



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Development Control Committee: Monday 21 September 2020
Report Number	Agenda Item No. 5
Subject	Government White Paper: Planning for the Future
Wards affected	ALL
Accountable member	Councillor Jeff Haine Cabinet Member for Strategic Planning Email: jeff.haine@westoxon.gov.uk
Accountable officer	Chris Hargraves Planning Policy Manager Tel: 01993 861686; Email: Chris.Hargraves@publicagroup.uk
Summary/Purpose	To consider the proposed response to the Government's White Paper: Planning for the Future.
Annex	Annex A – Proposed response to the White Paper
Recommendation	That the content of the report be noted, and that the Committee decides whether it wishes to submit comments on the proposed response to Cabinet.
Corporate priorities	
Key Decision	No
Exempt	No
Consultees/ Consultation	Internal consultation with various Officers at West Oxfordshire District Council and also at Cotswold District and the Forest of Dean.

I. BACKGROUND

- 1.1. The Government has recently published a White Paper: Planning for the Future which sets out a number of significant changes which are intended to streamline and modernise the planning system, improve outcomes on design and sustainability, reform developer contributions and ensure that more land is available for development where it is needed.
- 1.2. The White Paper covers a number of issues including plan-making, development management, development contributions and other related policy proposals. It is the subject of a 12 week public consultation which closes on 29 October 2020.
- 1.3. This report provides a brief overview of the White Paper proposals together with the view of Officers.
- 1.4. Attached at Annex A is a draft WODC response to the White Paper structured around the proposals and specific consultation questions contained therein. Some general comments are also provided as appropriate.
- 1.5. The Cabinet will agree a response at its meeting on 23 September, and this Committee is invited to consider the proposed formal response set out in [Annex A](#) and submit comments to Cabinet as desired.

2. WHITE PAPER: PLANNING FOR THE FUTURE; A SUMMARY OVERVIEW

- 2.1. The White Paper is relatively succinct (63 pages – web accessible version) but contains a raft of significant proposals that have major implications for how the planning system and local planning authorities operate in England.
- 2.2. It is clearly intended to create a radical shake-up of the planning system and given some of the concerns it raises, particularly the amount of control that will be relinquished by local authorities if the proposals are taken forward, it requires a suitably robust response.
- 2.3. By way of introduction, the White Paper cites a number of problems with the current planning system including its complexity, lack of rules-based decision-making, lengthy plan-making processes, loss of public trust, out-of-date technology, a complex and unclear process for negotiating developer contributions, an insufficient focus on design and a failure to deliver enough new homes.
- 2.4. It suggests that the planning system needs to be better at unlocking growth, encouraging beautiful new places, supporting the stewardship and rebirth of town and city centres, revitalising existing buildings and supporting new development. It also needs to move towards a modernised, open data approach.
- 2.5. It identifies the following specific objectives:
 - Being more ambitious; expecting development to be beautiful and create ‘net gain’ not just ‘no net harm’;
 - Giving communities an earlier, more meaningful voice as plans are made, harnessing digital technology to improve accessibility and understanding of information;
 - Making planning information easier to find and understand including greater use of digital information and platforms;
 - Supporting home ownership and increasing the supply of housing land where it is needed to address affordability, create competition in the housing market and to support economic growth and urban renewal;
 - Helping businesses to expand with readier access to commercial space and supporting a more physically flexible labour market;

- Supporting innovative developers and housebuilders including small and medium-sized enterprises (SMEs) and self-builders and those looking to provide more diverse types and tenures of housing;
- Promoting the stewardship and improvement of the countryside and environment, preserving important natural assets, maximising the use of brownfield land, supporting net gains for biodiversity and actively addressing climate change;
- Supporting the ongoing renewal of urban areas through ‘good growth’ with more homes at gentle densities in and around town centres and high streets on brownfield land and near existing infrastructure.
- Modernising the day to day operation of the planning system through digitisation – real time information, virtual simulation, greater use of data and straightforward end to end processes.

2.6. In seeking to take these objectives forward, the White Paper is split into three main ‘pillars’ which include 22 specific proposals:

- Pillar One – Planning for development
- Pillar Two – Planning for beautiful and sustainable places
- Pillar Three – Planning for infrastructure and connected places

2.7. There is also a section on delivering the changes which includes two further specific proposals.

Pillar One – Planning for development

2.8. Pillar One includes 10 proposals which focus primarily on plan-making (i.e. Local Plans) but also raise implications for development management, neighbourhood planning and housing delivery.

2.9. A new, simplified role for Local Plans is proposed together with a new process for making them. Plans will be stripped back to focus on identifying three types of land; *Growth* areas ‘suitable for substantial development’ (e.g. new settlements, urban extensions and areas for redevelopment), *Renewal* areas ‘suitable for development’ (e.g. existing built areas where smaller scale development is appropriate) and *Protected* areas where more stringent control over development is needed (e.g. Green Belt, AONB and areas of open countryside outside of land in *Growth* or *Renewal* areas). All areas of land would be put into one of these three categories.

2.10. Importantly, within identified *Growth* areas, outline planning permission would automatically be granted in principle once the Local Plan has been adopted, with detailed planning permission then needing to be secured through one of three options (a reformed reserved matters process, a Local Development Order or for exceptionally large sites, a Development Consent Order).

2.11. Within identified *Renewal* areas, there would be a general presumption in favour of development with consent granted in one of three ways; automatic consent for pre-specified forms of development, a fast-track application process for other forms of development or through a Local or Neighbourhood Development Order.

2.12. In *Protected* areas, development proposals would come forward as they do now (i.e. through a planning application) and would be judged against policies set out in the NPPF.

2.13. The intention is that new Local Plans will be more visual, map based and standardised nationally, comprising an interactive web-based map with a key and accompanying text setting out what is permissible and where. This will need to be made available in a range of different formats e.g. to enable smartphone accessibility.

- 2.14. Policies will be kept to a minimum, focusing on issues such as height and density limits with the majority of policies for development management to be set out in an updated NPPF rather than the Local Plan. This will be supported by a much greater emphasis on locally produced design codes and guides which can be included as part of Local Plans or as supplementary planning documents.
- 2.15. Importantly, the White Paper makes it clear that the Government wants to move to a position where all development management policies and design code requirements at national, local and neighbourhood level are written in a machine-readable format to increase clarity and enable automation of more binary considerations.
- 2.16. The existing 'tests of soundness' that Local Plans are considered against at examination would be replaced with a single 'sustainable development' test. The current requirement for Sustainability Appraisal (SA) would be replaced with a simplified alternative, the duty to co-operate test would be removed and there would be an increased emphasis on effective infrastructure planning.
- 2.17. The proposals place a strong emphasis on faster decision-making both for planning applications and local plan preparation. For determining planning applications, the intention is to more consistently adhere to deadlines through the use of improved digital technology and shorter, more standardised applications supported by much less background information and greater use of delegated approval.
- 2.18. To incentivise local authorities to determine applications in a timely manner, the White Paper identifies some potential penalties such as the refund of planning fees and deemed approval of certain types of development if deadlines are not met. Notably, where applications are refused, the White Paper proposes that applicants will be refunded their planning fee if successful at appeal.
- 2.19. In respect of timescales for Local Plans, the White Paper suggests that plans should be completed in 30 months or less, based on five key stages with the draft plan being submitted for examination and published for comment simultaneously (rather than published for comment and then submitted under current arrangements). Plans would then need to be reviewed at least every 5-years as per the current position. Failure to achieve these timescales is likely to lead to Government intervention.
- 2.20. The White Paper proposes to continue with the principle of a standardised method for establishing housing need (albeit calculated in a new manner) and to use this as the basis for agreeing a 'binding housing requirement' that would factor in land constraints such as Green Belt.
- 2.21. In West Oxfordshire, the new standard housing method identifies a requirement for 653 new homes per year prior to consideration of any land constraints.
- 2.22. Neighbourhood Planning is proposed to be retained but potentially re-focused to reflect the proposed changes to Local Plans as well as the opportunities presented by digital tools and data.
- 2.23. The White Paper also identifies a need to speed up the delivery of development and proposes to amend the NPPF accordingly (e.g. support for varied development types and multiple builders on larger sites).

Officer Response

- 2.24. The proposals have some merit but also raise a number of significant concerns.
- 2.25. In terms of Local Plan making, Officers agree that a more rapid and streamlined approach is achievable and that combining the publication and submission of a local plan as proposed is sensible. However, to expect a local authority to complete a local plan in 30 months is likely to prove extremely challenging particularly given that in doing so the authority will

be expected to produce sufficient evidence to justify the granting of outline planning permission in identified growth areas upon adoption of the plan.

- 2.26. There will also be additional time and resource implications associated with the increased emphasis which is being placed on design code work and masterplanning. This all needs to be recognised and worked through in the form of a practical example for a typical local authority before a specific time-limit for plan-making is imposed.
- 2.27. The principle of making Local Plans more visually engaging, interactive, map-based and accessible in a range of formats is supported, as are the proposals to simplify the approval process at examination, remove the duty to co-operate and reduce the amount of evidence needed to justify the plan including Sustainability Appraisal.
- 2.28. However, there seems to be a direct conflict between the idea of local plans granting outline planning permission for identified growth areas and the relaxation of evidence needed to support local plans. If the plan-making stage is effectively to be used to circumvent the need for outline planning permission in major growth areas, surely it would need to be supported by more rather than less evidence.
- 2.29. The increased emphasis on infrastructure planning is supported and this should be a mandatory element of plan-making. Increased use of locally derived design codes and guides is supported in principle, particularly where community engagement is mandatory, however it raises significant concerns in terms of the inevitable resource implications for local authorities in having to produce or commission a significant volume of additional work (see further comments below).
- 2.30. Key elements of Proposals 1, 2, 5 and 7 raise significant concerns in respect of the manner in which plan making is proposed to be stripped back, standardised and automated in a blanket manner that will inevitably mean local circumstances and priorities are overlooked and that the role of democratically elected local members in serving their local constituents will be significantly diminished.
- 2.31. Local Plans already identify areas of potential growth, renewal and protection and should clearly continue to do so, potentially supported by permission in principle for some, limited forms of more minor development. However, for Local Plans to effectively do no more than delineate 3 types of land category and be limited to providing guidance on a limited range of issues such as building heights and densities will remove the opportunity for local authorities to address key local priorities such as biodiversity gain and zero carbon through appropriately derived and locally evidenced policies.
- 2.32. It is fully accepted that Local Plans should not duplicate the content of the NPPF. However, this does not mean the ability for local authorities to set locally specific policies should be removed. Instead, it should be made clearer in the NPPF and associated practice guidance that policies which simply repeat or mirror the NPPF will not be considered sound.
- 2.33. The White Paper suggests that plan making and associated decision making can effectively become a standardised, data-driven and largely automated process and this raises obvious concerns because no one area is the same and local priorities and needs will vary. The planning system inevitably involves a strong degree of professional judgement and expertise as well as the oversight of democratically elected members. To suggest that this is some sort of burden which slows down decision-making and should therefore be stripped right back to enable binary 'yes/no' choices is entirely inappropriate.
- 2.34. Officers suggest that a far more appropriate way forward would be a reasonable balance between the current system of plan making and some of the proposals set out in the White Paper.

- 2.35. Certainly there is scope to streamline and speed the process up by reducing the procedural and technical requirements which currently slow local authorities down. There is also scope to make plans more visually engaging, interactive, responsive and accessible. This would clearly be in everyone's interest.
- 2.36. However, to strip the system back as much as is proposed with a view to having a 'standardised' approach across the Country, will inevitably mean that important local priorities and needs are overlooked and that those members who are democratically elected to represent the interests of their constituents will have very little say or control over what happens in their local areas.
- 2.37. Significant concerns are raised about the proposals to automatically grant outline planning permission for substantial development within identified growth areas. Whilst the current process of allocating land for development through local plans already establishes the principle of development, this is very different to an outline planning application which, for large sites, will often be supported by extensive evidence and detailed masterplanning looking at key issues such as phasing of development and the provision of supporting infrastructure.
- 2.38. Whilst the desire to speed up decision making is acknowledged, there will be greatly increased pressure on local authorities to produce sufficient evidence to justify the granting of outline planning permission upon adoption of their Local Plan. This appears to run in direct conflict with the other proposals set out in the White Paper which seek to reduce the evidential burden associated with the examination of Local Plans.
- 2.39. In terms of the other proposals set out in this part of the White Paper, Officers are generally supportive of the principle of a standardised approach to establishing housing need insofar as if a successful method could be rolled out, it would significantly reduce the amount of time and expense spent debating such matters at examination. However, it is essential that the limitations of such an approach are fully recognised and that it is seen as a starting point only, so that in establishing a local authority's specific housing requirement, proper consideration of local circumstances and constraints is taken into account.
- 2.40. Also supported is the stronger emphasis on build-out in new development, the retention of neighbourhood planning and the need to ensure timely development management decisions through greater levels of delegation, improved technology and more concise, standardised supporting information. It is essential however that this is not at the expense of quality and does not lead to important local issues being overlooked.
- 2.41. Significant concerns are raised about the financial implications of planning fees having to be returned if decision-making deadlines are not met (something which is often beyond the control of the local authority) as well as the prospect of applicants being able to recoup their planning fee if they are successful at appeal.
- 2.42. There is no evidence to suggest that financially penalising the authority would in any way improve decision making by planning committees and as such, it would be inappropriate to do so. It is simply likely to lead to an increase in the number of planning appeals lodged and a general 'clogging-up' of the system.

Pillar Two – Planning for beautiful and sustainable places

- 2.43. Pillar Two focuses primarily on design issues but also touches on climate change, environmental protection and heritage.
- 2.44. In terms of design, the White Paper places significant emphasis on the preparation of local design guides and codes, prepared with input from local communities and having regard to the existing National Design Guide, a soon to be published National Model Design Code and a revised and consolidated Manual for Streets.

- 2.45. A new expert body will be established to help local authorities make effective use of design guidance and codes and further proposals will be brought forward to ensure local authorities have the right skills and resources in place including the establishment of a chief officer for design and place making in each authority. Homes England will also be required to give greater weight to design quality in their activities and programmes of work.
- 2.46. Importantly, the White Paper proposes that high quality developments are 'fast-tracked' through the planning process in three ways. First the NPPF will be updated to give advantage to schemes that comply with local design codes and guides.
- 2.47. Second, where Growth areas are identified in Local Plans, a masterplan and site-specific code will need to be agreed as part of any permission in principle and in place prior to detailed proposals coming forward. These masterplans and codes should be prepared by the local planning authority.
- 2.48. Third, the nature of permitted development will be widened and changed to enable popular and replicable forms of development to be approved easily and quickly, enabling fast delivery of proven popular designs, fostering innovation and supporting industrialisation of house building enabling modern methods of construction to be deployed at scale. This would be taken forward through the development of a limited set of form-based development types which would benefit from permitted development rights relating to the settings in which they apply.
- 2.49. Prior approval of certain issues e.g. materials would still be needed and local planning authorities or neighbourhood planning groups would be able to use local orders to modify how these standard development types would apply in their area based on local evidence of opinion.
- 2.50. The White Paper also proposes to ensure that the reformed planning system plays a proactive role in promoting environmental recovery and long-term sustainability. The NPPF will be amended to ensure a focus on mitigating and adapting to climate change and maximising environmental benefits as well as ensuring that the significance of listed buildings and conservation areas is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. Better ways of securing consent for routine works are to also be explored.
- 2.51. The process for assessing environmental impacts (e.g. SA/EIA) is proposed to become quicker and simpler although no details are provided and will be the subject of further consultation in the autumn.
- 2.52. The White Paper also suggests it will facilitate ambitious improvements in the energy efficiency standards for buildings although details are light on the actual measures to be put in place much of which appears to be the subject of further, separate consideration including through the Future Homes Standard – the Government's first step towards net zero homes.

Officer Response

- 2.53. The proposals set out under Pillar Two of the White Paper again have some positives but also raise some very serious concerns. Officers are supportive of the principle of locally prepared design codes and design guides, which will be particularly important if the proposals to streamline local plan making through a zonal approach to growth are taken forward and development management policies are deferred to the NPPF.
- 2.54. However, the White Paper vastly underplays the additional resource requirements associated with this shift in emphasis. Design codes and guides are not quick or easy to produce and yet the White Paper infers that with a little re-training, those whose current role within the planning system may change can suddenly become urban design and

masterplanning experts. In reality it will not be that simple and local authorities are likely to find themselves deluged with requests from local authorities to engage with them on design-based matters and unable to offer adequate support and guidance.

- 2.55. Officers agree that a new body should be established to support local authorities with design issues and that Homes England should factor in the importance of high quality design and place-making alongside their other strategic objectives.
- 2.56. The principle of amending and updating the NPPF to ensure a stronger focus on climate change and maximising environmental benefits is supported. However, very little detail is provided as to what this will actually entail and as such it is difficult to comment meaningfully at this stage.
- 2.57. The concept of simplifying the assessment of environmental impacts for both plan-making and decision-taking is also supported, as are the proposals to achieve a step change in the environmental and energy efficiency performance of new buildings.
- 2.58. Concerns are however raised in a number of respects. In particular, Officers are concerned about the proposal to fast track well-designed schemes through the planning system.
- 2.59. New developments should already be underpinned by high quality standards of design. This is not a new concept and has been embedded in national and local policies for many years. To suggest that suddenly, an advantage will be awarded to high quality designs in terms of the time taken to achieve consent does not seem appropriate or necessary. Whilst good quality design is vitally important, it is just one component of sustainable development and should be seen as 'trumping' all other considerations of good planning.
- 2.60. Officers agree that well-designed schemes should be looked upon favourably, however would question whether this alone should mean they enjoy a swifter route through the planning system. Surely, all elements of achieving sustainable development and effective place-making should be given equal weight?
- 2.61. Also of concern is the concept of allowing replicable 'pattern book' development to be taken forward and approved quickly with pre-approval of popular and replicable designs through permitted development.
- 2.62. Whilst the basic, central tenets of good design including building types, heights, set-backs etc. are clearly transferrable, to expect whole 'pattern book' developments to be imported into proposed renewal areas, surely runs the risk of standardised 'anywhere' development that does not fit in with or take account of the local context and setting.
- 2.63. The Government has already significantly extended permitted development rights in recent years leading to questionable development including some office to residential conversions. To further extend these rights so that potentially large-scale developments can be fast-tracked with little scrutiny and local input from democratically elected Members is not appropriate or supported. The White Paper makes reference to such proposals enabling an 'industrialisation of housebuilding' which is extremely worrying for a predominantly rural area such as West Oxfordshire.
- 2.64. Finally concerns are raised in respect of the treatment of the historic environment, in particular the potential to miss unknown or unidentified heritage assets in Local Plans, the resource implications associated with updating local plans to ensure such assets are properly recorded including mapping and the proposals to 'fast-track' routine works to listed buildings, because in reality every building is different with its own unique set of characteristics.
- 2.65. Concerns are also raised about the possibility of those with a vested interest earning autonomy from routine listed building consents as well as the proposed implications of

adapting / retro-fitting historic buildings to address climate change without due consideration and scrutiny.

Pillar Three – Planning for infrastructure and connected places

- 2.66. The third pillar of the White Paper focuses on the provision of infrastructure, with a package of significant reforms to the current system of developer contributions (S106 and CIL) which is seen to be uncertain, opaque, inconsistent and inflexible.
- 2.67. The White Paper identifies that developer contributions should be responsive to local needs, transparent, consistent and simplified and buoyant (so that when prices go up the benefits are shared and when prices go down there is no need to re-negotiate). It also suggests that the Government could potentially seek to use developer contributions to capture a greater proportion of the land value uplift that occurs through planning permission and use this to enhance infrastructure delivery.
- 2.68. The White Paper proposes that the current system of planning obligations (S106) and CIL is abolished and replaced with a new, nationally set charge (single or area-specific) based on the value of the development as a fixed proportion over a certain threshold. The charge would be levied at the point of occupation and revenues would continue to be collected and spent locally. Where the value of development is below the threshold, no levy would be charged.
- 2.69. Local authorities would be allowed to borrow against revenues from the levy to forward fund infrastructure. The scope of the levy would be extended to include changes of use which require planning permission even where there is no additional floorspace and for some permitted development rights including office to residential conversions.
- 2.70. Importantly the White Paper makes it clear that any reformed levy would continue to deliver on-site affordable housing at least at present levels. This could be secured through in-kind delivery on-site with local authorities able to specify the form and tenure of provision. Affordable homes would be sold to a provider at a discounted rate with the difference between the sold price and the market price then being offset from the amount of levy payable, thus acting as an incentive for on-site provision.
- 2.71. The White Paper also identifies the potential for greater flexibility in the use of infrastructure levy payments. The current approach whereby local communities are passed from 15% - 25% (depending on whether they have a neighbourhood plan in place) will be retained and local authorities may be able to spend the levy on their policies priorities once core infrastructure obligations have been met e.g. they may wish to improve services or reduce Council Tax.

Officer Response

- 2.72. The proposals set out in this Section raise a number of significant concerns. Although there is clearly scope to improve the current system of developer contributions, to effectively scrap it and replace it with a new, nationally set tariff in the form of an 'Infrastructure Levy' is not supported.
- 2.73. Instead, the focus should be on finding ways to improve the current system of developer contributions including Section 106 agreements to make the process quicker and more transparent with less duplication.
- 2.74. Whichever approach to developer contributions is taken, it is essential that any uplift in land value is properly captured. The increase in value over and above existing agricultural land value for undeveloped greenfield sites in particular is huge and it is only right that a good proportion of that uplift is captured and available to support the provision of necessary supporting infrastructure.

- 2.75. Officers agree that that if a reformed levy is taken forward, both changes of use which require planning permission and those which are permitted development such as office to residential conversions should be required to make a contribution towards infrastructure.
- 2.76. Whichever mechanism is used to secure affordable housing it is essential that the amount of new affordable housing provided is at least as much as currently happens and preferably, more given the acute need for affordable housing in many areas.
- 2.77. The priority should be for on-site provision and it is vital that financial contributions made through the proposed infrastructure levy are not seen as a convenient way of avoiding having to provide new affordable homes on-site.
- 2.78. Any system of developer contribution should focus on the provision of affordable housing and the range of new and enhanced infrastructure that is needed to support new development.
- 2.79. Providing local authorities with more flexibility including the opportunity to spend levy receipts on improved services or reducing Council Tax is not supported as there is a clear risk that these key priorities may be sidelined.

Delivering Change

- 2.80. The final section of the White Paper deals with some of the practicalities of introducing the proposed changes and makes it clear that whilst the Government is keen to make rapid progress toward the new system, it will consider appropriate transitional arrangements depending on the consultation responses received.
- 2.81. It also places an emphasis on better use of surplus public sector land and innovation in delivery including the potential use of development corporations. Having the right skills in place within local authorities is identified as essential, with a comprehensive resources and skills strategy for the planning sector to be produced to support the implementation of the proposed reforms.
- 2.82. Planning fees will continue to be set nationally and if the new infrastructure levy proposal is brought forward, local authorities will be able to use a small proportion to cover their overall planning costs including plan-making and design codes and enforcement activities.
- 2.83. Outdated regulations which unnecessarily increase costs for local authorities will be removed and local authorities will be subject to a new performance framework which ensures continuous improvement across all planning functions.
- 2.84. Enforcement powers and sanctions will be reviewed and strengthened with local authorities being expected to place more emphasis on the enforcement of planning standards and decisions.

Officer Response

- 2.85. The proposals set out in this section are generally supported, in particular the proposals to strengthen the enforcement powers and sanctions available to local authorities and the development of a new resources and skills strategy to support the implementation of the proposed reforms within the planning sector.
- 2.86. However, in general terms the White Paper significantly underplays the burden that the proposals are likely to place on local authorities, in particular the additional resources that will need to be provided or commissioned to support a raft of new design guide and codes and masterplanning for proposed local plan growth areas.

3. FINANCIAL IMPLICATIONS

- 3.1. This report has no financial implications.

4. LEGAL IMPLICATIONS

- 4.1. This report has no legal implications.

5. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)

- 5.1. The White Paper addresses the issue of climate change in a number of areas including a commitment to strengthening the NPPF 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.

6. ALTERNATIVE OPTIONS

- 6.1. The report and response set out the reasoning for the proposed comments. Cabinet is free to add to or vary those comments as it sees fit.

7. BACKGROUND PAPERS

- 7.1. Planning White Paper – Planning for the Future (August 2020) - <https://www.gov.uk/government/consultations/planning-for-the-future>

WODC proposed response to Planning White Paper – Planning for the Future

Pillar One - Planning for development

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

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

In general terms, the Government's commitment to retaining a plan-led system is welcomed but the Council considers that the proposals go much too far in terms of 'stripping back' the function, role and responsibility of local authorities for effective plan-making.

Local Plans provide the opportunity to articulate local priorities and aspirations in a spatial manner, established through a vision, objectives, policies and overall strategy. Good plans look beyond just the use of land and adopt an integrated, spatial approach linking up with other related areas including health and well-being, transport, nature recovery and climate change.

The White Paper proposals suggest that Local Plans will effectively adopt a simplistic zonal approach, identifying land for growth/renewal and protection and doing no more than that, other than some succinct guidance on what is permissible and where. The vast majority of policies used for development management will be stripped out and deferred to national policy.

This is not appropriate and will remove the ability of local authorities to effectively address key local priorities. An automated 'one-size fits all' type approach, whilst attractive in some respects on paper, in reality, will mean that the issues of most importance to local communities are likely to be glossed over and not able to be addressed.

The planning system inevitably involves a strong degree of professional judgement and expertise as well as the oversight of democratically elected members. To suggest that this is some sort of burden which slows down decision-making and should therefore be stripped right back to enable binary 'yes/no' choices is entirely inappropriate.

Notwithstanding the Council's 'in principle' concerns about simplified plan-making, there are some specific comments about the detail of the proposals which we wish to make.

The proposals envisage that growth areas suitable for substantial development will be identified in new-style local plans and that such areas would benefit from outline planning permission upon adoption. The evidence base required in support of Local Plans is already significant and if the expectation is for local authorities to provide sufficient evidence to effectively grant outline planning permission, the resource implications of this need to be recognised – particularly in light of the relatively rapid timetable of 30 months for new style local plans highlighted elsewhere in the White Paper (see comments below).

The White Paper suggests that the term 'substantial development' will be defined in policy to remove any debate. This is vital and should be clarified as soon as possible. If growth areas are to include new settlements, urban extensions and areas for redevelopment, this could range in size from say 50 homes to 5,000 homes and it will be essential to get the definition right from the outset if the proposals are taken forward.

The White Paper suggests that for growth and renewal areas, the key and accompanying text would set out suitable development uses as well as limitations on height and/or density as relevant. The inference is that this text/guidance will be minimal which raises obvious concerns in respect of larger development proposals.

If a Local Plan were to identify for example a new settlement of 5,000 new homes which upon adoption of the plan, becomes an outline planning permission, presumably the key and supporting text of the plan would need to be comprehensive and supported by a raft of evidence rather than in the form of some brief guidance on height and density and signposting of suitable uses as is currently suggested.

The commitment to excluding areas of flood risk from growth areas is welcome but more clarity is needed. Often with larger sites, there are areas of flood risk within the site but this does not prevent development coming forward. Presumably the onus will be on the local authority to produce flood risk evidence to justify any growth areas that include any risk of flooding, the resource implications of which again need to be recognised.

The more stringent approach highlighted in respect of protected areas such as Green Belt and AONB is welcome however it is unclear how this would apply in practice. The paper suggests that some areas would be defined nationally and others locally on the basis of national policy. Does this mean that there will be a standard NPPF policy on development within all AONBs for example? If so, how could such an approach possibly reflect the differences between different AONBs and the local priorities and objectives for each?

The concept of an interactive web-based map with easily searchable policies is supported but is not new. Many local authorities already have such systems in place but it is acknowledged that this should become mandatory and potentially standardised to assist with automation and those wishing to interrogate multiple plans.

Regarding allowing sub-areas within Growth areas to be created specifically for self- and custom-build homes, and community-led housing developments, powers should be provided to local authorities to make such designations in circumstances where the landowner is seeking a more profitable land use. It is desirable to avoid a situation where the Council is willing to designate sub-areas for custom-build homes and community-led housing developments but is unable to do so due to the unavailability of sites.

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

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

Whilst the Council fully acknowledges that development management policies set out within Local Plans should not simply repeat national policy, it does not agree that such policies should be removed from Local Plans altogether.

Good local plan policies seek to articulate local priorities in a positive and constructive manner. They do not simply seek to resist or control development in an overly prohibitive manner. There will be numerous examples of well-crafted local plan policies that put a specific, local perspective on key issues such as heritage, biodiversity and landscape and to elevate such policies to a series of generic, standardised policies within the NPPF would severely hamstring local authorities from being able to address the issues of most importance in their local areas.

As such, the District Council would support the alternative option identified in the White Paper which is to maintain the current approach of including development management policies within Local Plans but making it clear that policies which repeat the NPPF will be stripped out.

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

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

In principle, the District Council is supportive of the idea of simplifying the process for examining and approving Local Plans. However, no detail is provided as to what the new ‘sustainable development’ test would look like and what issues it would cover, or the type of process envisaged for the simplified alternative to Sustainability Appraisals.

Similarly, whilst the White Paper suggests removal of the duty to co-operate, no detail is provided as to what mechanism would be used to address cross-boundary issues of strategic importance.

Currently in Oxfordshire, very effective cross-boundary partnership arrangements are in place in the form of the Oxfordshire Growth Board (OGB). This has resulted in effective progress in plan-making and infrastructure provision including the aware of funding through the Oxfordshire Housing and Growth Deal and the Housing and Infrastructure Fund (HIF).

If the duty to co-operate is to be removed, it needs to be replaced with an expectation that mechanisms such as the Oxfordshire Growth Board to facilitate effective cross-boundary working between local authorities and other key partners must be put into place. This should be reflected in the proposed reforms as they are taken forward.

In the absence of this detail it is impossible to provide definitive support, but in principle, the Council would welcome some form of simplification of the examination process.

The Council agrees with the White Paper proposal to ensure that all plans are informed by appropriate infrastructure planning. This is vital and should be built in as a mandatory requirement of all plan-making.

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

The existing Statement of Common Ground process/requirement identified in the NPPF is one mechanism. However, consideration should also be given to the use of inter-authority partnerships such as the Oxfordshire Growth Board which has successfully enabled plan-making in Oxfordshire in recent years as well as securing significant investment in new infrastructure and affordable housing.

Consideration should be given as to whether such arrangements should be put into place across the Country to ensure that strategic cross-boundary issues are effectively addressed.

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

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

In principle, the concept of a standardised approach to housing need is sensible in providing greater certainty and reducing unnecessary and lengthy debate. The District Council has responded separately to the Changes to the Planning System consultation raising concerns about the methodology underpinning the standard method including the limitations of

household projections and the removal of the current cap for upward adjustments in respect of market signals/housing affordability. Those concerns are not repeated here.

Should the proposed standard method be taken forward, it is essential that it is seen as a starting point for assessing housing need only and that in setting a housing requirement, appropriate consideration is given to both relevant constraints (e.g. AONB and Green Belt) and opportunities (e.g. growth / strategic infrastructure aspirations).

The White Paper is however silent on how those factors might be taken into account in setting a housing requirement and as such, it is not possible to comment in detail.

If the standard method for assessing housing need is taken forward, it is essential that a robust process for translating the basic level of housing need into a specific housing requirement is put into place. The Government should publish details of what that process would be and how it would apply in plan-making terms as soon as possible.

The proposal to remove the five-year housing land supply requirement whilst retaining the Housing Delivery Test and the presumption in favour of sustainable development is supported. Clarity is needed however in respect of the circumstances in which the 'tilted balance' set out in Paragraph 11 of the NPPF would be engaged in the absence of a requirement to demonstrate a 5-year housing land supply.

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

Whilst housing affordability is clearly a key consideration, in reality there is little evidence to suggest that increasing housing supply in any way suppresses existing market sales values or rents and improves affordability. As such, it is essential that any adjustment for affordability is a sensible one that does not result in unrealistically high indication of need that even if it were able to be achieved, would in reality do little to bring down the market value of new housing. This is particularly relevant given that the Government's separate consultation on changes to the planning system proposes to remove the cap which currently limits the level of increase for individual authorities.

In terms of the extent of existing urban areas, using this as an indicator of how many houses are actually needed / required in an area is a huge over-simplification. It does not, for example, take account of latent demand or 'hidden households' where several generations of a family may be living under one roof due to the lack of availability of affordable housing.

If the extent of existing urban areas is to become an indicator, it should also factor in how much growth has already occurred in the past 10 years. Significant past over- delivery should not result in a disproportionately higher future housing need. It is the equivalent of penalising an authority for its success.

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

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

The District Council has a number of significant concerns about the proposals to automatically grant outline planning permission for substantial development within identified growth areas and to enable automatic approvals for other forms of development.

Whilst the current process of allocating land for development through local plans already establishes the principle of development, this is very different to an outline planning application which, for large sites, will often be supported by extensive evidence and detailed

masterplanning looking at key issues such as phasing of development and the provision of supporting infrastructure.

Whilst the desire to speed up and streamline the process is understood, it is unclear how much evidence and supporting technical detail a local authority would need to have in place to effectively grant outline planning permission through its Local Plan.

Elsewhere, the White Paper describes a simplification of the examination process for Local Plans with existing tests of soundness replaced with something less onerous and requirements for SA/SEA also replaced with something more simplistic.

It is difficult to see how local plans can be expected to take on the role of granting outline planning permission for large, strategic sites whilst the process for examining those plans is to be much simplified. There seems to be a direct conflict between the idea of local plans granting outline planning permission for identified growth areas and the relaxation of evidence needed to support local plans.

If the plan-making stage is effectively to be used to circumvent the need for outline planning permission in major growth areas, surely it would need to be supported by more rather than less evidence which raises obvious resource implications.

In terms of a streamlined, faster route for detailed consent, the White Paper provides little detail other than the fact that the focus will be on good design and site-specific technical details with permission to be achieved in one of three ways.

Clearly once the principle of development has been established it is in everyone's interest to facilitate rapid decision-making on the details to ensure timely delivery. However, it is vital that this is not at the expense of quality and consistency of decision-making and key issues potentially being overlooked.

If the proposals are to be taken forward, further clarity should be provided at the earliest opportunity as to what the more rapid detailed consent route would entail.

In respect of 'renewal' areas identified as suitable for development, the Council has significant concerns about the prospect of automatic approvals for certain forms of development which appear to be predominantly a design-based decision using pattern-book developments of popular and replicable designs.

Whilst the basic, central tenets of good design including building types, heights, set-backs etc. are clearly transferrable, to expect whole 'pattern book' developments to be imported into proposed renewal areas, surely runs the risk of standardised 'anywhere' development that does not fit in with or take account of the local context and setting.

The Government has already significantly extended permitted development rights in recent years leading to questionable development including some office to residential conversions. To further extend these rights so that potentially large-scale developments can be fast-tracked with little scrutiny and local input from democratically elected Members is not appropriate or supported.

The White Paper makes reference to such proposals enabling an 'industrialisation of housebuilding' which is extremely worrying for a predominantly rural area such as West Oxfordshire.

In summary, the Council has a number of significant concerns about this proposal. Whilst the desire to speed up decision making is acknowledged, there will be greatly increased pressure on local authorities to produce sufficient evidence to justify the granting of outline planning permission upon adoption of their Local Plan.

This seems to run counter to the proposals set out elsewhere in the White Paper regarding the simplification of the local plan examination process and will be further compounded by a more rapid detailed consent route. It appears that too many corners are potentially being cut without the opportunity for proper public engagement and scrutiny, in particular the proposals to fast-track certain forms of development within identified renewable areas and grant outline planning permission for growth areas upon adoption of a local plan.

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

The approach proposed for protected areas (i.e. to maintain the current requirement for development proposals to be supported by a planning application) is supported. As per the Council's response to Proposal 2, any decision should be informed not only by policies set out in the NPPF but also by appropriately derived policies which are specific to the local area and do not repeat the content of national policy.

For areas of renewal, the general presumption in favour of development is logical and the intention to speed-up decision making is acknowledged and understood. However, as outlined above, the Council has significant concerns about the concept of fast-tracking certain forms of development through extended permitted development rights as well as the concept of a faster planning application process for other forms of development.

It is also unclear which pre-specified forms of development would benefit from the new permission route to automatic consent and how the new 'faster' planning application process for other types of development would operate in practice – is it simply going to put the local authority under pressure to determine such applications in a shorter timeframe?

In short, the Council has significant concerns that proposals for development within renewal areas will effectively be waived through without due consideration and input from democratically elected members.

Whilst the Council supports the proposal to enshrine a presumption in favour of development in legislation, this should not then lead to proposals being able to short-circuit the decision-making process because they fit into a certain category or fulfil a certain design criterion.

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

The White Paper suggests that for exceptionally large sites such as a new town, the Government wishes to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate route to secure consent.

Without further detail, it is difficult to comment on the merit of such an approach but the Council agrees that it is worth exploring further. If any sort of arrangements were to be taken forward, it would be absolutely essential to ensure that appropriate opportunities for early and extensive community engagement are built into the process.

Furthermore, the speed of decision-making should not be at the expense of quality in terms of place-making and creating the types of new places where people can lead healthy and fulfilled lives.

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

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

The Council is supportive of the principle of greater certainty of decision-making and ensuring that deadlines are able to be met. However, this should not be at the expense of the quality of development proposals or run the risk of important issues such as flood risk for example, being overlooked.

The proposals to introduce greater digitisation of the application process are supported in principle however it will be essential for local authorities to be given appropriate time and resources to bring in such arrangements.

The Council is concerned about the suggestions regarding supporting information being stripped back to the bare minimum with major developments supported by no more than relevant drawings and a single standardised planning statement. How can a planning application for say 100 new homes be determined even in outline form, in the absence of appropriate supporting technical information? Whilst there is clearly scope to trim down some of the requirements, the proposals appear to be going too far in the interest of speed and brevity.

The planning system inevitably involves a strong degree of professional judgement and expertise as well as the oversight of democratically elected members. To suggest that this is some sort of burden which slows down decision-making and should therefore be stripped right back to enable binary 'yes/no' choices is entirely inappropriate.

The Council strongly objects to the proposals to penalise local authorities for failing to determine planning applications within agreed timescales. Planning fees should not be refunded and deemed consent should not be granted for any form of development. Inevitably, circumstances will arise which cause delay and these are often well beyond the control of the local authority. To penalise them financially or simply wave through certain applications because there has been a delay is entirely inappropriate.

If the proposal to penalise local authorities were to be taken forward, it should be on the basis of significant delay only and where the responsibility for that delay demonstrably rests with the local authority.

The Council has further significant concerns regarding the proposal to refund planning fees in the event of successful planning appeals. There is no evidence to suggest that this will improve decision-making by planning committees but it does create a risk that planning committees will be minded to approve most applications to avoid the possibility of a financial penalty further down the line or alternatively that many more applicants will choose to appeal on the basis that they might recoup some of their costs, thus clogging up the system.

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

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

The District Council acknowledges that Local Plans should be more visual, map-based and engaging for the reader in a range of different formats including digital platforms. There is also often an opportunity to much reduce the length of plans and make them more succinct and focused.

In this respect, the proposals to make plans more visual, map based and 'digital' are supported.

However, the Council has concerns that the proposals go too far in seeking to standardise all local plans into exactly the same format with a primary focus on data and much less explanation in terms of rationale and justification.

As outlined in response to Proposal 1, local plans provide the opportunity to articulate important local priorities and aspirations and there is a real danger in stripping them back to machine-readable data driven, standardised 'tools' that those local priorities and aspirations will not be able to be addressed.

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

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

Officers agree that a more rapid and streamlined approach is achievable and that combining the publication and submission of a local plan as proposed is sensible.

However, to expect a local authority to complete a local plan in 30 months is likely to prove extremely challenging particularly given that in doing so the authority will be expected to produce sufficient evidence to justify the granting of outline planning permission in identified growth areas upon adoption of the plan.

If local plans are to grant outline planning permission, they will need to be supported by appropriate technical evidence and underpinned by effective community engagement, all of which takes time to put into place.

There will also be additional time and resource implications associated with the increased emphasis which is being placed on design code work and masterplanning. This all needs to be recognised and worked through in the form of a practical example for a typical local authority before a specific time-limit for plan-making is imposed. It must also be recognised that often, the reasons for delays with the current system of plan-making are beyond the control of the local authority and as such, should the 30 month timescale be introduced, any sanction for then failing to achieve it, must be reasonable and considered.

As ever, there is a concern that speed should not become the driving factor and that quality of plan-making and consequent decision-taking should be the most important considerations.

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

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

The principle of Neighbourhood Planning is supported as an important way of identifying and articulating local issues and priorities. There is clearly scope to improve such plans and make them more accessible and useful through improved digital tools and use of data.

The basic content of Neighbourhood Plans will however need to be carefully thought through as in many instances, they tend to repeat local or national policy. The real value of neighbourhood planning is in developing locally specific policies which are distinct to the area and designed to realise local aims and objectives.

Achieving that is not however simple and if the proposals to slim down and streamline local plans are taken forward, this will clearly have a knock-on effect on the scope and content of neighbourhood plans.

At the very least, the Government will need to provide guidance and detail on what form neighbourhood plans will be expected to take and the type of policy they will be expected to include.

The Council does not support the concept of 'street-level' neighbourhood plans as suggested in the White Paper, due to the potentially excessive resource burden placed on local authorities and the danger of creating social division through a 'them and us' attitude.

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

Some sort of standard template for neighbourhood plans is likely to be beneficial in facilitating greater use of digital technology. It could also help to speed up the plan making process. Such a standard approach could potentially include specific advice/guidance on the issue of design – albeit, it would need to be tailored to local circumstances accordingly.

The Government should seek to develop two or three model neighbourhood plan templates and subject those to a number of ‘practice runs’ with a range of local communities to help inform the most appropriate way forward.

Proposal 10: A stronger emphasis on build out through planning

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

The concept of accelerating development e.g. through the use of different development types and builders is supported. The Council has included such a policy in the recently published Salt Cross Garden Village Area Action Plan (AAP).

Embedding such a requirement within the NPPF and associated practice guidance would appear to be a good starting point.

It should also be included as a pre-requisite for any outline planning permission or automatic approval granted for larger developments upon adoption of any new style local plan.

Pillar Two - Planning for beautiful and sustainable places

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

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

The Council is supportive of the National Design Guide and welcomes the commitment in the White Paper to publishing a National Model Design Code to supplement the guide as well as a revised and consolidated Manual for Streets.

As these will be set at a national level, it is essential that they are supported by local design guides and codes prepared with extensive and meaningful community input. The proposal to formalise the requirement for local engagement is supported as is the proposed emphasis on ensuring that design guide and codes are binding on decisions about development.

This will be particularly important if the White Paper proposals to streamline local plan making through a zonal approach to growth is taken forward and development management policies are deferred to the NPPF.

However, the White Paper vastly underplays the additional resource requirements associated with this shift in emphasis. Design codes and guides are not quick or easy to produce and yet the White Paper infers that with a little re-training, those whose current role within the planning system may change can suddenly become urban design and masterplanning experts. In reality it will not be that simple and local authorities are likely to find themselves deluged with requests from local authorities to engage with them on design-based matters and unable to offer adequate support and guidance.

Furthermore, whilst good quality design is vitally important, it is just one component of sustainable development and should be seen as ‘trumping’ all other considerations of good planning.

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

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

Yes – this would seem a sensible proposition and it would make sense to make use of an existing organisation rather than create one. The Council does not accept that each local authority should necessarily be required to have in place a chief officer for design and place-making although this would clearly be advantageous.

Given the increased emphasis on design codes and guidance and the majority of authorities would presumably look to bring in or develop the necessary expertise.

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

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

The Council has no firm view on this but on the face of it, it would seem sensible to ensure that Homes England factor in the importance of high quality design and place-making alongside their other 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.

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

New developments should already be underpinned by high quality standards of design. This is not a new concept and has been embedded in national and local policies for many years. To suggest that suddenly, an advantage will be awarded to high quality designs in terms of the time taken to achieve consent does not seem appropriate or necessary. It also runs the risk of other important issues being overlooked in favour of just one aspect.

Whilst clearly well-designed schemes should be looked upon favourably, is it right that they should obtain a swifter route to securing consent or should high quality design be considered alongside all other key issues as is currently the case? Whilst good quality design is vitally important, it is just one component of sustainable development and should be seen as 'trumping' all other considerations of good planning.

In terms of the specific proposals set out in the White Paper, these state that the NPPF will be updated to make clear that schemes which comply with design codes and guides have a positive advantage and greater certainty about their prospects of a swift approval.

Whilst the Council does not have specific concerns about this, it is unclear what this positive advantage will actually entail and how a judgement will be made. Design is by its very nature rather subjective and an applicant may well consider their proposal to be in full accordance with a local design code or guide whilst the local authority concludes otherwise. In such cases what will the positive advantage be (presumably a swifter decision?) and how will that judgement be made?

The second proposal requires identified Local Plan growth areas to be supported by a masterplan and site-specific code which should be in place before detailed proposals come forward. The White Paper suggests that these masterplans and codes could be prepared by the

local planning authority alongside or subsequent to preparing its plan but does not recognise the significant resource burden that this would place on local authorities even in preparing a relatively high-level set of documents. This raises significant concerns.

The third proposal is to broaden permitted development to allow replicable pattern book development to be taken forward and approved quickly with pre-approval of popular and replicable designs through permitted development leading to an industrialisation of housebuilding.

This raises significant concerns. Whilst the basic, central tenets of good design including building types, heights, set-backs etc. are clearly transferrable, to expect whole 'pattern book' developments to be imported into proposed renewal areas, surely runs the risk of standardised 'anywhere' development that does not fit in with or take account of the local context and setting.

The Government has already significantly extended permitted development rights in recent years leading to questionable development including some office to residential conversions. To further extend these rights so that potentially large-scale developments can be fast-tracked with little scrutiny and local input from democratically elected Members is not appropriate or supported.

Reference to an 'industrialisation' of housebuilding is extremely worrying for a predominantly rural area such as West Oxfordshire.

Notwithstanding the Council's in-principle concerns, if the proposals are to be taken forward, it will be essential as indicated in the White Paper, to allow local planning authorities and neighbourhood planning groups to use local orders to modify how the standard types would apply in their areas.

Clearly the proposals are potentially significant and again, notwithstanding the Council's in principle concerns, the proposed use of a number of pilot projects before being rolled out more widely is supported.

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 amending and updating the NPPF to ensure a stronger focus on climate change and maximising environmental benefits is supported. However, very little detail is provided as to what this will actually entail and as such it is difficult to comment meaningfully at this stage.

There are some suggestions that an updated NPPF will address issues such as nature recovery, better green spaces and tree cover which are of course all laudable objectives but until further detail is known, informed comment is not possible.

The White Paper suggests that further consultation on changes to the NPPF will be carried out in the autumn and the Council will respond accordingly at that time. In the interim, the Council supports in principle the intention to strengthen the NPPF from an environmental perspective.

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 Council supports the concept of simplifying the assessment of environmental impacts for both plan-making and decision-taking. No detail is provided in the White Paper but the aims of reform are listed as speeding up decision-making, easier to understand information and requirements and the need to take advantage of any opportunities for environmental improvements.

The Council notes that there will be a separate consultation on this in the autumn but is supportive in principle of a more accessible, transparent and streamlined process of assessment.

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

The proposals here are light in detail and appear to revolve around greater flexibility to enable changes to be made to listed buildings and conservation areas to support their continued use and address climate change as well as more rapid ways of achieving consent for routine works.

Whilst not stated in the White Paper, presumably any such changes will be the subject of further consultation in due course. The following initial concerns are however raised.

The White Paper suggests that ‘Local Plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views’.

Unknown or unidentified heritage assets could however be missed including structures that have not yet been identified to be listed or non-designated heritage assets and buildings that do not merit listing but do display enough historical, architectural, social or aesthetic appearance etc. to merit them being locally listed. It also includes below ground archaeology and many archaeological sites which cannot be included because they have yet to be discovered.

There are also clear resource implications associated with updating local plans to ensure such assets are properly recorded including mapping, particularly in respect of previously unknown sites / buildings that have potential to be heritage assets but that have not yet been assessed and mapped by the local authority.

In terms of the proposals to ‘fast-track’ routine works, every building is different with its own unique set of characteristics. The general public will not necessarily understand what constitutes routine works, and how this should be conducted, and whether the materials they use are compatible with historic buildings, or whether it will affect a building’s significance or character – this lack of knowledge can have a harmful impact on the character and fabric of listed buildings. For example, general repointing using concrete instead of a lime mortar can be very damaging to a historic building.

Routine works can be difficult to measure and would still require an expert to determine whether the works constitute ‘routine’. Most responsible listed building owners in West Oxfordshire generally seek advice from the Conservation Team undertaking works, and this still appears to be the most appropriate way forward.

All historic buildings are important (including non-designated), so we should be highly cautious to allow anyone with a vested interest (or conflicted interest) in any proposal to have earned autonomy from routine listed building consents. Only conservation / archaeological officers employed by the LA with neutral interest should assess the suitability of a proposal for works to a listed building. Instead there should be more emphasis on the production of a heritage statement by a qualified heritage specialist (Para 189, NPPF) – because once the full significance and character of a building is understood, then any future decisions can be guided by that assessment, and the decision making process should be quicker.

In terms of adaptations to address climate change, we must ensure that the way that historic buildings are adapted / retrofitted is compatible with their character, materials and use – and that the guidelines for adaption / retrofit adhere to the research and guidance from experts such as Historic England and SPAB etc. Any proposals for adaption or retrofitting should still be assessed by the LA’s conservation team to ensure that it is appropriate and will not have a harmful impact on a building’s character or historic fabric.

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 commitment set out in the White Paper is welcome and supported in principle as it is essential we achieve a step change in the environmental and energy efficiency performance of our buildings. This is reflected in ambitious proposals put forward by the District Council in respect of the recently published Salt Cross Garden Village Area Action Plan (AAP).

Little detail is provided however as to what this means in practice and it is suggested that such proposals will be taken forward as part of the Future Homes Standard with further consultation in the autumn.

The District Council will respond accordingly at that time.

Pillar Three - Planning for infrastructure and connected places

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.

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

Although there is scope to improve the current system of developer contributions, to effectively scrap it and replace it with a new, nationally set tariff in the form of an 'Infrastructure Levy' is not supported.

Instead, the focus should be on finding ways to improve the current system of developer contributions including Section 106 agreements to make the process quicker and more transparent with less duplication.

The White Paper suggests that a nationally set charge would aim to increase revenue levels nationally when compared to the current system, however no evidence is provided to this effect. At the very least, a worked example should be provided to demonstrate the likely contribution from a housing led scheme of say 100 new homes to enable a meaningful comparison to be undertaken with the sort of obligations/payments secured through the current developer contributions system.

If part of the problem with CIL is a lack of take-up by local authorities and the inconsistency this creates, the Government should make CIL mandatory rather than optional. It should also provide greater clarity in respect of the relationship between CIL and S106 as the recent changes to the CIL regulations have served to blur the lines between the two with contributions via both mechanisms now able to be spent on the same item of infrastructure.

If the single infrastructure levy proposals are taken forward, the Council would be supportive of the principle of local authorities being able to borrow against revenues to forward fund infrastructure.

Whichever approach is taken, it is essential that any uplift in land value is properly captured. The increase in value over and above existing agricultural land value for undeveloped greenfield sites in particular is huge and it is only right that a good proportion of that uplift is captured and available to support the provision of necessary supporting infrastructure.

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

Whichever approach is taken, it is essential that any uplift in land value is properly captured. The increase in value over and above existing agricultural land value for undeveloped greenfield sites in particular is huge and it is only right that a good proportion of that uplift is captured and available to support the provision of necessary supporting infrastructure.

As land values vary significantly across the country, if a new levy is introduced, this would need to be supported by multiple area-specific rates, preferably set locally but within a set of agreed overall national guidelines/parameters.

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

It is essential that any uplift in land value is properly captured. The increase in value over and above existing agricultural land value for undeveloped greenfield sites in particular is huge and it is only right that a good proportion of that uplift is captured and available to support the provision of necessary supporting infrastructure.

At present, the Council would suggest that very little of this uplift is clawed back for the provision of infrastructure and this position clearly needs to change.

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

If the proposals are taken forward, the Council would be supportive of the principle of local authorities being able to borrow against revenues to forward fund infrastructure.

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

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

The Council strongly agrees that if a reformed levy is taken forward, both changes of use which require planning permission and those which are permitted development such as office to residential conversions should be required to make a contribution towards infrastructure.

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

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

Whichever mechanism is used to secure affordable housing it is essential that the amount of new affordable housing provided is at least as much as currently happens and preferably, more given the acute need for affordable housing in many areas.

The priority should be for on-site provision and it is vital that financial contributions made through the proposed infrastructure levy are not seen as a convenient way of avoiding having to provide new affordable homes on-site.

The Government's viability practice guidance makes it clear that policy requirements such as affordable housing provision should be reflected in the price that is paid for land. As such, the on-site provision of affordable housing should be made mandatory as there will be very few instances where viability is a genuine concern provided a reasonable price is paid for the land.

It is important that this proposal is seen in the context of the Government's separate consultation on changes to the planning system which proposes to raise the threshold for

affordable housing provision to 40 or 50 units. The Council objects to that proposal even on a temporary basis as it will clearly reduce the amount of new affordable homes coming forward.

This does not reflect the above proposal which seeks to ensure affordable housing provision is not diminished. More joined-up thinking is clearly required on this topic.

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

In-kind delivery through the infrastructure levy would be preferable as it would reduce the administrative burden placed on the local authority and would simply be offset against the total amount of levy payable.

The two are not however mutually exclusive and it should be possible for local authorities to also purchase additional affordable units, using infrastructure levy funds if they wish to.

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

The White Paper suggests that such a risk can be fully addressed through policy design and this should clearly be done if the levy is to be introduced. There should be no additional risk or burden placed on local authorities as a result of any change.

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

The 'in-kind' proposals essentially revolve around registered providers purchasing market homes at a discounted rate with any discount offset against the total amount of levy payable. The quality of new affordable homes should therefore be no different from the market units. There is also a generally accepted view that housing schemes should be 'tenure blind'.

Elsewhere the White Paper refers to the National Design Guide and the preparation of a new National Model Design Code. These and the roll out of more local design codes and guides clearly provide the opportunity to reinforce the importance of delivering high quality affordable homes.

Otherwise, no additional steps would appear to be necessary.

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

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

Any system of developer contribution should focus on the provision of affordable housing and the range of new and enhanced infrastructure that is needed to support new development.

Providing local authorities with more flexibility including the opportunity to spend levy receipts on improved services or reducing Council Tax, there is surely a danger that these key priorities may be side-lined.

It also raises obvious questions about why developers should pay into a general fund that is not used to fund the related improvements that are needed to support their proposals.

As such, the Council considers that the permitted uses of any levy should remain focused on infrastructure and affordable housing.

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

N/a – the Council does not consider that local authorities should be given greater flexibility. The permitted uses of any levy should remain focused on infrastructure and affordable housing.

Delivering Change

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.

The intention to prepare a resources and skills strategy is noted and welcomed. The White Paper proposals raise a number of significant considerations in terms of available skills and resources, particularly within local Government and it is vital that they are supported by appropriate investment.

The concept of a new performance framework for local authorities is supported in principle but further detail is needed before an informed response can be made, particularly as it is intended to cover all planning functions.

Concern is raised regarding the reference made to PINS and statutory consultees becoming more self-financing through new charging mechanisms. This will inevitably mean that such costs are passed onto the local authorities that use their services.

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

The general principle of introducing stronger enforcement powers and sanctions is supported. Presumably this will be the subject of further, separate consultation in due course and the Council will seek to respond accordingly at that time.