning therefore helps us deliver our joint priorities for infrastructure.

**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.**

*Q22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]*

No, this Council does not support the proposals in the White Paper that seek to remove Section 106 payments for infrastructure and replace them with a national levy. The Council agrees that a nationally set rate could introduce a transparent and simple system. It could also help the delivery of developments by smaller local developers and landowners, who would appreciate a simpler system. However, the Council has a number of important concerns with the proposals which we have outlined in this answer and in response to the questions set out below.

S016 is needed for many things other than financial contributions and to make planning acceptable. The paper also proposes to remove planning conditions which also help local authorities to make development acceptable.

Developers often want to provide infrastructure rather than a financial contribution; a form of legal agreement will still be needed to secure land for affordable housing, as well as design requirements, rent levels and tenure types, which may take just as long as a S106 and would be pre-planning decision, therefore not providing any public transparency.

A further concern is with infrastructure delivery. The reform plans to charge the developer on completion of development and payment is based on land value above a threshold. Large developments take years to complete which would result in a severe delay in local authorities gaining the funds from the national levy to deliver

the infrastructure. It is also not clear how this will work for two-tier local authorities like ours. Who would the infrastructure payment go to first?

Delivery of infrastructure at the end of the process would not be acceptable to the public. For example, one of the biggest criticisms of Didcot Garden Town is that it should have been infrastructure lead. This proposal is in direct conflict with that - collecting after people move in will mean that surgeries and schools won't be available to new residents for years after they move in.

*Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]*

As set out in our answer to 22(a) above, any levy that is introduced should be set locally. Land values vary significantly across the country and this would need to be reflected in any rate set.

*Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]*

The Government should be aiming to capture more of the value when land is sold, than it does currently to invest in infrastructure. Where planning permissions are granted on agricultural land, greenfield sites or even in the Green Belt the uplift in value of these sites is huge and is not fairly captured within the current system. A major concern for our Council is that the introduction of a national levy could take the obligation developers (and the costs) associated with delivering on-site affordable housing away from them and place delivery and costs on the Local Authority. As highlighted elsewhere in this response, this could also result in less money being available to spend on other infrastructure.

*Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, if these proposals are introduced, local authorities would need to borrow against the Infrastructure Levy. However, the Council has a concern with the approach set out in the paper. The reform plans to make it possible for LAs to

borrow against a development to fund the gap where infrastructure is needed but the LA must wait until the development is complete. Is a Lender likely to agree to a loan that has no security or known date of completion? The rates may be high for repayment and this would create a cumbersome system.

CIL and S106 currently start at commencement; the new Infrastructure Levy will be on completion of development and subsequent land value. To fill the gap between the two would mean borrowing, but this is a huge risk for local authorities, potentially not possible with Lenders and would lead to a much more cumbersome system. Legal agreements will still be needed in some format and so will always hold things up. As set out in the paper, there could be considerable delay in providing infrastructure. Whilst a national rate could be a positive, providing the finance on completion of a scheme is not.

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

*Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, the Council considers that any new levy introduced should capture changes of use through permitted development rights. Since the Government has extended the scope of permitted development rights, this has meant that new shops, homes and employment uses have been built without the costs associated with accommodating these uses within our built environment not being delivered and left for the local authority to provide. Examples include; the provision of parking or changes to road infrastructure and for new homes, additional pressure on infrastructure such as play areas, schools and local health services.

*Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, any changes to Section 106/CIL should be replaced with a system that secures the same amount of affordable housing on site as at present. The current system

has been successful in delivering affordable housing on site. Providing affordable housing on site is important to help delivered mixed communities.

It is understood that the reform would make this the responsibility of the Local Authority but the funds for affordable housing will not come through until the development is complete. A contract would have to be made for the affordable housing land transfer followed by sale to a Registered Provider making the system cumbersome. If affordable housing is put in the same pot as everything else, some Councils may take the difficult decision to make this a higher priority than others, at the cost of good infrastructure.

*Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]*

If the reforms are taken forward as proposed it would be preferable for an in-kind payment to be made. However, the mechanism proposed (although lacking in detail) appears overly complex and removes the ability of the local authority to influence quality and affordability. The system could also have an adverse impact on the delivery of affordable housing in a falling market

*Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, if these proposals are taken forward then the Government should mitigate against local authority overpayment risk, however we have difficulty seeing how the Government would be able to do so.

*Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, as referred to at 24(a) above, a contract would be needed to secure all aspects of the affordable housing to be delivered. Without such, it is difficult to envisage how high standards of quality, design and affordability can be met.

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

*Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, the Council should have fewer restrictions over how they spend the Infrastructure Levy. Councils are best placed to decide how the Infrastructure Levy should be spent in their area. In order to address any issues that might arise where there are 'two-tier' authorities this could be addressed through the publication of a plan showing how this could be spent.

If a national levy is brought forward our Council will wish to collect it as we have the administrative system in place ready to give out to our parishes. What will be of concern in any approach that is taken is whether or not there will be enough money to spend on all of the infrastructure required. For example, If the plan is to provide 25% to the parishes and the local authority is responsible for affordable housing, combined with paying the cost of borrowing, will there be enough left over for good infrastructure and the infrastructure requirements identified by our Council and the County Council?

If a national levy is set, given the government's current focus on getting people active, consideration could be given to 'ring-fencing' a small CIL contribution for leisure facilities to ensure that the larger populations have the facilities to be active. When large development is proposed in areas which already have a deficit of leisure needs such as artificial pitches, swimming pools, sports halls etc. this deficit will increase if money isn't ring-fenced or provided through section 106 obligations to meet the additional demand generated by these new developments. If the pressure is on Local Authorities to deliver affordable housing, transport infrastructure, education, healthcare etc, these types of facilities may move to the end of the list if the pot is not large enough to go around.

*Q25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]*

Yes, if the reforms are introduced as set out affordable housing should be ring-fenced.

**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. In doing so, we propose this strategy will be developed including the following key elements...**

The principle of Proposal 23 is welcomed as these changes will require a substantial assessment of resources available to Councils such as SODC to understand the new system, adapt to new IT systems, prepare initial plans, and train staff accordingly. However, the Council has serious concerns regarding the resourcing of the new system and considers that the timeframes set out in the paper are not realistic for bringing into authorities the skills and resources needed. For example, an interactive Local Plan will take time to develop and recruiting or retraining existing staff to use design codes will take time. The implementation of the infrastructure levy proposed, and the delivery of infrastructure will also have significant resource implications for local authorities and new expertise will be required to guide this.

The principle of this resourcing and skills strategy is that planning departments will become in part financed by the developers which they seek to regulate. This polluter pays principal is one that is well established across other regulatory sectors. However, due to the nature of property development, with a large amount of resource investment at the initial Local Plan stage and the length of time a project can move from plan to profit (and ultimately payment of the proposed levy), we are concerned about the viability of this as a funding model. We appreciate that the ability to loan against the value of approved development is a possibility to fill this gap, however, it also places the Council at risk if developers do not complete projects.

Additionally, we feel this could create dis-incentives for the completion of projects. It has already been identified within the current planning system that large land banks of approved development have been created and would be concerned that this would add incentive for unscrupulous developers to hold off completing projects effectively de-funding the planning departments.

Furthermore, if the cost of this system is to be met by the “beneficiaries of the planning gain – landowners and developers” then the need for some evidence to be produced in advance of designating land into the categories to be identified in a Local Plan will also need to be met by these beneficiaries. The current system allows for this by enabling the research and assessment costs to be borne by the landowner, developer or homeowner to directly inform the proposals that are to their benefit. Granting outline permission for large swathes of categorised but unassessed land fails to recognise that constraints will still exist, whether they are identified in advance of allocation or during delivery. This will hinder the delivery of allocated sites, slowing the process for all parties, which is contrary to the aims of the White Paper.

The Reforms also do not consider how householders promoting a small-scale extension or building project on their land will advance their proposals for development within the new system. For example, will local people be expected to pay large sums of money to put forward their proposals in 3D? The Government has already made changes to permitted development to allow homeowners to extend their properties without planning permission. However, the further extension of these powers is unlikely to be appreciated by the neighbours of the developments that come forward under these revised proposals. Further detail is required on this aspect of the reforms.

Lastly, as we stated in Q18 we welcome the creation of a national supporting body for design, however, it would be useful to understand the specification for this individual, whether additional funding will be made available to train them.

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

The Council supports the proposal to strengthen enforcement powers, especially with regard to looking at ways to support more enforcement activity and resource. However, we would not want these improvements to move away from the long-held principles of taking action only when there is demonstrable planning harm. We do not support any move towards greater ‘policing’ of our area or the need for

enforcement to become the planning equivalent of the traffic warden. An enhanced enforcement regime should still have regard to human rights and equalities. There is a great opportunity to educate the public on the positive role enforcement makes in ensuring developers engage with the planning system. Taking formal action should still be the last resort.

Furthermore, given our wider concerns with the planning reforms more detail is required on how LPAs will be expected to resource enforcement and how the Government envisages this aspect of the proposed reforms working. For example, it is not clear how enforcement powers could be used to challenge a Local Plan. For enforcement to be successful, clear parameters are required to ensure enforcement is effective. If these parameters are not clear, more developments could be subject to enforcement action which could be difficult for LPAs to resource.

*Q26. 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?*

The Council considers that many of the proposed reforms have the potential to adversely impact on people with protected characteristics as defined in section 149 of the Equality Act 2010. The Council has highlighted in the introduction and its responses to questions above that the move to reduce the influence of democratically elected members from the planning process will reduce the voice of local people in the planning process and could alienate different groups in society that have different ideas. The assessment of planning applications is rarely black and white or binary, there are grey areas which a human is better able to assess than a computer.

Planning is by its nature is controversial and introducing new systems to separate political accountability from decision making will not reduce this. For example, the increased use of computers rather than planning officers to assess some development proposals could result in development coming forward not where it is most needed but where it is most profitable.

# APPENDIX

## Planning

HEAD OF SERVICE: ADRIAN DUFFIELD



Listening Learning Leading

By email:  
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Textphone users add 18001 before you dial

FAO: Ministry of Housing,  
Communities and Local  
Government  
3rd Floor, South East Fry Building  
2 Marsham Street LONDON  
SW1P 4DF

1<sup>st</sup> October 2020

Dear Sir or Madam,

### **Changes to the Current Planning System – Consultation on changes to planning policy and regulations**

Thank you for the invitation to comment on the above consultation document. We have reviewed the consultation document and attach our responses to the questions to this letter.

Please keep us informed of any further consultation documents and do not hesitate to contact us if you wish to discuss any matters relevant to South Oxfordshire District Council (SODC) that arise as you progress with the reforms.

Yours Sincerely,

A handwritten signature in black ink that reads 'Juliet'.

Juliet Evans  
Senior Planning Policy Officer

## **The standard method for assessing housing numbers in strategic plans**

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

No, the Council does not agree that planning practice guidance should be amended as set out in the consultation. The Council consider that Local Authorities should determine the appropriate baseline for projecting housing growth in their areas. This is an effective and more sustainable way of making sure that the housing need is met and will help to deliver what is required for the local area.

We agree there is a need to plan for housing to support clean green economic growth but we consider that the standard method is too inflexible and simplistic as a tool for determining housing numbers and that a more nuanced approach is required.

We consider that using the latest household projections averaged over a 10-year period unfairly penalises those local authorities that have been delivering growth. For example, if an authority has been delivering a high level of housing over recent years then the household projections will take this into account and provide higher household projections going forward. Conversely, authorities that have delivered a lower level of housing are therefore likely to have a lower requirement and a lower household projection. As the ONS state, "Household projections are not forecasts and do not take into account policy or development aims that have not yet had an impact on observed trends. It should also be noted that future demographic behaviour is inherently uncertain, meaning that any set of projections will almost inevitably be proved wrong, to some extent, when treated as a forecast or prediction of future numbers of households"<sup>1</sup>. Additionally, household projections do not take into account constraints and whether the projection is feasible. Therefore, we do not consider household projections to be an appropriate or sufficiently accurate source on which to base the standard method, without further regard to other factors that have a role in determining housing need.

As an example, where the proposed approach does not work, the delivery of a large settlement such as a Garden Village or Town could provide a high number of homes in an authority over 5 years, but would the same authority then be expected to provide a similarly sized settlement in the next 10 year period? We would hope not. This approach could potentially deter local authorities from supporting proposals for new garden communities.

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<sup>1</sup> Methodology used to produce household projections for England: 2018-based, Available from <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/methodologies/methodologyusedtoproducehouseholdprojectionsforengland2018based>

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

Please see comments above – the Council considers that local authorities should establish the local need. Incorporating the housing stock will not give a clear indication of what is required or why.

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

This is a reasonable approach and we agree with the proposal put forward in paragraph 32 that the workplace-based ratio (used in the current standard method) is considered most appropriate.

However, it is not clear how the impact of COVID will be factored into this, as recent reports in the media suggest that there could be significant impact on earnings as a result of the pandemic and its impact on the economy.

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

The Council considers that affordability is affected by several factors and that there is no evidence to support the view implied within the consultation that providing more homes will improve affordability. In fact, the Letwin Report<sup>2</sup> on Build Out Rates takes this issue into account and concludes that housebuilders will not build out at a rate that reduces house prices, as this contradicts the pricing assumptions built into the housebuilders business model.

The provision of more homes is unlikely to drive down affordability in our District, due to the proximity to London, Oxford and other nearby economic centres. Adjusting the housing need calculation on this basis potentially puts unreasonable additional pressure on rural authorities like ours to deliver more homes.

In the longer term, providing more homes within our rural districts could have a detrimental impact on the rural environment that attracts people to move to these areas in the first place.

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

The Council considers that affordability is given too much weight within the standard method. As set out in our response to question 4, providing more homes within our rural Districts will not drive down affordability in an area that is highly desirable.

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<sup>2</sup> Independent Review of Build Out Rates- Draft Analysis, Available from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718878/Build\\_Out\\_Review\\_Draft\\_Analysis.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718878/Build_Out_Review_Draft_Analysis.pdf)

Housing requirements should include a cap on the ratio to allow for the physical limits on what can be delivered within a rural location. The Oxford Green Belt and the AONBs within our district limit the potential to deliver new development and continuous housing growth will adversely impact on the rural environment that currently attracts people to our district.

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

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

***Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate? If not, please explain why. Are there particular circumstances which need to be catered for?***

The Council is not at this stage with our Local Plans and therefore have no comment on Q6 and Q7.

### **Delivering First Homes**

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

- i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.***
- ii) Negotiation between a local authority and developer.***
- iii) Other (please specify)***

We acknowledge that the First Homes initiative has an important role to play in helping first time buyers step on to the housing ladder. However, in our response to the First Homes consultation, we expressed concerns that the First Homes initiative shouldn't be prioritised at the expense of the rented sector, and those households most at need, particularly in our district. With the introduction of a compulsory requirement that states 25% of affordable housing must be First Homes, we are concerned that this could potentially restrict the provision of new affordable housing (particularly social rented housing) supply for those in greatest need, for example those on low income in rural areas where more rented accommodation is required.

Additionally, we also consider that it will likely displace other affordable tenures, especially social rent, and detract from the ability of the Council to meet the needs of the lowest income and deprived households. Regarding the most appropriate option for the remaining 75% of affordable housing, we consider option one (i) to be preferred. This is because it is most appropriate for local authorities to set this within Local Plans considering both the local housing market and local housing need.

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

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

Yes, the Council thinks it should apply as they are similar initiatives in terms of the discounted prices and the aim is at first time buyers. We also consider that self and custom build properties as well as community led housing should be exempt.

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

All the exemptions should be applied as both first homes and starter homes are similar products.

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

No, the Council considers that there are sufficient exemptions.

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

The Council agrees that transitional arrangements are required and what is set out is logical. However, a longer period than 6 months for development plans would be required for the transition period, the Council considers that at least a year should be allowed for.

For applications that are already in the planning process we would suggest this threshold should be 15% or lower, so that we can retain another tenure i.e. shared ownership whilst also providing First Homes.

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

No, we consider that it should remain at 30%. This Council is within an expensive housing market area so we may lose part of our affordable housing on sites if we have a lower threshold.

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

Yes, the Council agrees that some market housing should be introduced on the first homes exception sites to ensure viability and to enable sites to be brought forward. In addition to this, it will also allow any resident who lives in the rural area access to new homes which they can afford on the open market without government assistance but have been unable to do so due to lack of development in that area.

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

No, the Council thinks the threshold should be maintained at the present level. This is because if it isn't maintained on rural exception sites we will see larger numbers of houses coming forward in rural villages which may have consequences for both the rural environment and infrastructure.

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

Yes, it should not apply in these designated rural areas as these sites are usually affordable homes proposals for local people. These areas do not lend themselves geographically to large developments because of their size and location. Where small developments are identified to meet the need it is important that these homes are built where they are needed in the right location to meet that need.

**Supporting small and medium-sized developers**

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

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

No, we disagree with the proposed approach. The loss of affordable housing would outweigh the benefits. The previous rise to the existing site size threshold of ten or more was supposed to be temporary. It is already causing the loss of affordable housing provision in our rural area. It has allowed small private developers to build expensive housing that are unaffordable for the average resident and those on low incomes. Raising the threshold higher would exacerbate the problem and would be hard to reverse back in future: we do not consider that temporary measure would be temporary.

**Q18: What is the appropriate level of small sites threshold? i) Up to 40 homes ii) Up to 50 homes iii) Other (please specify)**

We consider that the Local Plan is the most appropriate location for setting the small sites threshold. The amount of affordable housing that can be secured on sites will vary significantly across England.

Our Council's policy is set out below. This detailed policy example provides flexibility for those SMEs that might experience challenges with ensuring that a site is viable. A revised threshold of 40 or 50 homes would achieve fewer affordable homes being delivered in our area where affordability is already an issue for those who need access to the housing market.

The emerging South Oxfordshire Local Plan 2035 contains Policy H9 on affordable housing:

*'The Council will seek affordable housing contributions in accordance with the criteria set out below:*

- *40% affordable housing on all sites with a net gain of 10 or more dwellings (Use Class C3) where the site has an area of 0.5 hectares or more.*
- *For proposals of less than 10 homes in the AONB, this will be sought as a financial contribution.*
- *On sites adjacent to Oxford City: 50% affordable housing on all sites with a net gain of 10 or where the site has an area of 0.5 hectares or more*

*Proposals where affordable housing is required should have regard to the following:*

- i) In circumstances where it can be adequately demonstrated that the level of affordable housing being sought would be unviable, alternative tenure mixes and levels of affordable housing provision, may be considered;*
- ii) In cases where the 40% calculation provides a part dwelling, a financial contribution will be sought equivalent to that part residential unit;*
- iii) The Council will expect a tenure mix of 40% affordable rented, 35% social rented and 25% other affordable routes to home ownership with the exception of Berinsfield (see specific tenure considerations in Policy STRAT10i);.*
- iv) With the exception of part dwellings, the affordable housing should be provided on site and the affordable housing should be mixed with the market housing;*
- v) The affordable housing should meet required standards and should be of a size and type which meets the requirements of those in housing need;*
- vi) Affordable housing should be indistinguishable in appearance from market housing on site and distributed evenly across the site, with these units being clustered in groups of no more than 15 homes;*
- vii) To prevent the artificial subdivision of sites with the same landowner, where land is subdivided to create separate development schemes that cumulatively meet the thresholds of this policy, the Council will consider the site as a whole and will seek affordable housing on each part. The Council will also consider the site as a whole where a developer seeks to amalgamate adjacent sites*

*with the same landowner into a single development thereby meeting the threshold.'*

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

No, we do not agree with the proposed approach to the site size threshold. As set out above, affordable housing policy should be set at the local level. In areas where we have unaffordable housing, the provision of affordable housing is crucial. As this reflects local circumstances this should be set out in local development plan policies.

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

No, we are concerned that firstly the 18 month period will result in the loss of a number opportunities to deliver much needed affordable housing in our district; all the most appropriate sites will be developed with no affordable housing. Also once introduced, there is also likely to be an adverse reaction from the development industry if it were re-introduced at the end of the 18 month period. The Council strongly suggests that this requirement is set locally with local engagement.

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

No, we disagree with this proposed approach. Setting out in planning guidance, how we can secure affordable housing where it is apparent that a larger site is available, is naive at best. There are many loopholes that landowners can use, outside the planning system, to side step requirements such as affordable housing.

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

Yes, we agree that this policy should not be amended in designated rural areas.

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

SME's can be supported by partnering with Registered Providers in the district, to undertake the development of most rural exception sites where possible. In addition, SME's can also work with Community Land Trust (CLT) as they are noted for taking on small sites. In cases where there is council owned land, the council can also work together with the SME's in bringing these sites forward as affordable housing.

**Extension of the Permission in Principle consent regime**

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

We consider that the Permission in Principle (PIP) should not remove the restriction on major development. As the scope of PIP is limited to location, land use and the amount of development, it can be difficult to fully assess the impact of development through PIP when technical constraints cannot be considered. As major applications require numerous assessments to determine whether permission should be granted, we consider that PIP would not be suitable in this circumstance.

If PIP were to be introduced for major development, its limited scope would leave a great number of details to be assessed at the technical details consent stage. For a major application, a great deal of technical details are required to be assessed to ensure an informed decision is reached, including S106 obligations and infrastructure requirements. Due to limitations on the scope of PIP applications, these assessments would not have been undertaken or constraints considered, which would subsequently require extensive work to be undertaken at this late stage. Furthermore, as the initial assessment is limited, it is also very likely that during the technical details consent stage matters emerge that would identify a scheme as undeliverable. As a result of the above, we consider the purpose of PIP, which is to make obtaining planning consent quicker and more cost-effective, is hard to achieve. Therefore, the Council does not consider removing the restriction on major development to be beneficial.

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

As we do not consider Permission in Principle to be suitable for major development, including commercial major development, please see our answer to question 24.

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

As set out in our answer to Q24, the existing scope of PIP is limited to location, land use and the amount of development. As a result, it requires difficult judgements to be made when assessing the impact of development through PIP as technical constraints cannot be considered. As major applications require numerous assessments to determine whether permission should be granted, we consider that PIP would not be suitable in this circumstance, as the amount of further information that would be required would not meet the purpose of a PIP application. Similarly, the limited period for public and statutory engagement is not realistic, it should be at least 21 days.

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

We would support an additional height parameter for Permission in Principle, as we consider the current information requirements to be too limited. However, it will bring

in design and impact assessments, leading to greater confusion regarding what is recognised.

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

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

***If you disagree, please state your reasons.***

If the restriction on Permission in Principle for major developments were to be lifted, we agree that publicity arrangements should be extended though social media. We strongly advise against notices in the press, which go to a limited part of the community who buy a local paper and, as there is no newspaper competition, editors can charge excessive costs to councils.

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

We accept the proposal for a banded fee structure, however we do not agree that there should be a maximum fee cap. A maximum fee cap would result in a reduction in fees received from PIP which would potentially be costly for the Council, and therefore would have little public benefit.

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

We consider the current fee for Permission in Principle of £402 per 0.1 hectare to be appropriate, as it covers the costs of undertaking consultation and assessment against local and national policy.

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

Yes, although we do not publish a Part 2 of the Brownfield Register and we understand that this is the case for many local authorities as it is a discretionary requirement.

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

Although further guidance and clarity on the purpose, process and benefits of PIP is welcomed, we do not consider that it will solve the inherent issues PIP presents, as set out in our answer to Q24. Additionally, further information and clarity should be

made available for the general public to access about PIPs, as in our experience it has generated considerable confusion and anxiety amongst local people and councillors.

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

We have set out a number of drawbacks in our answer to previous questions. Firstly, the limited scope of PIP would leave several key details to be assessed at the technical details consent stage, where the scheme could then be identified as undeliverable. The only way to overcome this would be to widen the information requirements for PIP to include these key assessments, although we recognise this would ultimately defeat the purpose of PIP, which is to make the initial assessment stage quicker. Therefore, we do not consider major development to be suitable for PIP. Secondly, we consider the limited period for public and statutory engagement is not realistic, however this could be overcome by extending this period to at least 21 days. Lastly, we consider the introduction of this proposed scheme would cause further confusion and anxiety amongst local people and councillors. The confusion could potentially be overcome by providing further guidance and information to the general public regarding the purpose and key benefits of PIP, however we consider the anxiety PIP causes more difficult to overcome.

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

Since PIP has been introduced, the uptake by developers in our District has been very low, and we do not consider this will rise as a result of a restriction on major development being lifted. We have had only 7 PIP applications, all of which have been withdrawn or refused, with one currently undetermined. We consider that the issues we have raised in Q24 above has an impact on the popularity of PIP, which is reflected in the low number of PIP applications received.

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

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

Yes, as reflected in our answers to Q17 and Q8, we consider that the proposals to raise the small sites threshold for a time-limited period will result in a loss of affordable housing (Q17), and the prioritisation of First Homes could likely displace other affordable tenures (Q8), particularly social rented housing. The loss of affordable housing, and importantly social rented housing, will disproportionately impact minorities and others with protected characteristics such as those with disabilities.