

## Democratic Services

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11 September 2020

### SUMMONS TO ATTEND

**MEETING:** DEVELOPMENT CONTROL COMMITTEE

**PLACE:** TO BE HELD VIA VIDEO CONFERENCING BECAUSE OF SOCIAL DISTANCING REQUIREMENTS AND GUIDANCE (see [note](#))

**DATE:** MONDAY 21 SEPTEMBER 2020

**TIME:** 2.00 PM

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#### Members of the Committee:

Councillors: Jeff Haine (Chairman); Ted Fenton (Vice Chairman); Andrew Beaney, Richard Bishop, Mike Cahill, Nathalie Chapple, Owen Collins, Nigel Colston, Julian Cooper, Derek Cotterill, Maxine Crossland, Marilyn Davies, Harry Eaglestone, Duncan Enright, Hilary Fenton, Steve Good, David Jackson, Nick Leverton, Kieran Mullins, Neil Owen, Alex Postan, Carl Rylett, Geoff Saul and Harry St John.

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### A G E N D A

**1. Minutes of the meeting held on 2 March 2020 ([attached](#))**

**2. Apologies for Absence and Temporary Appointments**

**3. Declarations of Interest**

To receive any declarations of interest from Councillors relating to items to be considered at the meeting, in accordance with the provisions of the Council's Local Code of Conduct, and any from Officers.

**4. Participation of the Public**

Purpose:

To receive any submissions from members of the public, in accordance with the Council's Rules of Procedure.

**5. Government White Paper "Planning for the future" (Report of the Planning Policy Manager – [copy attached](#))**

Purpose:

To consider the proposed response to the Government's White Paper: Planning for the Future.

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.

**6. Government consultation "Changes to the current planning system" (Report of the Planning Policy Manager – [copy attached](#))**

Purpose:

To consider the proposed response to the Government's consultation on changes to the current planning system.

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.

**7. Consultation by England's Economic Heartland on a draft Transport Strategy (Report of the Planning Policy Manager – [copy attached](#))**

Purpose:

To consider the proposed response to the England's Economic Heartland (EEH) Draft Transport Strategy.

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.



Giles Hughes  
Chief Executive

This agenda is being dealt with by Amy Bridgewater-Carnall Tel: (01993) 861522  
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Note: Councillors will be sent an invitation to the meeting via Cisco Webex. Members of the public may view the meeting via [Facebook Live](#). A Facebook account is not required.

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the **Development Control Committee**  
held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxon on  
**Monday 2 March 2020** at 11:00 am.

### PRESENT

Councillors: Jeff Haine (Chairman); Ted Fenton (Vice Chairman); Andrew Beaney, Richard Bishop, Mike Cahill, Owen Collins, Nigel Colston, Julian Cooper, Derek Cotterill, Maxine Crossland, Harry Eaglestone, Duncan Enright, Hilary Fenton, David Jackson, Dan Levy, Neil Owen, Elizabeth Poskitt, Alex Postan, Geoff Saul and Harry St John.

Officers: Phil Shaw (Business Manager Development Management); Chloe Jacobs (Planner)

#### 11. MINUTES

**RESOLVED**: That the minutes of the meeting of the Committee held on 4 June 2019 be approved as a correct record and signed by the Chairman.

#### 12. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Councillors Steve Good and Nick Leverton and the following temporary appointments were reported:

Councillor Elizabeth Poskitt for Councillor Nathalie Chapple

Councillor Dan Levy for Councillor Carl Rylett

#### 13. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to items to be considered at the meeting.

#### 14. APPLICATION FOR DEVELOPMENT- NO OVEN COTTAGE, LITTLE TEW (APPLICATION NO. 19/ 01646/FUL)

The Committee received and considered the report of the Business Manager Development Management, which requested determination of the above application in the context of the previous decision of the Uplands Area Planning Sub-Committee to grant consent, subject to conditions, and to the view of the Business Manager that it was contrary to policy and would set an undesirable precedent.

Planner, Chloe Jacobs introduced this item and explained that two additional representations had been received, the applicants' agent had circulated a letter to all Members of the Committee and a letter of objection had been received from Savills regarding the flat roof and proposed massing within the plot. She explained that Little Tew was a small village, five miles from Chipping Norton, with one hundred and fifty houses, no shop or pub, although there was a church. It was a Grade II listed building within the heart of the conservation area. The proposed dwelling would sub-divide the plot and would fill the whole of the plot.

The Officer showed existing elevations, including elevations from the rear of the site and views from the garden to the church, together with photos of views through the village. Officers had spoken to the Church Warden in relation to the Yew trees, which were outside the application boundary and as such not for consideration under this application. Key representations from the Conservation Officer and the Policy Manager were highlighted.

Charlie Luxton, the applicant's agent, spoke. He advised that the Local Plan accepted new design in villages if the design was innovative. The design would not open the door for new applications. The proposal would reinstate the view of the church, removing the annex and reducing the hedge, was sustainable and the wall garden would right the wrongs of the current dwelling, it was a simple design. There was an extensive and robust discussion at the meeting of the Uplands Area Planning Sub-Committee and the Sub-Committee had agreed that it was a contemporary new home in the conservation area. If it did set a precedent, specific conditions could be placed on the decision.

Councillor St John sought clarification, in relation to the Yew hedge, which was shown on the photograph as being cut down in order to see the view of the church. Mr. Luxton explained that he had met with the Vicar and Church Warden and they were supportive of the Yew hedge being cut to a length of 2.5m and interplanting taking place. He had received a letter of support from the Vicar who liked the idea of getting day light into the church yard. Mr. Luxton reiterated that this was a unique application and the current building had been built in the 1970's next to a church of heritage importance.

The Business Management Development Management, Phil Shaw explained that he had exercised the right for this application to be heard by Development Control Committee so that they could determine whether it was policy compliant or whether it could set a precedent and undermine the strategy of the Local Plan. There were three tests which he set out to Committee; was the application policy compliant, were there sufficient material considerations to set policy aside, should the application be refused.

The Development Plan was the starting point and where it would be in conflict, permission should not be granted. He advised Members of paragraphs within the report relating to the provision for heritage assets; the conservation area for Little Tew and the important groups of buildings within the area; regarding the footprint of the proposed building being large scale; car parking; harm to the conservation area etc.

He also explained policies in the Local Plan – OS2, Locating development in the right places; H2 - Delivery of new homes and that residential development has to be of exceptional quality and innovative. NPPF paragraph 79 related to isolated homes in the countryside which in policy terms applied to this site, and which had to be truly outstanding and innovative.

Strategic Policy needed to be considered, the application was not exceptional or innovative; Little Tew was not a suitable or sustainable location, the site was at the centre of a Conservation Area, the pattern of development of the village was very dispersed and the site was very sensitive, the footprint was large scale, there would be increased activity on the site, the building would harm the character of the plot and appearance of the area, less than substantial harm meant that there was harm, it would impose itself into the street scene, the Officers did not believe that this development was sustainable or truly outstanding, did not enhance the conservation area, did not have eco or other requirements, and did not enhance the setting of the church.

Councillor Colston proposed that the application be refused as per officer's recommendation, as he considered it was setting a dangerous precedent, it was not considered exceptional and not in keeping with Little Tew. Councillor Cotterill seconded this proposal explaining that the dwelling would affect the setting of No Oven Cottage, there was no guarantee that the trees would be cut down, there was no information available to determine if this was innovative such as Passive House, rainwater harvesting.

Councillor Beaney, disagreeing with the officers recommendation, quoted the Local Plan Policies OS1 and 2, he was confused with OS3 reference, did not understand why OS4 had been missed out, and he considered the dwelling did meet the innovative design under H2. He was happy with EH9, first two parts of EH10 he considered did enhance the conservation area, EH12 was not attached to the report, and he was not convinced with reference to EH13, 14 and 15. The Business Manager explained the relevance of the quoted policies but it was agreed that OS3 should be OS4.

Councillor Owen supported the application with many misgivings, and explained it would be an attempt to right the wrongs of the previous generations.

Councillor Crossland highlighted that as this was a rare occasion that applications were put to Development Control Committee she felt strongly that Officer experience should be listened to and policy had been approved by Councillors, the application was not compliant with policies and did not bring benefit to the community, the design was not innovative.

The Business Manager Development Management, Phil Shaw, reminded Members it was their decision to make, Officers were there to advise Members.

Members' concerns related to the building not being innovative, it was contrived and if the ramifications of this application had been clear at the Uplands Area Planning Sub-Committee the decision may have been different although it was accepted that the proposal did have some advantages; the new garden wall would be built in aged Cotswold stone. Councillor Owen was concerned that the decision may harm the independent thought of Members of the Committee, although he understood that this application had been referred to the full Committee in order for them to consider Policy and Strategy.

The Officer recommendation of refusal was then put to the vote and was carried unanimously.

**RESOLVED:** That planning application 19/ 01646/FUL be **refused**, for the reasons set out in the report as amended by the substitution of OS4 for OS3.

**[Note:** After the meeting, and prior to the above decision being notified, the application was withdrawn].

## 15. UPDATE: GOOD PRACTICE GUIDANCE AND TRAINING

The Business Manager Development Management, Phil Shaw, introduced the report explaining that a previous resolution in 2016 endorsed the heads of terms which would be incorporated into new planning good practice guidance. This had not been completed and national legislation and case law meant that the guidance and training needed to be progressed, to ensure a degree of protection for the Council.

Members considered that training would be useful and should be offered to all Members of the Council to widen the pool of substitutes on Committee. It should be mandatory for Committee Members and those wishing to substitute, with training taking place following the elections in May 2020, with evening sessions as well as daytime sessions. They highlighted that they needed quick and easy reference and summaries of policies in order for them to be able to quote policy reasons easily.

Councillor St John considered that training should be held on National design standards.

**RESOLVED:**

- (a) That the need for updated Planning Good Practice Guidance be confirmed, based on the principles agreed in April 2016; and

- (b) That the Business Manager, Development Management be requested and authorised to arrange for the commissioning of external planning training, in consultation with the Chairman of the Committee.

The meeting closed at 12.35 pm

CHAIRMAN



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Development Control Committee: Monday 21 September 2020</b>
Report Number	<b>Agenda Item No. 5</b>
Subject	<b>Government White Paper: Planning for the Future</b>
Wards affected	ALL
Accountable member	Councillor Jeff Haine Cabinet Member for Strategic Planning Email: <a href="mailto:jeff.haine@westoxon.gov.uk">jeff.haine@westoxon.gov.uk</a>
Accountable officer	Chris Hargraves Planning Policy Manager Tel: 01993 861686; Email: <a href="mailto:Chris.Hargraves@publicagroup.uk">Chris.Hargraves@publicagroup.uk</a>
Summary/Purpose	To consider the proposed response to the Government's White Paper: Planning for the Future.
Annex	<a href="#">Annex A</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 21<sup>st</sup> 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.



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Development Control Committee: Monday 21 September 2020</b>
Report Number	<b>Agenda Item No. 6</b>
Subject	<b>Consultation on Changes to the Current Planning System</b>
Wards affected	ALL
Accountable member	Councillor Jeff Haine, Cabinet Member for Strategic Planning Email: <a href="mailto:jeff.haine@westoxon.gov.uk">jeff.haine@westoxon.gov.uk</a>
Accountable officer	Chris Hargraves, Planning Policy Manager Tel: 01993 861686; Email: <a href="mailto:Chris.Hargraves@publicagroup.uk">Chris.Hargraves@publicagroup.uk</a>
Summary/Purpose	To consider the proposed response to the Government's consultation on changes to the current planning system.
Annex	<a href="#">Annex A</a> – Proposed WODC response to the consultation
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 consultation paper on proposed changes to the current planning system.
- 1.2. It focuses on four main topics; the standard method for assessing housing need, delivering first homes (the Government's latest form of affordable home ownership), raising the small sites threshold for affordable housing provision and extending the current system of 'permission in principle' to larger developments.
- 1.3. The consultation paper is the subject of an 8 week public consultation which closes on 1 October 2020 and complements a number of proposals set out in the Government's White Paper: Planning for the Future, which is the subject of a separate consultation.
- 1.4. This report provides a brief overview of the consultation proposals together with an Officer response. Attached at [Annex A](#) is the proposed WODC response to the consultation structured around the proposals and specific consultation questions contained therein.
- 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 to the consultation set out in [Annex A](#) and submit comments to Cabinet as desired.

## **2. CHANGES TO THE CURRENT PLANNING SYSTEM: A SUMMARY OVERVIEW**

- 2.1. The consultation covers four main topics. These are summarised below together with the overall view of Officers. The summary should be read in conjunction with the suggested consultation response attached at [Annex A](#).

### **The Standard Method for Assessing Housing Need**

- 2.2. Through the revised NPPF published in 2018, the Government introduced a new 'standard method' for assessing housing need, with the aim of having a common approach in place amongst local authorities to reduce the amount of debate at examination and speed up plan-making. It was not of relevance to the West Oxfordshire Local Plan because that was submitted for examination in 2016.
- 2.3. The purpose of the standard method is to identify the minimum number of homes to be planned for. In other words, it represents a starting point and in some instances, there will be local circumstances which will warrant it being exceeded (e.g. particular growth / infrastructure aspirations).
- 2.4. The standard method was updated in February 2019 and is now proposed to be further altered to help ensure delivery of the Government's target of 300,000 new homes per year. It is very clear that the Government does not want land supply to be a limiter to this ambition.
- 2.5. Under the current method, there are three steps; Step 1 sets a baseline using a 10-year average of the Government's official 2014-based household projections; Step 2 makes an upward adjustment based on housing affordability (using median house price-to-earnings ratio) and Step 3 imposes a cap which limits the increases an individual local authority can face (no more than 40% above the average annual housing requirement set out in existing policies).
- 2.6. In West Oxfordshire, this current method results in a basic housing need figure of 563 homes per year.
- 2.7. Under the new approach, at Step 1, 2018-based household projections are used to derive a 10-year average annual household growth, which is considered alongside 0.5%

of the existing dwelling stock in the local authority area. The baseline figure is taken as whichever is the higher of the two.

- 2.8. At Step 2, the new approach puts a greater weight on market signals including two adjustments for affordability including the median house price-to-earnings ratio (similar to how it is calculated now, but allowing for more downward and upward adjustments) plus consideration of how affordability in the local area has changed over the previous 10 years.
- 2.9. Importantly, unlike the current method, the new approach does not include any sort of cap to limit the level of increase for individual authorities.
- 2.10. The new method results in a national housing need of 337,000 homes per year. The figures for Oxfordshire are shown per annum in the table below, with West Oxfordshire's figure representing a relatively modest increase from 563 homes per year under the current standard method to 653 per year using the new approach.
- 2.11. Coincidentally, this is very similar the figure of 660 per year identified for West Oxfordshire in the Oxfordshire SHMA (2014).

	<b>Cherwell</b>	<b>Oxford</b>	<b>South Oxon</b>	<b>Vale</b>	<b>West Oxon</b>	<b>Oxon</b>
Proposed Standard Method	1305	656	723	1447	653	4784

- 2.12. In terms of transitional arrangements, those authorities that have new local plans in progress and have formally published their plans or are close to doing so will be given either 6 or 9 months to formally submit them for examination from the date the new method is introduced.

**Officer Response**

- 2.13. Because of when the West Oxfordshire Local Plan was submitted in 2016, the standard method for establishing housing need has not been a significant consideration in West Oxfordshire to date.
- 2.14. It is evident from the West Oxfordshire Local Plan and other Local Plan examinations that considerable time is often spent developing and debating different assessments of housing need which can lead to expense and delay in plan-making. As such, the principle of establishing a 'standard' method which all authorities can work to is on the face of it, a sensible proposition.
- 2.15. The original standard method published in 2018 and refined in 2019 clearly has limitations and unfortunately, these have not been remedied in the latest proposals.
- 2.16. The starting point under both the current and proposed approach is the Government's official household projections. Whilst these give an indication of future household growth, they are trend-based and simply 'roll forward' what has happened in the past.
- 2.17. As such, they have distinct limitations. This is particularly the case for the 2018-based projections which factor in only two years' worth of migration data, increasing the risk of the projections being 'skewed' by short-term trends.
- 2.18. The proposed approach suggests that alongside the household projection, the existing dwelling stock of the local area should be considered. However, other than the fact it is stable and a known quantity, the consultation fails to explain why the dwelling stock is

taken into account. As such, it gives the impression that it has simply been included to inflate the baseline figure to whichever is the higher of the two.

- 2.19. Under the proposed approach, two adjustments are then made to factor in 'affordability' or rather the lack of. Whilst this 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.
- 2.20. This is particularly relevant given that the consultation proposes to remove the cap which currently limits the level of increase for individual authorities. In the absence of any sort of cap, for Cotswold District, the proposed standard method results in an extremely high figure of 1,209 new homes per year, well beyond both the recent 10-year average delivery of 543 homes per year and the current Local Plan requirement of 420 homes per year.
- 2.21. Whilst this consultation paper and the associated White Paper, make it clear that the new standard method for housing need is a starting point only and that other considerations such as constraints presented by AONB and Green Belt can be factored in to determine a 'housing requirement,' at present there is little detail on how this will be achieved.
- 2.22. Around 1/3 of West Oxfordshire falls within the Cotswolds Area of Outstanding Natural Beauty, but does this mean 1/3 can be trimmed off the housing need figure of 563 homes per year? Almost certainly not, but at present there is no information available as to how those broader considerations will be taken into account in translating the basic housing need figure into a specific requirement.
- 2.23. In summary, the principle of a common approach to establishing housing need is sensible and should, in theory save time and money at examination helping to speed up plan-making.
- 2.24. However, there are known limitations with using trend-based household projections, particularly when short-term migration trends are used, and the relationship between housing delivery and affordability is complex, meaning that whilst an adjustment for housing affordability clearly needs to be factored in, this should not be at the expense of ridiculously high (and undeliverable) levels of housing need, particularly when exacerbated by removing the cap which is used in the current method.

### **Delivering First Homes**

- 2.25. The Government initially consulted on its First Homes proposals in February 2020. First Homes are intended to support those who wish to purchase a home in their local area but are unable to afford a property on the open market. They will have a discount of at least 30% from the market value, with any discount then carried forward in perpetuity through restrictive covenants. The intention is that First Homes are prioritised for local people, first-time buyers and key workers.
- 2.26. The current consultation explains that the Government intends to set out in policy that a minimum of 25% of affordable housing units secured through developer contributions should be First Homes – this will be a national threshold set out in planning policy. Generally this will be secured through on-site provision but where a financial contribution is secured, at least 25% of this should be used to secure First Homes (e.g. by acquiring additional First Homes from market development).

- 2.27. Because local authorities will already have policies in place setting out the amount and type of affordable housing expected from development, under the new system any planning application should seek to capture the same amount of value as would be captured under the current policy - albeit with a different type of affordable product.
- 2.28. Provided the minimum 25% of First Homes is provided, for any remaining requirement, the developer would then either follow the general mix identified in the Local Plan (adjusted as appropriate for the First Home element) or simply negotiate with the local authority to agree an appropriate mix. The Government's preference is for the first option.
- 2.29. In terms of transitional arrangements, local plans and neighbourhood plans that are submitted within 6 months of the new policy being enacted will not need to reflect the First Homes policy requirements.
- 2.30. In terms of the level of market discount offered, local authorities will have discretion to increase this from 30% to 40% or 50% subject to appropriate evidence. Where discounts of more than 30% are applied, the proportion of units (at least 25%) will remain in place.
- 2.31. In line with other affordable tenures, First Homes will be exempt from having to pay CIL.
- 2.32. Rural exception sites will continue to be used in designated rural areas (AONB etc.) but elsewhere, a new First Homes exception sites policy will be introduced to support small sites brought forward outside the Local Plan to deliver affordable homes. There will also be some flexibility in the policy to allow a small proportion of other affordable tenures and market homes to support viability.

### **Officer Response**

- 2.33. The concept of First Homes as an additional form of affordable home ownership is supported in principle, however the proposals raise a number of concerns, in particular the prescription of a top-down specific percentage of First Homes (minimum 25%) that must be delivered as a proportion of all affordable housing units.
- 2.34. Whilst First Homes clearly have the potential to play an important role in supporting first-time buyers and others wishing to step onto the housing ladder, it is essential that this is not achieved at the expense of other forms of affordable housing which have an equally important role to play but are less favoured by developers because of the lower return – social rented housing being a case in point.
- 2.35. As an example, recent housing needs evidence prepared in support of the Salt Cross Garden Village Area Action Plan (AAP) suggests a need for a 60/40 split between rented affordable products and affordable home ownership, subject to viability.
- 2.36. Clearly the imposition of a set, national policy requiring 25% of all affordable homes to be First Homes, could artificially skew delivery towards affordable home ownership and away from rented need which may well be more critical.
- 2.37. In terms of the proposed First Homes exception sites policy, the principle of this is supported, however concerns are raised at the possibility of allowing a proportion of market homes to assist viability This should not be necessary because as a 'policy requirement,' any 'subsidy' needed to deliver the First Homes should come out of the land value, in line with the Government's viability practice guidance.
- 2.38. The consultation proposes that no site-size threshold for First Homes exception sites is provided and that instead there will be a more general requirement for such sites to be proportionate in size to the existing settlement. This is very general and either an indicative threshold should be provided or at the very least an indication of what

proportionate is likely to look like e.g. no more than 5-10% of the size of the existing settlement.

- 2.39. The consultation makes it clear that within designated rural areas such as the AONB, delivery of new affordable homes will continue to be through Rural Exception Sites and this approach is supported.
- 2.40. In summary, the principle of First Homes as a new form of affordable home ownership is supported, however it must be seen as one of a number of different affordable products and not imposed in a top-down, disproportionate and prescriptive manner, which will inevitably lead to other affordable products being sidelined particularly where they hold less 'value' in viability terms. In some instances, this is likely to run counter to recent evidence of 'on the ground' housing need.
- 2.41. Concerns are also raised about the possibility of allowing market housing on First Home exception sites. Simply put, this should not be necessary with any loss in 'value' being absorbed by the landowner. The suggested removal of any sort of site size threshold for such exception sites also raises concerns on the basis that it lacks clarity and is likely to lead to large-scale proposals coming forward in inappropriate locations simply on the basis that they are providing First Homes.

#### **Supporting small and medium-sized developers (SMEs)**

- 2.42. To support SMEs in the medium-term post Covid-19, the Government is proposing to temporarily increase the small-site threshold at which affordable housing can be sought. At present, in West Oxfordshire, under Policy H3 of the Local Plan, other than within the AONB only larger housing schemes of 11 or more units will be required to provide affordable housing on-site. Within the AONB, a financial contribution from smaller schemes of 6-10 units will be sought.
- 2.43. Under the Government's current proposals, the threshold for affordable housing contributions would be raised to either 40 or 50 units for an initial period of 18 months. It is argued that whilst there would be a small reduction in affordable housing delivery, on balance, the proposed approach would allow more sites to come forward and help to minimise economic pressure on smaller enterprises.
- 2.44. In designated rural areas (AONB etc.) the current threshold would remain the same.

#### **Officer Response**

- 2.45. Officers have strong concerns about this proposal even if applied on a temporary basis. A large proportion of housing sites coming forward in West Oxfordshire are less than 40 – 50 units in scale and under Policy H3 of the Local Plan (recently adopted) the Council is now able to secure on-site affordable housing on schemes of 11 or more units. This has already helped to deliver much needed affordable homes including in rural areas and is expected to continue to do so.
- 2.46. To suggest that the threshold is raised so that no affordable housing would be sought on schemes of up to 50 units is a serious risk to affordable housing delivery. The consultation paper itself acknowledges that delivery of new affordable homes will fall by up to 20% but concludes that raising the threshold would make more sites viable for SME developers and increase the pace of their delivery.
- 2.47. No evidence is provided to this effect, it is simply based on anecdotal assertions that in some way existing policy requirements for affordable housing are in any way hampering SMEs from bringing forward schemes of this scale.
- 2.48. The Government's practice guidance on viability is very clear that policy requirements such as affordable housing provision should be reflected in the price paid for land. On

this basis, there should be no viability issue as the lower value of any affordable housing provision, should be absorbed by the landowner.

- 2.49. To suggest that raising the threshold for provision to 40 or 50 units will assist with viability runs entirely counter to the Government's own practice guidance. The reality is that it will make little difference to the pace of housing delivery but will severely impact on the number of affordable homes delivered.

### **Extension of Permission in Principle to major developments**

- 2.50. The final element of the consultation relates to the granting of Permission in Principle which was first introduced in 2017 as a new, faster way of obtaining planning permission for housing-led development.
- 2.51. Initially, this related to sites identified as suitable for housing on local authority brownfield land registers but was extended in 2018 to include minor developments of fewer than 10 homes.
- 2.52. There are two stages; the first stage 'Permission in Principle' establishes whether a site is suitable for development. This grant of permission is for five years and no planning conditions can be attached to it. The second stage (technical details consent) is when the detailed proposals are assessed and conditions can be attached accordingly.
- 2.53. The Government's separate White Paper proposes that in due course, land allocated for substantive development in Local Plans will be automatically granted a form of permission in principle. Because those proposals will take some time to come into effect, the Government is proposing a shorter-term change to remove the current restrictions in the Permission in Principle regulations on major development.
- 2.54. Thus it would be possible for schemes of 10 – 150 units to be progressed via an application for Permission in Principle (noting that 84% of applications for residential development are for schemes of this size which deliver 46% of new housing development each year).
- 2.55. The Permission in Principle route would not generally be applicable to schemes which comprise EIA development or for sites which are likely to have a significant effect on a European site (e.g. Oxford Meadows).
- 2.56. Importantly, the current Permission in Principle arrangements allow for other, non-residential uses to be included alongside housing (e.g. office, retail) but capped at a limit of 1,000 sq.m/1 hectare. Under the proposed changes, there would be no cap set on any non-residential element, although proposals would continue to be expected to be housing-led.
- 2.57. Notably, procedural arrangements including the current 5-week determination period and 14-day public consultation period, as well as the information requirements expected of applicants, would remain largely unchanged despite the fact that schemes of up to 150 homes could be considered via the Permission in Principle Route. As part of the consultation, views are sought on whether additional information on building heights should be provided or not.
- 2.58. In terms of publicity, the intention is to give applications for Permission in Principle on larger sites additional coverage like a regular planning application – either through social media or a more traditional notice in a newspaper.
- 2.59. In terms of application fees, a banded fee structure is proposed according to site size but would be capped for larger sites of more than 2.5 hectares to act as an incentive for applicants to go down the Permission in Principle route in preference to securing outline planning permission.

- 2.60. It is also proposed that sites which are brownfield and secure consent through the Permission in Principle route will be recorded on Part 2 of the local authority's brownfield land register.
- 2.61. General views are sought on what additional guidance may be needed to support the Permission in Principle option as well as the potential costs and benefits which the proposals might cause.

### **Officer Response**

- 2.62. Officers have significant concerns about these proposals. Whilst the concept of granting Permission in Principle for sites identified on brownfield land registers and smaller sites of fewer than 10 dwellings is accepted, to open up the approach in respect of much larger sites including undeveloped, Greenfield sites creates a number of concerns including the lack of a robust evidence base upon which judgements about suitability / acceptability can be made.
- 2.63. In short, Officers would question how a sensible judgement can be made on the suitability of a greenfield site of say 100 – 150 units when the applicant is only required to submit a description of the proposed development, information on the number of dwellings, the amount of any non-residential development, the size of the site and a brief description of any supporting information that is accompanying the application. The only additional information highlighted in the consultation paper relates to building heights.
- 2.64. Officers also have concerns about the proposals to remove the current cap on the proportion of non-residential development which can come forward as part of a residential scheme under Permission in Principle. It is essential that some sort of proportional limit is imposed. Relying on schemes being 'housing-led' with housing occupying the 'majority of the floorspace of the overall scheme' could in theory lead to a proposal with 51% housing and 49% non-residential uses.
- 2.65. Whilst this is an extreme example, it would appear possible under the current proposals and raises significant concerns about the ability of such proposals to be properly scrutinised and assessed in light of appropriate evidence.
- 2.66. Concerns are also raised about the potential for lack of sufficient publicity and community engagement as well as the proposed fee arrangements which are clearly intended to incentivise applicants away from outline planning applications and towards the Permission in Principle route, notwithstanding the fact that such applications will still place a considerable resource burden on the local authority.

### **Conclusion**

- 2.67. The proposed changes to the planning system have some merit, but raise a number of concerns.
- 2.68. In principle, the concept of a standardised approach to housing need is sensible in providing greater certainty and reducing unnecessary and lengthy debate. However, there are known limitations with using trend-based household projections, particularly when short-term migration trends are used, and the relationship between housing delivery and affordability is complex, meaning that whilst an adjustment for housing affordability clearly needs to be factored in, this should not be at the expense of ridiculously high (and undeliverable) levels of housing need.
- 2.69. The principle of First Homes is supported, but should not be imposed in blanket fashion at the direct expense of other affordable housing products. There are also concerns about the possibility of allowing market housing on First Home exception sites (which should not be necessary from a viability perspective) as well as the suggested removal of

a site-size threshold which lacks clarity and is likely to lead to large-scale proposals coming forward in inappropriate locations.

- 2.70. Significant concerns are raised about the prospect of increasing the affordable housing threshold to 40 or 50 units, even on a temporary basis. There will clearly be a significant reduction in affordable new homes coming forward and the evidence to suggest it would in any way expedite medium-scale housing schemes coming forward via SMEs is non-existent.
- 2.71. Finally, significant concerns are raised in respect of the proposed extension of the permission in principle to cover major development. Whilst the separate White Paper proposes that land allocated for substantive development in Local Plans is automatically granted a form of permission in principle, with a Local Plan process, there is the opportunity to consider in detail the suitability of the proposed allocation and thereby justify (or otherwise) some form of permission in principle.
- 2.72. However, what is proposed through this consultation appears to be a simple 'side-stepping' of the current outline planning application route in favour of a simpler and less onerous permission in principle route with more favourable application fees to act as an incentive. There would be less time for members of the public to comment, potentially extensive non-residential development 'badged' as housing-led development and importantly, a much reduced requirement for supporting evidence and justification upon which a sensible decision can be made.

### **3. FINANCIAL IMPLICATIONS**

- 3.1. This report has no financial implications.

### **4. LEGAL IMPLICATIONS**

- 4.1. This report has no legal implications.

### **5. ALTERNATIVE OPTIONS**

- 5.1. 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.

### **6. BACKGROUND PAPERS**

- 6.1. Changes to the current planning system: consultation on changes to planning policy and regulations (August 2020)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907215/200805\\_Changes\\_to\\_the\\_current\\_planning\\_system\\_FINAL\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf)

**WODC proposed response to Government consultation on changes to the current planning system**

**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?**

In principle, the concept of a standardised approach to housing need is sensible in providing greater certainty and reducing unnecessary and lengthy debate. However, there are known limitations with using trend-based household projections and it is understood that the 2018-based projections are based on migration data over a 2-year period (2016 – 2018) which is likely to artificially inflate the starting point for assessing housing need for many local authorities.

A good case in point is neighbouring Cotswold District, where the revised standard method suggests a three-fold housing increase to over 1,200 homes per year is needed – clearly an anomaly created by strong recent growth – and clearly highlighting the well-known limitations of using short term trend-based projections to determine future levels of growth.

In terms of the existing dwelling stock, the consultation paper gives little justification for factoring in the number of existing dwellings to future calculations of need, other than to suggest that they are stable and something of a known quantity.

Because no clear explanation is provided, it appears that consideration of the existing dwelling stock has only been factored into the calculation in order to help push up the baseline starting point in areas where the latest household projections may be relatively low. This does not appear to be either appropriate or justified.

**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.**

See response above - the consultation paper gives little justification for factoring in the number of existing dwellings to future calculations of need, other than to suggest that they are stable and something of a known quantity.

It also unclear why 0.5% is considered to be the most appropriate 'benchmark'. For this reason it is impossible to comment on whether 0.5% is appropriate or not.

Because no clear explanation is provided, it appears that consideration of the existing dwelling stock has only been factored into the calculation in order to help push up the baseline starting point in areas where the latest household projections may be relatively low. This does not appear to be either appropriate or justified.

**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.**

The Council accepts that some sort of adjustment for market signals/housing affordability is appropriate and this may include consideration of workplace-based median house price to median earnings ratios.

However, whilst 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.

It is therefore essential that any market-signal related 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 consultation proposes to remove the cap which currently limits the level of increase for individual authorities.

**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.**

As above – the Council accepts that some sort of adjustment for market signals/housing affordability is appropriate and this may include consideration of changes in affordability over the last 10 years.

However, whilst 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.

It is therefore essential that any market-signal related 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 consultation proposes to remove the cap which currently limits the level of increase for individual authorities.

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

As above – the Council accepts that some sort of adjustment for market signals/housing affordability is appropriate. However, it is essential that the standard method does not give it too much weight, resulting in an unrealistically high indication of need that even if it were able to be achieved, would do little to bring down the market value of new housing.

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, whilst affordability should be taken into account, the amount of weight it carries in upwardly adjusting the baseline demographic starting point must be tempered accordingly.

**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?**

The transitional arrangements appear appropriate in respect of those authorities which have reached publication of their Local Plan under Regulation 19. 6 months from publication to submission should be more than sufficient in the vast majority of cases.

**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?**

Whilst this proposal appears sound in principle, it lacks clarity. What does ‘close to publishing’ actually mean in practice? This will need to be clarified further as many authorities are likely to argue that they are close to this stage in order to proceed with their existing evidence base.

Notwithstanding this lack of clarity, the principle of giving such authorities 9 months to submit their plan appears appropriate.

### **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 off-site 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)**

The concept of First Homes as an additional form of affordable home ownership is supported in principle, however the proposals raise a number of concerns, in particular the prescription of a top-down specific percentage of First Homes (minimum 25%) that must be delivered as a proportion of all affordable housing units.

Whilst First Homes clearly have the potential to play an important role in supporting first-time buyers and others wishing to step onto the housing ladder, it is essential that this is not achieved at the expense of other forms of affordable housing which have an equally important role to play but are less favoured by developers because of the lower return – social rented housing being a case in point.

Clearly the imposition of a set, national policy requiring 25% of all affordable homes to be First Homes, could artificially skew delivery towards affordable home ownership and away from rented need which may well be more critical.

If the proposal to stipulate 25% First Homes is brought into effect, a combination of options i) and ii) above would seem to be the most sensible – in other words to take any existing Local Plan policy requirement in respect of tenure mix but to discuss the ongoing appropriateness of that tenure mix in light of the 25% First Home requirement and any other material considerations such as up to date evidence of local 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 – as the focus for build to rent is on those wishing to rent rather than buy, it would be appropriate to exempt such provision from having to provide First Homes as a type of affordable product. The focus should remain on affordable rent.

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

The Council considers that all existing exemptions are required.

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

The Council does not consider any additional exemptions are required.

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

Yes.

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

The Council welcomes the proposal for local discretion to increase the discount to 40% or 50%, evidenced through the local plan making process, in high value areas if First Homes are to be genuinely accessible to median income earners.

However, where this adversely affects viability and reduces the overall level of affordable housing that can be sought, local authorities should be able to set a lower than 25% requirement for First Homes to maintain delivery of affordable housing at current levels.

**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?**

No. The Government's planning practice guidance on viability is clear that any policy requirements should be reflected in the price paid for land. There should be no need to cross subsidise First Homes through the provision of any element of market housing.

In short, the cost of providing First Homes should be absorbed by the landowner and even at say 70% of market value, the 'premium' over existing land value on many sites, in particular greenfield sites in agricultural use, will be significant.

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

No – the proposal lacks clarity and would be open to much interpretation. In short, it is likely to lead to large-scale proposals coming forward in inappropriate locations simply on the basis that they are providing First Homes.

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

Yes - it is essential to retain the existing rural exception sites policy in designated rural areas, and not First Homes. This will allow the Council to continue to provide the right type and tenure of affordable housing for the needs of those rural settlements. Genuinely affordable housing, particularly social rented, is very much needed to retain low paid local workers in sectors such as agriculture, tourism and healthcare that are vital to rural areas.

#### **Supporting small and medium-sized developers**

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

No – the Council is strongly opposed to the proposed increase in the small-sites threshold, even on a temporary basis. The consultation paper itself acknowledges that delivery of new affordable homes will fall by up to 20% and argues that raising the threshold would make more sites viable for SME developers and increase the pace of their delivery.

However, no evidence is provided to this effect, it is simply based on anecdotal evidence and assertion that in some way existing policy requirements for affordable housing are in any way hampering SMEs from bringing forward schemes of this scale.

The Government's practice guidance on viability is very clear that policy requirements such as affordable housing provision should be reflected in the price paid for land. On this basis, there

should be no viability issue as the lower value of any affordable housing provision, should be absorbed by the landowner.

To suggest that raising the threshold for provision to 40 or 50 units will assist viability runs entirely counter to the Government's own practice guidance. The reality is that it will make little difference to the pace of housing delivery but will severely impact on the number of affordable homes delivered.

**Q18: What is the appropriate level of small sites threshold?**

**i) Up to 40 homes**

**ii) Up to 50 homes**

**iii) Other (please specify)**

The Council considers that existing thresholds should be retained, particularly in rural districts, where large scale development and therefore opportunities for delivery of affordable housing are limited.

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

No - The Council believes it will be detrimental to the delivery of affordable housing. See response to Question 17 above.

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

The Council does not consider that the threshold should be raised even on a time-limited basis for the reasons set out above.

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

The Council is concerned that the proposed raising of the threshold will encourage developers to artificially split larger sites into phases to circumvent the need to provide affordable housing. Whilst the consultation states the intention to introduce measures to minimise the impact of this potential threshold effect, no detail has been provided yet on how this will be achieved.

It is clearly an important issue to address should the proposal to increase the threshold be taken forward and clarity should be provided as soon as possible.

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

Yes - The Council agrees that in designated rural areas the current threshold should be retained.

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

No. Notwithstanding the District Council's concerns outlined below – if the proposed extension to the Permission in Principle consent regime is taken forward, this would clearly (rightly or wrongly) offer support to SME builders by placing less burden on them to justify and inform their proposals at the 'in principle' stage.

**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?**

No – the Council has significant concerns about the proposed extension of the Permission in Principle consent regime to larger development proposals.

Whilst the concept of granting Permission in Principle for sites identified on brownfield land registers and smaller sites of fewer than 10 dwellings is accepted, to open up the approach in

respect of much larger sites including undeveloped, Greenfield sites creates a number of concerns including the lack of a robust evidence base upon which judgements about suitability / acceptability can be made.

How can a sensible judgement be made on the suitability of a greenfield site of say 100 – 150 units when the applicant is only required to submit a description of the proposed development, the number of dwellings, the amount of any non-residential development, the size of the site and a brief description of any supporting information that is accompanying the application. The only additional information highlighted in the consultation paper relates to building heights.

The proposed extension of permission in principle to larger schemes should work its way through consultation on the White Paper and if it is taken forward, this should be through the plan-making process only, allowing for local authorities to collate the appropriate evidence and for it to be scrutinised at examination before being confirmed.

It should not be applicable to major development brought forward through the development management process as to do so would present a clear risk in terms of the absence of robust supporting information upon which to make an in principle decision in respect of suitability.

**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.**

Yes – there should be a limit imposed on any non-commercial element as is currently the case with smaller sites. As currently worded, ‘housing-led’ could lead to a scheme which is 51% housing and 49% non-housing coming forward under Permission in Principle.

Whilst this is an extreme example, it demonstrates the risk in not setting a limit on the proportion of non-residential floorspace.

**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?**

The consultation paper suggests that the only additional information which would be sought in respect of a major housing scheme of up to 150 units would be information on building heights. The Council is concerned about the ability to make a robust and informed decision on the suitability of a site for housing and non-housing uses based on the minimal information listed including site area, description etc.

Whilst it is acknowledged that the regulatory and technical burdens on applicants should not be too onerous, at the same time, it should not be the case that a local authority will be expected to grant Permission in Principle for potentially large and contentious development proposals based on a bare minimum amount of information.

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

As above, whilst building heights may well be an important consideration, there is likely to be further additional information needed by the local authority to make a suitably informed and robust decision on site suitability, particularly for larger development proposals.

The District Council has concerns that local authorities will be expected to grant Permission in Principle for potentially large and contentious development proposals based on a bare minimum amount of information.

**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.**

Given the relatively rapid turnaround for a decision (5-week determination) it is vital that any such application for Permission in Principle is given maximum publicity as early as possible. This should include a site notice, a notice in a local newspaper, across social media and any other appropriate channels of communication.

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

Whilst in simple terms it seems reasonable for a lower fee to be applicable to smaller sites, which is then increased accordingly based on site size, it is difficult to respond properly to this question without further additional information including the average amount of officer time likely to be taken dealing with any such application and information on the level of any 'cap' which would be imposed in respect of larger development proposals.

Whilst the resource requirements associated with a Permission in Principle application are likely to be less than an outline or detailed planning application, they are not insignificant and it would be helpful to see a worked example on the likely number of Officer hours to determine a larger Permission in Principle application set against further information on the level of any cap likely to be imposed.

Without this analysis it is impossible to determine whether the proposed fee structure is reasonable or not.

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

See answer to Question 29 above.

**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 – there is no reason not to include any such site on the Brownfield Land Register.

**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.**

Clear guidance on the purpose, scope and remit of the Permission in Principle option along with clarity on the supporting technical information needed in support of any such application. Also clear guidance for local authorities on the basis upon which decisions should be made including the inter-relationship with local planning policy and the NPPF and the role of statutory consultees in providing advice.

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

The District Council has significant concerns about these proposals. Whilst the concept of granting Permission in Principle for sites identified on brownfield land registers and smaller sites of fewer than 10 dwellings is accepted, to open up the approach in respect of much larger sites including undeveloped, Greenfield sites creates a number of concerns including the lack of a robust evidence base upon which judgements about suitability / acceptability can be made.

The proposed extension of permission in principle to larger schemes should work its way through consultation on the White Paper and if it is taken forward, this should be through the plan-making process only, allowing for local authorities to collate the appropriate evidence and for it to be scrutinised at examination before being confirmed.

It should not be applicable to major development brought forward through the development management process as to do so would present a clear risk in terms of the absence of robust supporting information upon which to make an in principle decision in respect of suitability.

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

Subject to greater publicity and clarity over the process, it is likely that landowners and developers are extremely likely to take advantage of the relatively streamlined process associated with Permission in Principle.

As set out above however, the District Council has significant concerns about the consideration of large development proposals through this route in the absence of sufficient, robust supporting information upon which to make sensible, informed decisions, particularly given the rapid expected turnaround of 5 weeks for a decision.

**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?**

If the proposals in relation to Permission in Principle are taken forward, it is vital that adequate publicity is given to any such applications through a range of different media so as to not discriminate against people who cannot afford to access a computer or a smartphone or do not have the skills to use them.



WEST OXFORDSHIRE  
DISTRICT COUNCIL

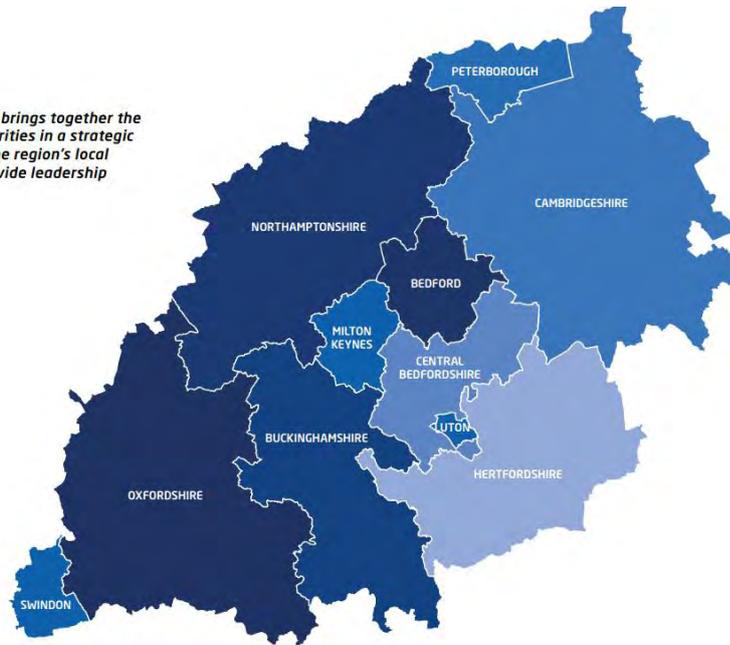
## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and date of Committee	<b>Development Control Committee: Monday 21 September 2020</b>
Report Number	<b>Agenda Item No. 7</b>
Subject	<b>England's Economic Heartland Draft Transport Strategy</b>
Wards affected	ALL
Accountable member	Councillor Jeff Haine Cabinet Member for Strategic Planning Email: <a href="mailto:jeff.haine@westoxon.gov.uk">jeff.haine@westoxon.gov.uk</a>
Accountable officer	Chris Hargraves Planning Policy Manager Tel: 01993 861686; Email: <a href="mailto:Chris.Hargraves@publicagroup.uk">Chris.Hargraves@publicagroup.uk</a>
Summary/Purpose	To consider the proposed response to the England's Economic Heartland (EEH) Draft Transport Strategy
Annex	<a href="#">Annex A</a> – Proposed WODC response to the England's Economic Heartland (EEH) Draft Transport Strategy
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	None

## I. BACKGROUND

- I.1. England's Economic Heartland (EEH) brings together the region's Local Transport Authorities in a strategic partnership that works with the region's local enterprise partnerships to provide leadership on strategic infrastructure. It is effectively a strategic partnership of political and business leaders, stretching from Swindon to Cambridgeshire and from Northamptonshire to Hertfordshire. The partnership includes Oxfordshire County Council.
- I.2. The area is covered by EEH is shown on the map below. It includes the Oxford-Cambridge Arc, which has been made a national priority by Government.

*England's Economic Heartland brings together the region's Local Transport Authorities in a strategic partnership that works with the region's local enterprise partnerships to provide leadership on strategic infrastructure.*



- I.3. EEH is the sub-national transport body for the region and has prepared a draft transport strategy which aims to set out a bold new approach to connectivity which will enable the region's transport system to support a green recovery from COVID-19 and sustainable economic growth in the decades which follow, while reaching net zero carbon emissions no later than 2050.
- I.4. The draft strategy is the subject of public consultation which closes at midnight on 6 October 2020.
- I.5. The strategy includes measures to:
- Work with the area's world-leading innovators to trial and deploy cleaner and smarter connectivity across the region;
  - Champion investment in better digital connectivity to increase people's ability to work from home, reducing the need to travel;
  - Maximise the potential of East West Rail and use it as the catalyst for transforming public transport across the region;
  - Enhance walking and cycling infrastructure and 'shared transport' to improve local connectivity; and
  - Ensure the region's freight and logistics needs continue to be met, while lowering their environmental impact.
- I.6. The purpose of this report is to provide a brief summary overview of the draft strategy together with the general view of Officers. Attached at [Annex A](#) is a suggested draft

response to the consultation. It should be noted that Oxfordshire County Council are proposing to submit a response to the consultation and there will also be a collective response dealing with strategic matters submitted through the Oxfordshire Growth Board.

- 1.7. The Cabinet will agree a response at its meeting on 23 September, and this Committee is invited to consider the proposed formal response to the consultation set out in [Annex A](#) and submit comments to Cabinet as desired

## 2. **EEH DRAFT TRANSPORT STRATEGY - A SUMMARY OVERVIEW**

- 2.1. The draft strategy aims to sets out a new approach to the planning, development and implementation of strategic infrastructure and services at the regional level. It highlights the critical importance of considering future investment requirements for digital and utility infrastructure alongside that for transport, creating a co-ordinated approach to the planning, development and implementation of strategic infrastructure that together delivers connectivity that the region needs.
- 2.2. It identifies a need to invest in maintaining existing infrastructure assets, deliver planned investment in additional capacity to meet future connectivity needs, and plan for the additional investment that enables sustainable growth, while at the same time preserving the natural and historic environment.
- 2.3. It suggests that only by planning and delivering investment in strategic infrastructure (transport, digital and utilities) as a whole will we have the connectivity that allows us to realise the region's economic potential in a way that respects both local commitments to the environment and the national legal requirement to achieve net-zero greenhouse gas emissions by 2050.
- 2.4. The proposed vision is as follows:

***'To realise sustainable growth opportunities and improve the quality of life and wellbeing for Heartland residents and businesses, by harnessing the region's globally renowned centres of innovation to unlock a world class, de-carbonised transport system'.***
- 2.5. This is supported by four key principles:
  - Achieving net-zero carbon emissions from transport no later than 2050;
  - Improving quality of life and wellbeing through an inclusive transport system accessible to all which emphasises sustainable and active travel;
  - Supporting the regional economy by connecting people and businesses to markets and opportunities; and
  - Ensuring the Heartland works for the UK by enabling the efficient movement of people and goods through the region and to/from international gateways.
- 2.6. The vision and principles are informed by previous consultation which has identified a number of key issues including the imperative of responding to the climate emergency, the importance of harnessing technology and innovation, the need to work closely with local planning authorities, putting the environment at the forefront, being bold not 'business as usual' reducing the need to travel, increasing sustainable modes, supporting health outcomes and the importance of implementation.
- 2.7. As part of the preparation of the strategy, opportunities mapping has led to the identification of the following areas as being of strategic importance:
  - Regionally Significant Hubs – the largest urban areas, centres of economic activity in their own right and where additional growth is planned;

- Areas of Economic Opportunity – areas that form the focus of economic opportunities moving forward, a combination of existing centres of activity and new opportunities (including Enterprise Zones);
  - Areas of Significant Change – existing urban areas where the scale of planned growth is significant relative to their size;
  - Areas of Potential – areas where intervention is required to improve social equality and access to opportunities.
- 2.8. Eynsham is identified as an area of significant change and Oxford is identified as a regionally significant hub. Science Vale/Didcot is identified as both an area of economic opportunity and an area of significant change.
- 2.9. For areas of significant change such as Eynsham and Science Vale/Didcot, the strategy seeks to ensure that they are supported by investment in local connectivity and inter-urban and intra-regional connectivity.
- 2.10. The strategy also recognises the importance of supporting the region’s market towns and their rural hinterland.
- 2.11. Policies in the strategy are divided into four themes. These are:
- A transport system for the future;
  - Transforming journeys;
  - Connecting people with opportunities; and
  - Making the heartland work for the UK.

**A transport system for the future**

- 2.12. Transport is now the largest sector for UK greenhouse gas emissions (28%), of which road transport accounts for over 90% and this section focuses on the decarbonisation of the transport system to achieve net zero greenhouse emissions by 2050.
- 2.13. Assuming 100% zero-emissions cars, light goods vehicles (LGVs), heavy goods vehicles (HGVs) and public service vehicles (PSVs, for example buses and coaches) on the network by 2050, the strategy identifies two main areas of activity:
- Creating a highly connected transport system that provides better transport information to the user, better management of the transport network, and the rapid deployment of connected and autonomous vehicles;
  - Enabling a policy-led behavioural shift where levers are applied to reduce the number of car trips. This approach will require careful consideration in the application of demand management measures. In parallel, it requires a commitment to ensure local communities have real choice in the way they travel.
- 2.14. It is suggested that this provides an affordable alternative to traditional, large-scale road projects that take many years to plan, fund and deliver.
- 2.15. This section also addresses mobility and the need to promote and enable active travel for example through the ‘greening’ of existing transport routes as well as the need to support public transport and other alternative modes of travel.
- 2.16. Policies on decarbonisation focus on issues such as electrification of the Midland Mainline, delivery of East West Rail as an electrified route, infill electrification schemes that enable electric haulage of rail freight services and supporting and planning for the decarbonisation of the road fleet.

- 2.17. Policies on increased mobility focus on reducing reliance on the private car by adopting a hierarchal approach which gives priority to active travel, public transport, low emission/zero carbon private vehicles and then other motorised modes.

### **Transforming Journeys**

- 2.18. The primary focus here is on improving east-west connectivity which is seen as providing the overriding transformational opportunity for the region and also unlocking opportunities to improve north-south connectivity.
- 2.19. East West Rail has been at the heart of the region's strategic priorities for 25 years. The core focus is to achieve a step-change in east-west connectivity, linking Ipswich and Norwich with Cambridge, Milton Keynes, Oxford and beyond that towards Swindon and onwards to Bristol and South Wales.
- 2.20. Policies on the East West Rail Main line focus on the delivery of the East West Rail project (including its Eastern Section), with the expectation that Phase 2 of the Western Section is open from Oxford – Bedford by 2024, Aylesbury – Milton Keynes by 2025 and the Central Section by 2030.
- 2.21. Oxford is identified as one of a number of stations where priority will be given to developing proposals to establish regionally significant transport hubs.
- 2.22. The strategy identifies two additional east-west arcs where improved connectivity will support the delivery of planned economic and housing growth:
- A northern arc that links north Oxfordshire, Northamptonshire and Peterborough;
  - A southern arc that links Buckinghamshire, southern Hertfordshire and Cambridgeshire, and which improves orbital connectivity.
- 2.23. It also highlights the strategic importance of improving connectivity between Oxford and Swindon.
- 2.24. As such, policies seek to prioritise improvements to east-west connectivity to support economic activity and in support of planned housing growth within these two additional arcs as well as developing proposals that strengthen connectivity between Swindon/Oxford and the South West and South Wales.
- 2.25. The strategy also highlights the importance of improved north-south connectivity along a number of key corridors including Swindon/Didcot – Oxford – Bicester/Banbury which forms part of the strategically important Southampton – Oxford – West Midlands corridor.
- 2.26. Policies include a commitment to working with Government, Network Rail, Highways England and Oxfordshire County Council to develop a long-term solution to challenges on the Didcot – Oxford – Bicester/ Banbury corridor.

### **Connecting People with Opportunities**

- 2.27. This section focuses on improved connectivity, not just physically, but also digitally which is seen as particularly important in areas that currently experience social deprivation, due in part to poor connectivity.
- 2.28. Particular priorities identified include investment in strategic transport infrastructure to improve interregional and intra-regional journeys, opportunities for public transport to create new integration, ticketing and timetabling options and the establishment of 'mobility hubs' that serve local communities within larger urban areas offering the opportunity for 'frictionless' interchange between modes, primarily bus, rail and active travel.
- 2.29. Also identified as a key priority is the need to improve connectivity in small market towns and their rural hinterlands. Particular challenges identified include access to digital

connectivity, the digital economy and traditional business models for providing public transport in rural areas which are becoming increasingly unsustainable.

- 2.30. Policies in this section focus on the opportunities created by investment in strategic transport infrastructure and services to shape the location of future economic and housing growth and the development and delivery of high quality, segregated mass transit systems with priority given to Cambridge (the CAM), Milton Keynes and the A414 corridor in Hertfordshire.
- 2.31. Other policies seek to establish 'mobility hubs' in areas of significance, enable frictionless travel using a combination of travel modes and develop tailored solutions for smaller market towns and rural areas that improve local connectivity.

### **Making the Heartland Work for the UK**

- 2.32. The fourth theme focuses on the importance of connecting the region globally both physically and digitally. The strategy seeks to actively encourage investment in improved surface access connectivity that reduces the environmental footprint of key gateways including Luton Airport and Heathrow Airport with delivery of the Western Rail Access to Heathrow improving connectivity for large parts of the Thames Valley, including Oxfordshire.
- 2.33. The strategy also seeks to develop proposals that increase freight on the rail network setting out a commitment to working with the freight and logistics sector, along with Network Rail and the EWRCo to develop detailed proposals that will enable the potential for rail freight to be realised.
- 2.34. It recognises however that road haulage will remain an important part of the freight and logistics sector and the strategy sets out a commitment to working with Highways England, local highways authorities and the freight sector to ensure the key parts of the Strategic Road and Major Road Networks continue to support the movement of road haulage and thereby minimise the impact of road freight on local communities. The provision of adequate overnight parking for lorries and the associated facilities is identified as a key issue.

### **Officer Response**

- 2.35. Officers are generally supportive of the draft strategy including the overall vision and principles contained therein. The structuring of the strategy into four main themes is sensible and makes the strategy easy to follow and understand.
- 2.36. As a general observation, many of the 'policies' contained within the strategy are effectively commitments to further partnership working or separate projects, rather than specific proposals or requirements.
- 2.37. Given the relatively high-level nature of the strategy this is to largely be expected and is to an extent, addressed by the implementation section of the strategy but the lack of clear, specific proposals for particular priority areas is somewhat frustrating and will need to be picked up and addressed by locally prepared transport plans within the overall context provided by the EEH strategy.
- 2.38. A suggested draft response to the draft strategy is attached at Annex A. The comments are generally supportive but highlight the need for a stronger focus on a number of themes including the role of smaller market towns, the opportunities of Garden Towns and Villages, the importance of healthy place shaping and the post Covid-19 recovery.
- 2.39. Members are asked to endorse [Annex A](#) as the District Council's formal response to the consultation.

### **3. FINANCIAL IMPLICATIONS**

- 3.1. This report has no financial implications.

### **4. LEGAL IMPLICATIONS**

- 4.1. This report has no financial implications

### **5. CLIMATE CHANGE IMPLICATIONS**

- 5.1. The EEH draft transport strategy highlights an imperative need to respond to the climate emergency as one of its key priorities and includes a number of measures and new solutions intended to decarbonise the transport system.

### **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. England's Economic Heartland Draft Transport Strategy - <http://www.englandseconomicheartland.com/Documents/Draft%20Transport%20Strategy.pdf>

## **Suggested WODC Response to England's Economic Heartland Draft Transport Strategy**

### **Introduction**

West Oxfordshire District Council (WODC) welcomes the opportunity to comment on the EEH Draft Transport Strategy before the final version is published at the turn of the year.

Our response should be read in conjunction with the separate representations made by Oxfordshire County Council and the Oxfordshire Growth Board.

Firstly, we support the vision and key principles contained within the Strategy, including the ambition of developing a net-zero transport network across the EEH region by 2050 and improving quality of life and well-being.

We recognise the importance of developing a strategic and long term strategy to help inform policy and guide the delivery of transport infrastructure across the EEH area. This cannot be done through the electrification of transport only and it is vital for new solutions to be developed to change existing behaviours and to reduce the need to travel. Digital technology and infrastructure will impact on every aspect of our lives, including the way we choose to access services and connect with colleagues and friends.

There will be many challenges which will need to be overcome in order to meet the objectives set out in the Strategy including practical, political, policy and funding challenges. By working in partnership with others across the England's Economic Heartland and the OxCam Arc, we can be strongly positioned to successfully transform connectivity across the region.

As a general observation, many of the 'policies' contained within the strategy are effectively commitments to further partnership working or separate projects, rather than specific proposals or requirements.

Given the relatively high-level nature of the strategy this is to largely be expected and is to an extent, addressed by the implementation section of the strategy but the lack of clear, specific proposals for particular priority areas is somewhat frustrating and will need to be picked up and addressed by locally prepared transport plans within the overall context provided by the EEH strategy.

Notwithstanding, our response is focussed on a range of connectivity themes which are explored in the Strategy and which have particular relevance to our District, as set out under the following headings.

### **Digital infrastructure**

We fully agree that the future of our transport system is as much a consideration of digital infrastructure as a way of connecting as it is physical infrastructure. Therefore we strongly support future investment in digital connectivity across the EEH area. The pandemic has resulted in virtual communications becoming much more dominant across many sectors and this trend is unlikely to be reversed.

Digital connectivity will shape how we communicate and access services/ work and this is ever evolving. There are vast opportunities to utilise digital infrastructure to improve our experience when using our transport network and encourage sustainable travel modes. For example, it could transform how we pay for services, eliminating the need for hard ticketing and allowing other complementary services such as renting an e-bike or even just ordering a coffee to be paid for as one transition creating a much more user-friendly service.

As such, continued and significant investment is critical to ensure digital infrastructure plays a positive role in helping to manage demand but also to promote healthy and sustainable travel choices.

## **Customer focussed**

We agree with the objective of putting the user at the heart of the transport system. This is essential if we are to change travel behaviour and reduce the reliance on private vehicles. Whilst the Strategy recognises the importance of changing travel behaviour (in particular on page 29), it would be useful if this was included as a separate policy given the importance of changing travel behaviour in de-carbonising our transport system.

This policy could include a list of possible tools/ measures which are necessary to achieve this. Initiatives such as improving fragmented active travel routes, reinforcing our town centres as hubs of connectivity and streamlining ticketing for buses and trains are a few possible measures.

## **Post Covid-19 recovery**

The challenges of Covid-19 have also created opportunities to do things differently and this should be harnessed whilst the number of trips remains low. Whilst there is an acknowledgment that the landscape has changed significantly due to the pandemic, there should be a much stronger Covid-19 recovery section within the Strategy given the radical change this is likely to have in the longer term which affects all strands of the Strategy.

As an example, travel patterns have radically changed with a higher proportion of home working and railway season tickets no longer meet the needs of commuters. Moving forward we need to consider how people will access work, services and leisure opportunities and have flexibility in the system to support this through modal share opportunities and advances in ticketing systems which allow multiple travel options to be accessed through one transaction.

## **Salt Cross Garden Village near Eynsham**

We welcome the identification of the Eynsham area as an 'area of significant change' due to the proposed Garden Village to the north of the A40 (previously known as the Oxfordshire Cotswolds Garden Village which has now been renamed Salt Cross). However, we have concerns that this terminology could have negative connotations and could be misinterpreted. We would suggest that this should be referred to as a 'key location for growth'.

In addition, we consider that this area should be identified as an 'area of economic opportunity' to reflect the substantial Science and Technology Park proposed as part of the Garden Village. This will consist of 80,000 sq metres of science, technology, engineering and high-tech related B-class business floorspace.

Given the location of Eynsham, close to Oxford and on the edge of the Oxfordshire 'knowledge spine', this area is a key economic 'hotspot' with significant economic growth potential as recognised in the Local Industrial Strategy.

The table on page 22/23 sets out a list of places of strategic importance. We strongly suggest that Government approved new garden towns and garden villages are recognised separately within this table. There is considerable scope to embed new travel behaviours and technologies as part of these settlements as they are not faced with the same constraints as established centres.

Therefore, there are unique opportunities for healthy place shaping as well as new technologies and living laboratories to be at the centre of the planning process and there should be a greater focus on these opportunities so they can be planned at an early stage.

## **Healthy place-shaping and active travel**

We support the objective of improving quality of life and well-being but we consider that there should be a stronger focus on the importance of healthy place-shaping in improving residents' quality of life and wellbeing (including mental health) by supporting healthy travel choices. Healthy place shaping initiatives can also play an important role in increasing the percentage of first and last mile trips by foot and cycle rather than car.

Creating new and improved off-road connections to serve pedestrians and cyclists is critical to the Strategy to increase active travel opportunities and change travel behaviour. These need to be safe and convenient with appropriate lighting and street furniture/ signage to guide the user. Fragmented routes need to be completed/ improved so that the user can easily and safely reach their destination, including those with disabilities

We support Policy 4 which sets out a hierarchy of transport modes and which prioritises the needs of active travel modes beyond others. However, there may be cases where it is more appropriate to prioritise public transport (on a key bus routes for example) and therefore there needs to be an element of flexibility.

Cycling in Oxford is particularly high as a modal share but this quickly diminishes beyond the city. Where there are cycling 'hot-spots', the Strategy should support opportunities to extend this out through strong cycle connections to surrounding areas, particularly key housing and employment centres.

### **The role of town centres as 'mobility hubs'**

We generally support Policies 25 to 27 and we believe that the development of 'mobility hubs' is an important element of the Strategy. These opportunities include the strengthening of interchanges in town centres and high frequency bus routes or rural stations.

The use of town centres, particularly serving rural areas, is radically changing away from retail being the dominant use. Considering the future use of these centres is vital to support our economy. As working practices becomes more flexible in terms of the spaces used, these centres could have a crucial role in providing flexible spaces for people to work and for small businesses to grow where they can form a cluster and be supported by other services and leisure activities such as gyms, cafes and shops, benefitting the wider economy.

This Strategy should consider how it can play a part in supporting these town centres to become 'mobility hubs', reducing the reliance on the private car and allowing sustainable first and last mile travel choices to be accessed. Initiatives such as creating pedestrian zones and improving the attentiveness of external spaces will help to draw more people and business into these areas.

### **Serving rural communities**

West Oxfordshire has an aging population and this trend is likely to continue. The challenges of providing environmentally friendly transport to serve the elderly population in rural communities has long been a challenge.

There has been a decline in traditional public transport modes, particularly in rural areas and we agree that technology needs to be harnessed to help create new models of connectivity, perhaps through solutions such as driverless shuttles and other smart travel solutions. Investment in training initiatives should also play a key role to allow all age groups to access services.

Whilst the car is likely to remain more dominant in rural areas, there may be opportunities to reduce the number of miles travelled using private transport by providing accessible and high quality parking facilities at 'mobility hubs' such as railway stations to encourage the use of sustainable travel for the bulk of the journey, accepting that part will be travelled by car. This should be alongside other initiatives such as active travel connections to 'mobility hubs' and town centres.

### **Electrification of the transport network**

We fully support the electrification of trains, buses and vehicles across the EEH area as proposed in Policies 1 and 2. As recognised in the wider Strategy, this is just one of many initiatives and this should be supported alongside the reduction on overall journey numbers and increasing active travel.

Although the electrification of the transport system is a major first step in de-carbonising the transport network, there could be a reference made to future options such as the potential for hydrogen in the longer term.

### **Importance of key corridors**

Whilst we recognise that this strategy is strategic in nature and is framed around policy rather than being geographically focused, we continue to highlight the importance of key connections within Oxfordshire including the A40 corridor between Oxford/ Witney (and beyond) and the rail upgrades on the Cotswold line running between Oxford and Evesham.

It is important that there is a focus on how upgrades can de-carbonise the network and promote active travel and public transport, such as the creation of bus lanes and cycle ways. For example the A40 corridor is planned to provide an integrated route with convenient public transport choices and a Park & Ride.

Within the investment pipeline table on pages 57-59, the A40/ A34 should be included within the area/ corridor studies.

### **Freight**

We agree that the freight sector is often overlooked and this will be a critical consideration going forward. Freight movements are likely to increase and therefore it's vital to consider how this demand can be accommodated in an environmentally sensitive way through the use of rail and transport tubs as well as considering how developing technologies play a part in this.

EEH is well placed to play a key role in assisting in the co-ordination of methods to reduce emissions resulting from freight movements through the work undertaken in the EEH Freight Study, including understanding the opportunities and potential benefits of transferring a greater proportion of freight to the existing and future planned rail network.

### **Conclusion**

To conclude, overall WODC is supportive of the Draft EEH Transport Strategy but the Council considers that there should be a stronger focus on the themes identified above and in particular on the role of smaller market towns, the opportunities of Garden Towns and Villages, the importance of healthy place shaping and the post Covid-19 recovery.

We trust you find this response helpful. If you wish to discuss any of the points raised, please feel free to get in touch.