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**Subject:** **PLANNING FOR THE FUTURE – PLANNING WHITE PAPER 2020 CONSULTATION RESPONSE**

**Meeting and Date:** **Cabinet – 5 October 2020**

**Report of:** **Lois Jarrett, Head of Planning, Regeneration and Development**

**Portfolio Holder:** **Councillor Nicholas Kenton, Portfolio Holder for Planning and Regulatory Services**

**Decision Type:** **Non-Key**

**Classification:** **Unrestricted**

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**Purpose of the report:** To consider the consultation by the Ministry of Housing, Communities and Local Government (MHCLG) on proposed planning reform set out in Planning for the Future - Planning White Paper August 2020, and the response on the consultation on changes to the existing system sent 28 September.

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**Recommendation:** To confirm agreement to respond to the first consultation as set out in Appendix 1, and to note the consultation response to the consultation on changes to the existing system set out in Appendix 2.

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## 1. **Summary**

The Ministry of Housing, Communities and Local Government (MHCLG) is currently carrying out two consultations which propose reforms to the planning system. This report summarises the proposals set out in the Planning White Paper – Planning for the Future, which proposes fundamental changes to the planning system.

This report seeks approval to respond to the consultation on the Planning White Paper as set out in Appendix 1.

## 2. **Introduction and Background**

*Planning for the Future - Planning White Paper*

2.1 The government is currently consulting on a package of proposals for reform of the planning system in England, which are proposed to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed. The consultation is in the form of a White Paper – Planning for the Future.

2.2 The consultation recognises the importance of planning, and its role in place making, delivering sufficient and affordable homes, and benefits that can bring to local communities. However, they consider that the current system is neither providing sufficient homes nor good enough places, and public sector planners are currently trapped between an urgent need for more homes, an insufficient competitive market and a policy framework which makes it almost impossible to insist upon beautiful and sustainable new homes and places. They also identify the need to modernise the system with technology and an open-data approach to make it more accessible.

2.3 The proposals are split into three pillars, with 24 individual proposals for reform.

(a) Pillar one – Planning for development

This pillar proposes changes to the local plans and development management process. With the focus on reducing the length and scope of local plans, and focusing them on allocating enough land for development, giving certainty and making the process for granting of planning permission as simple as possible, and providing local communities a genuine opportunity to shape the decisions.

- (b) Pillar two – Planning for beautiful and sustainable places
- (c) Pillar three – Planning for infrastructure and connected places

The proposals are set out as visions and ideas for change and there is limited information on the details of the proposals and how they would work in practice. However, it is proposed that a whole new set of primary and secondary legislation will be required to implement the changes, as well as updates to the National Planning Policy Framework and NPPG.

#### *Changes to the current planning system*

- 2.4 Alongside the longer-term reforms, the government is also consulting on four changes to the existing system. The deadline for the response to this consultation is 1<sup>st</sup> October and therefore the response has had to be submitted in advance of the meeting of the Cabinet, as is set out in Appendix 2.
- 2.5 This consultation proposes the following changes:
  - (a) Changes to the standard methodology for calculating housing need for the purposes of Local Plans. The change in SM increases Dover housing need from 596 to 1279 a year.
  - (b) Approach to implementing the policy of first homes, with a set requirement of 25% of affordable housing being provided as first homes.
  - (c) Temporarily lifting the threshold for which developers do not need to contribute to affordable housing
  - (d) Extending the existing permission in principle to major development

### 3. **Planning White Paper - Summary of proposed changes and consideration of key issues**

- 3.1 The following sets out a summary of each of the proposals, as well as consideration of the issues. The proposed response to the consultation is set out in Appendix 1.

#### **Pillar one – Planning for development**

*Proposal 1: The role of land use plans should be simplified.*

- 3.2 Local Plans would be required to put all areas of land within the District into one of three categories:
  - (a) **Growth areas** – suitable for substantial development. This is envisaged as including land suitable for comprehensive development, including settlements and urban extension sites, and areas for redevelopment. Sites identified in this area would be given outline permission on adoption on the Plan. Areas of flood risk would be excluded from the category unless the risk can be fully mitigated
  - (b) **Renewal areas** – suitable for development. This is envisaged to cover existing built areas where smaller scale development is appropriate, which could include 'gentle' densification and infill development, town centres and rural areas or edges of villages (not those that are categorised as Growth or Protected areas). There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area.

(c) **Protected areas** – this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls. This would include areas such as AONBs, Conservation Areas, Local Wildlife Sites, areas of significant flood risk, and areas of open countryside not included in the growth and renewal areas. Some areas would be defined nationally, others locally.

3.3 Alternative options proposed are a binary model of either combining growth and renewal areas and extend permission in principle to all land within this area; or limit automatic permission in principle to substantial development in Growth Areas with remaining land be subject to existing the DM process.

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

3.4 The primary focus for plans will be identifying the areas for development or protection. Development management policies in a local plan would be restricted to clear and necessary site or area-specific requirements. The NPPF would become the primary source of DM policies and generic policies which repeat national policy will not be included in a local plan.

3.5 Design codes and guides will be required to be produced by LPAs and through Neighbourhood Plans, either for inclusion in the plan or as supplementary planning documents.

3.6 DM policies and codes should be set out in a machine-readable form so that development proposals can automatically be screened against them by digital services.

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

3.7 This involves abolishing the current sustainability appraisal process and the duty to cooperate and having a slimmed down assessment of deliverability, incorporated into the sustainable development test.

3.8 Data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where.

*Proposal 4: A new standard method for establishing housing requirements set at a national level.*

3.9 The government intends to provide a new version of the standard method for establishing a local authority’s housing requirement. This version of the method will account for local factors which can affect the supply of land. Local area factors being considered include: relative affordability of the area, the existence of land constraints and/or opportunities, size of existing urban settlements; levels of landscape, designated areas of environmental and heritage value; opportunities to better use brownfield land; densification; other land use requirements; and, appropriate buffers to ensure enough land is provided.

3.10 The housing requirement will be a binding, centrally-set target which aims to release sufficient land to meet the government’s target of providing an additional 300,00 homes per year. In order to encourage delivery of this number of homes it is proposed that the Housing Delivery Test and presumption in favour of sustainable development (the ‘tilted balance’) are retained.

*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.*

- 3.11 Outline planning permission for development in growth areas would be granted at the time of adoption of the Local Plan. Further details would be agreed, and full permission achieved through a more streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues (such as those issues which may be specified in relation to sites allocated in a land allocation local plan at present).
- 3.12 In renewal areas there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a planned approach, with plans reflecting the general appropriateness of these areas for development). Some development could receive 'automatic' consent if a scheme meets design and other prior approval requirements.
- 3.13 In protected areas the current planning application route would continue to apply, with applications judged against the policies set out in the NPPF.
- Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology*
- 3.14 Proposals include digital innovation to automate routine processes, such as knowing whether new applications meet the rules; reducing information requirements and ensuring all documents are machine-readable; data rich planning application registers will provide a national database; digital templates, greater standardisation and national data standards for supporting information, planning conditions and technical requirements.
- 3.15 Automatic refund of planning application fees if deadlines are not met.
- 3.16 The delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.
- 3.17 To promote proper consideration of applications by planning committees, where applications are refused, there is a proposal that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.
- 3.18 There is a stated desire to explore the potential for some types of applications to be deemed to have been granted planning permission where a local authority fails to determine an application within the set time limits.
- Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template*
- 3.19 The government proposes to introduce slimmed down, interactive, map-based Local Plans built upon data standards and digital principles. Local Plans will be standardised across England, based on a 'model' template and supported by a more limited evidence base. Plans should be fully digitalised, accessible to all, and based on data rather than documents.
- Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the plan-making process, and we will consider what sanctions there would be for those who fail to do so.*
- 3.20 The government proposes that all Local Planning Authorities should have a plan in place within 30 months of the legislation being brought into force, or 42 months for LPAs who have adopted a Local Plan within the previous three years, or where a Plan has been submitted to the Secretary of State for examination.
- 3.21 LPAs that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention.

- 3.22 Two alternative options are also proposed: one to speed up the examination process by removing the right to be heard or examining less controversial plans through written representations, and the second to remove the examination stage entirely and require LPAs to undertake a process of self-assessment against set criteria and guidance.

*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*

- 3.23 The value and uptake in neighbourhood planning, since its introduction in 2011 has been acknowledged within the white paper. The consultation seeks views on how neighbourhood planning can be retained within the Local Plan reforms, and how digital tools and data can support their development and accessibility. The consultation also asks whether there is scope to extend and adapt the neighbourhood plan concept to very small areas, such as streets.

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

- 3.24 It is intended that the NPPF will clarify that masterplans and design codes for sites prepared for substantial development should seek a variety of development types by different builders. It is the government's view that this approach will allow more phases of development to come forward together and thus support faster build out rates within the proposals for the new planning system.

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

*Proposal 11: Local design guidance and codes*

- 3.25 To make design expectations more visual and predictable, design guidance and codes are to be prepared locally with community involvement and will be more binding on decisions about development.
- 3.26 Local design guides and codes should be prepared wherever possible to translate good design characteristics into what works locally – through adding a visual dimension to the Local Plan, Neighbourhood Planning or by applicants bringing forward proposals for significant new areas of development. All will be required to be prepared with input from local community, considering empirical evidence of what is popular and characteristic in the local areas.
- 3.27 Expect the National Design Guide, National Model Design Code and the revised Manual for Streets to have direct bearing on design of new communities.

*Proposal 12: Set up a body to support delivery of provably locally-popular design codes, and propose each authority has a chief officer for design and place-making.*

- 3.28 Step change in design skills available to local authorities, which will require support. With a new body set up that provides expertise that local authorities can draw upon.
- 3.29 Proposals to be brought forward later this year for improving resourcing of planning departments more broadly, with proposals for streamlining plan-making allowing for re-focusing of professional skills.

*Proposal 13: Consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.*

- 3.30 The government will engage Homes England, as part of its forthcoming Spending Review process, to consider how its objectives might be strengthened to give greater weight to design quality, and assess how design quality and environmental standards can be more deeply embedded in all Homes England's activities and programmes of work.

*Proposal 14: Introduce a fasttrack for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences*

3.31 Propose to do this in three ways:

- (a) Update NPPF to make it clear that schemes complying with local design codes will have a positive advantage and greater certainty about the prospects of swift approval
- (b) In 'Growth Areas' legislation will require masterplans and site specific codes are to be agreed as a condition of the permission in principle. This should be in place prior to detailed proposals coming forward.
- (c) Widen and change PD rights so it enables popular and replicable forms of development to be approved easily and quickly, helping support 'gentle intensification' of our town and cities.

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

3.32 This would involve updates to the NPPF to strengthen the way that environmental issues are considered through the planning system, with the aim of creating a simpler, effective approach to assessing environmental impacts.

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

3.33 The government plans to abolish Strategic Environmental Assessment, Sustainability Appraisal and Environmental Impact Assessment and replace them with a more streamlined system based on open data. A further, detailed, consultation on this matter is scheduled this autumn.

*Proposal 17: Conserving and enhancing our historic buildings and areas in the 21<sup>st</sup> Century.*

3.34 The government recognises that the current system of listed building and conservation area status has worked well to ensure our historic environment is conserved and, where appropriate, enhanced. Local Plans are expected to identify the location of heritage assets and locally important features including protected views. The proposal is to build upon what has already been achieved and to review the planning framework to ensure that decisions are timely and councils are able to concentrate their resources on the most important historic buildings, including ensuring that where possible mitigation and adaptations to historic buildings respond to climate change. The proposal also seeks to investigate whether certain suitably experienced architects could be granted automatic listed building consent for routine listed building consents rather than be required to submit applications to be determined by the council.

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

3.35 The government intends to implement its plans to move towards a Future Homes Standard in the shortest possible timeframe and will clarify the role councils can play in setting energy efficiency standards for new build developments as part of its response to the consultation in the Autumn. The consultation suggests that the proposed reforms will allow officers and resources to be re-assigned to monitor and enforce the implementation of the new Future Homes Standard.

**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.*

- 3.36 The government proposes that the current dual system of collecting the uplift in land value by Section 106 and Community Infrastructure Levy is replaced with a new, consolidated 'Infrastructure Levy'. It is proposed that the rate is charged on the final value of a development and that there would be a minimum threshold value, considering build costs and land costs, under which the Infrastructure Levy would not be payable in order to prevent low viability development from becoming unviable.
- 3.37 It is proposed that a single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.
- 3.38 It is also proposed that local authorities would be allowed to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure with the expectation that this would enable development to be completed more quickly.
- 3.39 An alternative option is offered where the Infrastructure Levy could remain optional and would be set by individual local authorities. Section 106 obligations would still be consolidated in to the Infrastructure Levy under this option.

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

- 3.40 The government proposes that some development that does not create floorspace would be required to pay the Levy. This would include things like office to residential which can currently be undertaken as permitted development negating the requirement for Section 106 or Community Infrastructure Levy payments to be made. It is stated that the exemption from the levy for self and custom-build development will remain.

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

- 3.41 The government proposes that all affordable housing would be secured via the Levy. As the Government hopes that it would be delivered on site at least to the same extent as currently, it is proposed this could be secured through in-kind delivery on-site, which could be made mandatory. That is, the Local Authority working with a nominated affordable housing provider would purchase a dwelling at a discount from market rate and the difference between the discount and market rate forms the in-kind payment of the levy.
- 3.42 It is proposed that Local authorities would still have control over tenure mix and if and how to spend the Levy on affordable housing. It is also stated that in the event of a market fall, the government would allow local planning authorities to 'flip' a proportion of units back to market units which the developer can sell. Further, to ensure developers are not rewarded for low standard homes under the Levy, Local Authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality.
- 3.43 An alternative option is offered where the government gives local authorities first refusal right on a given nationally set proportion of affordable housing floorspace, with the developer determining which units on a site would be offered. They wouldn't have to be used for affordable housing; they could be sold on the open market and the profit used to fund the purchase of affordable housing elsewhere.

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

- 3.44 The government is considering increasing flexibility around spending, allowing Local Authorities to spend receipts on their policy priorities, once core infrastructure obligations have been met. It is suggested this this could include improving services or reducing council tax.
- 3.45 An alternative option is offered where the permitted uses of the Levy would remain focused on infrastructure and affordable housing and that Local authorities would continue to identify the right balance between these to meet local needs.

*Proposal 23: Development of a comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms*

- 3.46 This proposal includes the following key elements:
- (a) The cost of operating the new system should be principally funded by the beneficiaries of planning gain – landowners and developers
  - (b) Planning fees should continue to be set on a national basis and cover at least the costs of processing the application types, including greater regulation of pre-application charging
  - (c) If a new approach to development contributions is implemented, a small proportion should be used to fund planning costs including Local Plan preparation and enforcement activities
  - (d) Time limited funding will be made available by government in line with the new burdens principle to support LPAs transition to the new system as part of the next spending review
  - (e) Workforce planning and skills development
  - (f) Significant enhancement in digital and geospatial capacity

*Proposal 24: Strengthening of enforcement powers and sanctions*

- 3.47 This proposal includes reviewing and strengthening enforcement powers and sanctions available to LPAs, including introducing more powers to address intentional unauthorised development and higher fines.

#### **Implementation of the reforms**

- 3.48 The consultation states that further detail will need to be developed on the proposals pending the outcome of the consultation, and the government are continuing to develop the proposals as they gather feedback. The proposals will require new primary and secondary legislation. The proposals allow for 30 months for new Local Plans to be put in place and would expect them to be in place prior to the end of the current Parliament. This would mean the new local plan process would need to commence in mid-2021. These appear to be very ambitious targets for the implementation of the reforms.

#### **Potential impact of reforms on resources**

- 3.49 At the present time it is difficult to quantify the resource implications. However, it is envisaged that additional resourcing will be required in the Local Plan Team in order

to implement and operate the new planning system, which will require frontloading of work at the Local Plan stage. It is unclear how development management workloads would be impacted, until the details of the proposals are further refined.

- 3.50 The consultation document refers to ensuring the appropriate resourcing and training to ensure the system can be implemented, with additional funding potential from government for the implementation. There is reference to funding of Local Plan activity by development through the revised developer contributions system. However, given the viability difficulties in Dover this would put even more pressure on use of funding from development which is needed for infrastructure and community services as a result of new development.
- 3.51 Additional resource is also likely to be required in order to implement to the digital agenda that forms part of the proposals. Although again at this stage, the detail of this is difficult to quantify.

### **Proposed response to the consultation**

- 3.52 The proposed full response to the consultation is set out in Appendix 1.

#### **4. Identification of Options**

- 4.1 Option 1 - Respond to the consultation
- 4.2 Option 2 - Do not respond to the consultation

#### **5. Evaluation of Options**

- 5.1 The consultation proposes significant changes to the current planning system, which if implemented has the potential to significantly impact upon the operation of the local planning authority, and the way in which the public are involved in the process. It is therefore considered important that the Council's views on the proposals are provided in response to the consultation.

#### **6. Resource Implications**

- 6.1 There are no further resource implications for the recommended option to respond to the consultation. However, as detailed above there are likely to be additional implications on resources if the proposals are progressed. These cannot be quantified at this time and will be recognised as a risk in the budget and medium-term financial plan processes.

#### **7. Climate Change and Environmental Implications**

- 7.1 Submitting a response to the consultation document has no particular implications, however the outcome of the consultation and resultant reforms may well (positively or indeed negatively) impact Council's Climate Change ambitions.

#### **8. Corporate Implications**

- 8.1 Comment from the Director of Finance (linked to the MTFP): The Head of Finance and Investment has been consulted on this report and has no further comments to add.
- 8.2 Comment from the Planning Solicitor: The Planning Solicitor has been consulted in the production of this report and has no further comments to add.
- 8.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

#### **9. Appendices**

Appendix 1 – Proposed consultation response to Planning for the Future

Appendix 2 – Response submitted to consultation on changes to the existing planning system.

10. **Background Papers**

Planning for the Future – Planning White Paper August 2020

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/907647/MHCLG-Planning-Consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf)

Consultation on changes to the current planning system 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)

Contact Officer: Ashley Taylor, Planning Policy and Projects Manager

## **Appendix 1 – Proposed Response to the Consultation**

### **Proposal 1 The role of land use plans should be simplified.**

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

The principle of a simplified Local Plan process is welcomed, as it is agreed that the current local plan process has become too complicated and takes too long to carry out. This has not been helped by constant changes to the system over the past 15 years.

However, it is difficult to see how the proposals for the whole of the country to be covered by one of the three designations would work in practice, as the diversity of the existing built form and other land across the country and locally would make it difficult for such a simplified approach to be applied. Identifying all land in one of these three categories will in some circumstances become very complicated, and controversial, particularly in existing urban areas.

In Dover for example, where there are conservation areas and listed buildings throughout the built environment, identification of these within an area of protection is likely to restrict development coming forward in an area which as a whole would be more suitable for a growth/renewal area designation, as there are areas where regeneration and opportunities for brownfield development exist.

In relation to the proposal that Growth Areas are given automatic outline planning permission. This is likely to require significant up-front work at the Local Plan stage, including site survey work which would normally be carried out at the outline application stage. Given the reduction in timescales for bringing forward Local Plans we have concerns about how this can be achieved without significant additional resourcing. Alternatively, site promoters and landowners would have to carry out this work up front and submitted alongside proposals for the site to be designated a growth area. This is likely to disadvantage the smaller housebuilders.

It is also unclear how the process will ensure that needs for all types of development are met. The consultation focuses mainly on meeting housing needs, with little mention of other types of development.

### **Proposal 2 Local Plans should have clear rules, DM policies to be in national policy**

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

It is agreed that there is no need for Local Plans to repeat policies which are contained within national policy, and a set of standardised development management policies would assist in reducing the length of local plans and the time for their production.

However, Council's should be able to adopt a locally defined approach where this is justified as there may be specific local circumstances which mean that a locally defined approach needs to be taken. It is therefore considered that the first alternative option set out would be the preferred approach.

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

**Q7 a) Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of 'sustainable development' which would include consideration of environmental impact?**

Yes, the principle of a simplified test for Local Plans is supported. However, without further detail of the new proposals it is unclear how this would work in practice. Further consultation should take place on the more detailed proposals for the new test.

*Planning for infrastructure:* The proposals suggest that the new data driven local plan will allow LPAs to use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located. The principle of this is supported, however it is difficult to see how this would work in practice with the delivery of infrastructure mainly being outside of the control of LPAs and the way in which individual infrastructure bodies work not making this possible. Infrastructure providers work on a much shorter timeframe than the local plan period and are often difficult to engage with. Unless significant changes are made to the way in which the infrastructure providers operate, this objective will be difficult to achieve.

**Q7b) How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Co-operate?**

*Removal of duty to co-operate:* The current requirements under the duty to co-operate have not been effective in planning for strategic matters, and therefore the removal of the duty to co-operate is supported in principle. However there needs to be an alternative put in place to address this gap.

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

**Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]**

**Q8a - No**

The Council does not support a binding housing requirement that is to be set nationally. To empower local planning then local housing needs should be identified, discussed, agreed and set at a local level. It should be based on locally sourced evidence of not just housing need, but all needs within a local authority area including, but not limited to, employment, retail, leisure and open space. The detailed consideration of local issues and the setting of local targets will ensure that a proportionate amount of development will be planned for and delivered within the area. This will more accurately address local need and will engender the local buy in to meet that need. This locally set need should be tested against national policy requirements through Local Plan examination.

The Council also has concerns about how the process for deciding on the 'binding' housing requirement would be carried out. The issue of constraints is not simply a quantitative measure that can be automatically calculated in order to determine an appropriate level of housing for each authority. There will need to be local authority input into this process. Who will carry out this work? How will Local Planning Authorities and communities be engaged and be able to influence this process?

However, if a standard method for calculating housing need is the government preferred approach then the Council would welcome a third iteration of the standard method calculation, which will aim to address the shortcomings of previous two versions through considering land constraints and the built environment of a local authority area. This approach would be preferred as it would move away from using small data samples analysed by one body that then sets the precedent for housing need nationally on a large scale, to consideration of local authority specific issues that impact and cause trends in household projections and affordability ratios. The Council welcomes a more localised approach to understanding affordability and how housing need can address the issue. This should be through a method of setting housing need that is considerate of causes of affordability, rather than only outcomes, and that considers the holistic needs of a local authority area (beyond just considering housing) to include creation of jobs, provision of retail, leisure and open spaces.

**Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]**

**Q8b – Not sure**

If a third version of the standard method for settling a local housing need becomes the government's preferred approach then consideration of a local authority's existing built environment, patterns of environmental and landscape constraints and settlements types that consider the nature of the district between its urban areas and rural villages would be welcomed. The approach would enable more of the real-world issues at a local authority level to be factored into the calculation than previous versions of the standard method have been able to achieve and would, therefore, represent a desirable refinement.

The factor of affordability within the calculation should recognise the discrepancy in affordability between constrained rural and deprived urban areas of a District. Specifically, Dover District Council's urban areas have issues of viability due to land contamination and displacement of existing uses, with many viable and accessible brownfield sites having been developed or with current extant planning permissions. The areas of highest property value and therefore lowest levels of affordability occur in the Dover District in areas where there are significant land constraints like AONB and flood zones 2 and 3, which have restricted development in the past.

Dover District Council has large variations in median house prices between its urban areas and its rural hinterland. The Table below demonstrates that there is a difference of £126,250 between the urban area of Dover Town which has the highest levels of deprivation in the District, whilst also having the most land available for development, and St Margaret's administrative ward which is surrounded by an Area of Outstanding Natural Beauty.

<b>Median asking prices</b>					
	1	2	3	4	<b>Overall</b>
Dover	75,000	170,000	250,000	375,000	<b>217,500</b>
Deal	140,000	230,000	320,000	485,000	<b>293,750</b>
Sandwich	75,000	260,000	392,500	575,000	<b>325,625</b>
Aylesham	*	225,000	255,000	360,000	<b>280,000</b>
Ash	75,000	272,000	333,000	525,000	<b>301,250</b>
Eastry	75,000	285,000	360,000	575,000	<b>323,750</b>
St Margarets	250,000	275,000	400,000	450,000	<b>343,750</b>
Shepherdswell	*	247,500	325,000	475,000	<b>349,167</b>
Wingham	200,000	322,000	500,000	437,500	<b>364,875</b>
Rural North	75,000	300,000	400,000	600,000	<b>343,750</b>
Rural South	140,000	232,500	315,000	475,000	<b>290,625</b>
<b>All</b>	<b>122,778</b>	<b>256,273</b>	<b>350,045</b>	<b>484,773</b>	<b>312,186</b>
* no data					

Table 2. (Source: Rightmove.co.uk June 2020)

An appropriate approach to considering affordability within a local authority area should be at the electoral ward level or Lower Super Output Area and should be proportionately weighted by the number of homes within those areas, their median house price, and where land has been made available through a call for sites exercise. This approach of weighting sub areas of a local authority will enable consideration to be given to where the most homes are, and can be delivered, whilst not allowing salaries and house prices in areas of the highest land constraint to artificially raise affordability ratios.

#### Land constraints

Consideration should not be limited to areas of national land and environmental policy like Green Belt and flood risk zones but should also include adopted local area land constraints like local green spaces, green wedges and local nature reserves. LPAs should be able to feed into the process of identifying the constraints within the local area by identifying local areas to be protected. Land constraints should also allow for the local value of land to be considered that is identified locally. Consideration should also been given to the amount of land available that is well connected to existing settlement areas and public transport hubs, and the levels of infrastructure connectivity and accessibility within a local authority area that could or could not facilitate the potential for a new settlement or urban extension.

#### Brownfield land

Consideration should be given to the value of brownfield land available for development. This could be through a survey of poor-quality land or land surplus to requirements. However, it should be acknowledged that the development of brownfield land has been a long standing objective of previous governments and as a result of the numerous initiatives and prioritisations of the use of brownfield land first for development most of the financially-viable land has been developed, or already has an extant permission. Much of the suitable brownfield land that remains is currently occupied by uses other than housing. It should also be noted when considering brownfield land as part of the proposals to the Standard method these types of land can be very difficult to develop, there are costs incurred through

the displacement of existing uses, land clearance and contamination which result in many community benefits, like affordable housing, being lost to make schemes viable. Within Dover District the largest urban area Dover Town, experiences some of the highest levels of deprivation, resulting in low house values and no affordable housing on development schemes in an area within which the Council wish to encourage development. To encourage brownfield development, consideration will need to be given at administrative ward level to the elements of deprivation experienced and what financial support will be needed to unlock the potential for new homes within those areas.

#### Provision of higher densities

When considering the potential for higher densities as part of the proposals for the standard method in the white paper, it needs to be considered that in seeking higher densities more consideration will need to be given to place making that will need to include the provision of higher levels of amenity and open space and connectivity to other land uses like employment, retail and leisure. When promoting higher densities on brownfield land there is also a need for to consider land release for other uses to ensure holistic planning that goes beyond planning for homes is achieved and to ensure the overall sustainability of the urban area is retained and improved. Often, to achieve higher densities developers will provide smaller dwellings like flats and bedsits and placing too much of an emphasis on higher densities could result in an oversupply of small dwellings in certain areas whilst limiting supply of other dwelling types. This approach, in effect, could lead to small dwelling targets being exceeded and constraining the supply of larger dwellings in urban areas. In context, much of the Dover District Council's brownfield land supports the local economy and helps facilitate sustainable employment by being in locations of mixed of uses including employment and housing. High density development of brownfield land will also need to be considerate of its local context through its impact on the environment including heritage assets and natural land scape. A more appropriate position would be to seek ways in which the standard method could lead to regeneration initiatives for urban areas and to help the viability of brownfield land release. This could be accomplished through greater funding and powers to Local Authorities to facilitate brownfield land release and could be accomplished through a simplified and less expensive compulsory purchase order process to allow for easier and faster land acquisition and assembly.

#### Other land planning

As mentioned above, with any sustainable land use planning there is a need to consider local issues such as the displacement of existing employment land, the connectivity of new homes to areas of employment, retail and leisure. Effective planning should go beyond just providing new homes and seek wider urban redevelopment and place making. There is a need for urban centres to be holistically planned to creating places that are not just homes but include usable open spaces, facilitate employment growth, encourage leisure activity, and in the case of Dover District also provide accessibility from its rural hinterland through sustainable transport routes. Other forms of land use planning should also consider the needs specific to rural areas, support of rural economies and local services whilst ensuring that development helps to retain and enhance the historic character and patterns of settlements and rural ways of life. Further holistic considerations for land use should also include issues of climate change mitigation and seek opportunities for residents and the community to sustainably grown local foods.

#### Provision of buffers

Buffers to development within the proposals for a revised standard method should have a flexible approach in relation to the calculation of housing need to ensure the deliverability of housing targets. Buffers should be locally set and dependent on the types of housing land available. For example, high levels of Greenfield (GF), which tends to be more financially viable due to less land remediation costs, results in more certainty that development would occur and should have a lesser buffer requirement. Alternatively, when considering

Brownfield (BF) land which tends to be less financially viable due to existing uses displacement, land clearance and remediation costs results in less certainty that development would occur and a higher buffer would therefore be appropriate. It would be more suitable to allow buffer setting to be at the local authority level once sources of supply have been identified to meet an agreed housing need. An approach could consider a range of locally prescribed buffers set by types of land supply and confirmed through a local plan. Buffer ratios could consider percentage splits of 70/30 (GF/BF) 5% addition to housing supply requirement, 50/50 (GF/BF) 10%, 30/70 (GF/BF) 20%,

Other factors that would be appropriate revisions to the standard method to consider include the identification of what the reported market demand for houses is within an area and whether the market demand matches the projected need. The market analysis could look at where sales are quickest, locations of preference, why demand is low in areas and the type of housing required and location within a local authority area. A greater level of detail in understanding local authority area housing markets would lead to a more accurate housing need figure for that area. Further, the standard method should also include the actual availability and suitability of land as identified through a local authorities Housing Economic Land Availability Assessment (HELAA) thereby setting a level of housing need that can be attained through land that is clearly readily available and not constrained. This may require regular updates to the HELAA as land availabilities change and subsequent updates to the housing need calculation for an area. Also, it would be useful within a revised standard method to consider the cause and effect of building more homes, has the provision meet the identified needs? Has it lowered affordability ratios? One could then look at the root causes as to why the objectives for housing need and how they will be met, have not been achieved. Effectively, there are many local issues that can affect the delivery of homes and a fine grain analysis of these issues should be incorporated into a revised standard method.

**Proposal 5. Questions 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? [Yes / No / Not sure. Please provide supporting statement.]**

There is potential for this to occur as part of the Local Plan process. However, the level of detail that is usually involved at the Local Plan stage would need to be reconsidered in order to test further detail of proposals and give greater certainty at that stage. At present there is uncertainty with the current PIP system as to which stage certain details are dealt with thus creating the potential for important details to fall between the cracks. In particular, issues such as scale parameters, technical highways issues, flooding, surface water drainage are principles which would need to be considered in more detail than they usually are at LP stage. Developers would need to commit to more expenditure in order to justify their allocations and DM staff would need to be transferred to LP matters to support that process – the issue of who pays for this would need to be examined. The public need to have confidence that key issues would be properly examined at that stage.

It is unclear at what stage design considerations such as coding would be agreed – if a site is allocated at LP stage a developer will usually want to proceed quickly with technical details. However, if a design code is required this cannot properly commence until the principles of the site are agreed and the process of agreeing a code with local residents could be lengthy.

In summary, this proposal will create a very front-loaded process which has disproportionate resourcing implications at key stages. The level of uncertainty may lead to fears about lesser standards for growth areas thus impacting upon property values.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]**

The same issues apply for Renewal areas. For protected areas the perception may be that these are the “safest” places to live from a property value perspective creating inequalities in the market.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure.**

Yes – this has the potential to bring forwards new settlements more quickly, but financial support would need to be given to LPA’s to make this work. At present there are no set fees paid to them for NSIP work.

**Proposal 6:**

**Question 10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]**

Standardisation of application requirements will reduce uncertainty and the increased use of technology, if properly funded, will reduce errors and speed up processing. However, the perceived loss of democracy in the decision-making process needs to be considered. The perception currently is that LPA’s have reduced ability to take account of local concerns that they are unfairly penalised for doing so. Expediency cannot be at the expense of localism.

Refund of fees may lead to more refusals rather than a negotiated outcome. Alternatively the Council may be forced into approving applications which would not usually be accepted due to the risk of appeal and refund. This would have detrimental impacts on amenity and standards of development.

Ensuring that Council’s are properly resourced in order to be able to speed up decision making is vital to avoid these circumstances.

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

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

The Council supports the government’s proposals for more accessible, web-based Local Plans and would welcome the opportunity to partake in the series of planned pilots to develop innovative solutions to support plan-making activities and make community involvement more accessible and engaging.

The Council notes that the government intends to publish a guide to the new Local Plan system and data standards and digital principles well in advance of the legislation being brought into force.

Given that council’s will require a significant amount of time to prepare for this digital transformation, and to ensure that they have the correct systems and skills sets in place to deliver the government’s aspirations, it is vital that clear guidance is issued as early as possible in this process.

Furthermore, at a time of austerity, clarification is required as to whether funding will be made available to Local Authorities to fund this digital transformation and ensure staff have the right skills to deliver it.

Whilst the Council agrees that the proposals should improve engagement with younger groups in the community, there are concerns that it could also be a barrier to engagement, particularly with older members of the community, and those who do not have access to smart phones/ computers etc.

Finally, whilst we support the standardisation of local plans, it is important that they continue to remain locally distinctive as not all areas in the country are the same and many have very different challenges.

**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.**

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

Whilst the Council supports the streamlining and speeding up of the plan-making process, it has a number of concerns in relation to the proposals for a 30 month statutory timescale for the production of a Local Plan.

This timescale does not provide sufficient time to undertake all the key stages required to produce a local plan in a robust manner and risks the quality and soundness of the Plan. Whilst the proposal indicate that the content and form of local plans would be much reduced, the proposed changes in relation to zoning and the effective grant of outline permission through a growth area allocation, would require additional work up front, some of which is currently left to the outline planning consent stage. Further information is required in terms of the likely evidence base requirements in order to fully assess whether the timescales could be achieved.

Furthermore, it doesn't allow sufficient scope for stakeholder and member involvement in the Plan making process or take into account the local decision-making process.

Clarification is also required on how the proposed new-style examination of the Plan would work and whether there would be the requirement for another round of public consultation if the Inspector made binding changes to the Plan to ensure transparency. The Council would not support the removal of the Examination stage entirely.

If the government is committed to introducing a 30 month timescale for Plan production then they will also need to ensure that Local Authorities have sufficient resources to implement this.

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

**Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]**

**Q13a – Yes**

There is a continued need and desire within local communities for empowerment and local decision-making within the planning process. Local communities have the best knowledge of their areas. They understand the specific heritage and environmental issues and the needs of local services. Further, local people's involvement in planning will also help retain and develop the distinctive local character and communities of neighbourhood areas whilst helping to enable needed growth in homes, employment and local services. Local

communities have the best understanding of how to integrate growth within their areas and how it can impact on local infrastructure and services. This knowledge can then be codified within neighbourhood plans which will allow communities to prescribe at the very heart of a local area what their needs are, how growth can accommodate these needs and how the impacts can be mitigated. Neighbourhood Plans can also allow for neighbourhood-level design considerations that can provide for bespoke and unique developments that retain and enhance valued elements of a neighbourhood area.

However, the role of neighbourhood plans needs to be made clearer for local communities who often believe neighbourhood plans can be a tool to restrict/reduce the amount of development in their local areas.

**Q13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

**Q13b**

To help meet the objectives it would be appropriate to align the tests for neighbourhood plans with those outlined in new tests for a Local Plan within the white paper. This would be effective in that objectives for the sustainability of a local plan are also then met within a neighbourhood plan. It would also be appropriate to align the much simpler examination requirements of a local plan, as outlined in the white paper, with those of a neighbourhood plan.

The issue of neighbourhood plans being subsequently made out of date once a new local plan is adopted should also be addressed. An approach which would prevent this from happening could include allowing housing need numbers for a neighbourhood plan to be fixed once adopted for a period of time and then requiring the neighbourhood plan to be reviewed within a statutory period after which any adjustment would be for any changes in policy requirement for the area.

To empower local communities in plan making it would also be desirable to allow neighbourhood plans to define their own areas of regeneration, growth and protection and then, in a similar fashion to the existing system, define how identified needs will be met within their areas. Neighbourhood plans can be as time consuming a process as local plans, so means should be sought to make the neighbourhood plan process faster and simpler. Existing funding support for neighbourhood plan-making should be, as a minimum, retained and where a plan seeks growth there should be additional funding available to match the aspirations of the neighbourhood plan area.

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

**Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]**

**Q14 – Yes**

If a system of categorisation of areas under 3 designations is the government's preferred approach to Local Plan reform, then the Council would welcome the provision of master planning and design codes within the NPPF. This approach will allow for design issues like scale, mass, layout and density to be set out at local level. We would also recommend that these considerations include individual site-specific issues and requirements to be set

through local policy. This approach would allow design approaches to be specific to local issues of character, landscape, topography and scale of development in context to the existing built and natural environment.

The Council acknowledges the value of ensuring a variety of development types by different developers and specifically values the contributions of Small and Medium Enterprise house builders (SMEs). SMEs offer more sustainable construction methods, with their tendency to source materials and labour locally, and their positive wider effects on local sustainability and local economy through locally-retained finance. Further, SMEs offer opportunities for locally bespoke construction and design techniques allowing for local character retention and growth, often with builders working within their own communities. Larger-volume developers tend to be less sustainable as labour and materials are usually sourced from their wider regional networks which results in design and construction being more generic to enable mass production. The Council would like to see strong incentives for promoting SMEs within master planning requirements. This could be accomplished by setting thresholds of development for SMEs which could include a % of land or housing need to be met by SMEs within a local authority area, or on a site-by-site basis set through local policy within a local plan.

The Council also recommend that the local identification of housing types required within a local authority area be specified through a Strategic Housing Market Assessment as with the existing system. To ensure that all identified housing needs, including type and tenure, are to be met within the planning system reforms, it will be essential for master planning and design codes requirements to cover these issues. In some cases, such as where there are specific issues like land constraint or a specialised need, there should be a requirement to have site or area specific policies to address these issues within a local plan.

**Proposal 11:**

**Question 17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]**

Yes, in principle this sounds like it has the potential to add a degree of clarity and certainty to a subjective part of the process, and that is to be welcomed. However, there will normally still need to be a judgement made on whether proposals are in-line with the requirements. It is unclear how prescriptive the government envisage this to be.

There is also risk that this leads to a conservative design approach, where allowance for exceptions to design norms might be squeezed out as a matter of procedure, seeking to appease what is 'popular'.

It is not clear who will judge whether 'input' has been secured in the production of design codes. Who is the arbiter? There does not appear to be a formal process for this to go through unless it is carried out through the Local Plan process and considered as part of the examination.

In addition, LPAs will need financial support for retraining and carrying out these design exercises which are time consuming and costly. LPAs may find it difficult to effectively engage as communities often wish to work outside of office hours and in person, not remotely. The stage at which work is done also needs considering as above.

#### **Proposal 12:**

**Question 18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]**

Yes, there should be a new body to provide support to LPA's and ensure consistency of approach. The Council's view is that this need not be a chief officer but each LPA should have a suitably trained Urban Design team.

The assumption that the streamlined local plan process will allow for skills to be re-focused is not agreed with. Local Plans teams are already over stretched, and the revised process is likely to require additional resource, due to the front-loading of the process and reduction in timescales, rather than reduction in resource requirement.

#### **Proposal 13:**

**Question 19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure.**

**Yes.**

#### **Proposal 14:**

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

**Not sure.**

This will depend on confidence in the design skills of the LPA and take time to build.

In relation the role of masterplans, it is important to be able to deliver coherent developments, particularly where these will be integrating into an existing context. Also of importance is the ability for the level of detail in masterplans to be varied, depending on what is sought to be achieved e.g. it might be that while a development is being integrated there is scope to step away from the prevailing design character of an area. Such considerations are important and need to be made clear.

In relation to pre-approval for popular and replicable designs - major developments tend to work on the basis of set dwelling types, with developers and their QS being able to accurately predict costs. But at the same time, there needs to be allowance for some variation and interest to be incorporated. And if the applicant simply wants to be able to submit a Grand Designs application, then this route should still be available through a full planning application.

The concern with this is that while the proposal is flagged as a fast track, there are inevitably further details that still need to be resolved, and that this resolution might take time. If the necessary front-loading can be incorporated, to negate the worst of any potential delay, then it would appear to be an achievable approach. Otherwise, the risk is that planning officers become caught in matters of detail but without the appropriate resource income from the application type. This could lead to unnecessary conflict, and/or pressure on the quality of decision making.

**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 Council supports the need for a clearer policy framework at a national level to address the role that planning can play in mitigating and adapting to climate change. The Council would, however, welcome further clarity on the timetable for these proposed changes.

**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 need for a simpler and faster process for assessing environmental impacts and enhancement opportunities, while ensuring that the most valuable and important habitats and species in England continue to be protected/ enhanced.

The Council would, however, welcome further clarity on the nature and scale of these changes and the timetable for their introduction.

The Council also notes there will be a separate consultation on opportunities for environmental improvements in the Autumn.

**Proposal 17: Conserving and enhancing our historic buildings and areas in the 21<sup>st</sup> Century.**

The Council considers the historic environment of the district to be one of the key attributes that make it a special place to live, work and enjoy. Managing change to historic buildings and areas in a manner consistent with the primary legislation and the NPPF is therefore considered to be an important role for the Council to undertake.

The Council considers that the current system allows for change where appropriate, ensuring that the special historic or architectural interest of the heritage asset is protected, whilst mitigating climate change where possible. Continued specialist guidance from Historic England is essential to support officers in local authorities carry out this role.

The proposal to introduce a system whereby approved architects are authorised to carry out works to listed buildings without the need to submit applications to the Council raises significant concerns. Who determines whether the works are 'routine'? What body is responsible for drafting and maintaining the list of accredited agents, and who will monitor the quality of decisions in order to ensure that the historic environment is appropriately protected? There is a lack of detail on how this system would work and the Council is unable to fully scrutinise the proposal. However, in the interests of transparency as well as maintaining proper protection of the historic environment, the Council asserts that decisions on matters of public importance should be taken by publicly accountable persons and bodies.

**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 Council supports the introduction of the Future Homes Standard and awaits the government's response to the consultation in the Autumn.

The Council agrees with Proposal 18 in that new homes should not need to be retrofitted in the future. Where retrofitting is required, this should also be to a high energy-efficient standard and take into account the feasibility of installing measures on existing homes.

The Council welcomes the further clarification that will be provided with regards to the role that Local Authorities can play in setting energy efficiency standards for new build developments.

Whilst the Council supports the need to ensure that high standards of design, environmental performance and the safety of new and refurbished buildings are monitored and enforced, it has a number of concerns about the proposals to reassign resources to focus more fully on enforcement. At present the majority of this work would fall to building control officers, who work in a different department of the Council and are specially trained to carry out this role. Planning officers would therefore need to undergo significant training to be able to undertake this function, at cost to the Council, in a time of financial austerity.

***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.***

**Q21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]**

All of the above are required in order to ensure the delivery of sustainable development and the creation of new communities, whilst ensuring that existing communities benefit from, and are not negatively impacted by, proposals for new development.

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

Not sure

The Council supports the need for a simpler, faster and more transparent approach to capturing a greater uplift in land value. This is necessary to fully mitigate the impact of new development. The stated aim of raising “*more revenue than under the current system of developer contributions and deliver at least as much – if not more – on-site affordable housing as at present*” is therefore particularly welcomed.

Further detail is however required to make informed comments. Of key consideration to Dover District is how the value-based minimum threshold below which the levy is not charged will be set. A centrally set threshold could result in only our areas of higher land value being liable for the levy, though not fully benefiting from the financial gain generated by

this development. This is because funding is likely to need to be directed to those lower valued areas under the threshold for which no levy may be collected. It is also difficult to see how onsite affordable housing would be delivered on sites below the threshold.

It is also not clear how the proposed scheme will account for differentiating build costs or abnormal costs which vary from site to site even within similar site typologies. Similarly, it is not clear how the proposed scheme will replicate the flexibility provided by the Section 106 regime in those situations where flexibility is necessary, or ensure that infrastructure is provided at the right time to support new development.

Section 106 agreements are also used to control the use of land and not simply to collect contributions from developers. As such, they are a very important tool to LPAs in ensuring that development can be permitted with the necessary controls (to make the development acceptable in planning terms) in place. The Council considers that it would be necessary to provide an alternative means by which the Council and persons interested in land may agree in order to secure required obligations.

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

Locally

When ranked across England and Wales, the average house price for Dover District is middle ranked at 160th out of 339 at £278,428. However, this is significantly below the Kent average of £342,070. Within the Dover District there are areas of very high and very low values, ranging from an average of £364,050 within Ash to £145,750 within Dover Town.

A nationally set rate, be this a single national rate or area-specific rate would miss this fine grain detail. The consequence of the above is that there will be areas within the district which may be just above the threshold though become unviable once a nationally set Infrastructure Levy is applied.

On the contrary, if the rate was set too low, this could result in very little funding being provided particularly in low value areas.

**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? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]**

More value

The current system has allowed the volume housebuilders post record profits whilst forcing Local Authorities to make difficult decisions over which infrastructure should be prioritised as insufficient planning gain is captured to fund all necessary infrastructure. Where viability issues are raised, this is often because the price paid for land has not accounted for all policy and infrastructure costs. The discretionary nature of the current system incentivises this as these non-mandatory requirements may be negotiated out via the viability process, particularly where the need to deliver more houses outweighs these considerations.

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

Yes

Whilst the ability to forward-fund necessary infrastructure has the potential to secure the delivery of infrastructure in advance of the development coming forward, the financial risk arising from slower than expected delivery or sites not coming forward at all is passed to the Local Authority. In addition, in areas where values are low and viability is marginal the infrastructure levy may not produce sufficient funding to enable forward funding to take place.

***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? [Yes / No / Not sure. Please provide supporting statement.]**

Yes – new residents will have the same needs and requirements of community infrastructure regardless of whether the new house that they have moved into was subject to planning permission or permitted development rights.

**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? [Yes / No / Not sure. Please provide supporting statement.]**

Yes

This should be a minimum and should be at least as much on-site as present, preferably more. Affordable Rent should continue to make up the greatest proportion of tenure provided.

**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? [Yes / No / Not sure. Please provide supporting statement.]**

The Council would support a right to purchase approach over an in-kind payment towards the Infrastructure Levy.

The Council currently works closely with local Registered Providers across all site typologies and currently will purchase affordable units that fall outside of the Registered Providers criteria. This helps ensure that the right tenures can be provided in the right places.

With respect to an in-kind payment approach, the consultation document recognises this could inadvertently incentivise the provision of sub-standard housing products. Similarly, it could incentivise the promotion of unrealistic open market values leading to lengthy and potentially costly valuation disputes.

There is also a risk that the cost difference between purchase price for affordable rented housing and open market housing is such that the in-kind payment accounts for the entirety, or at least a vast proportion of the Infrastructure Levy, leaving no other funding for other critical infrastructure needs.

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

No

Were the in-kind delivery approach adopted, in circumstances where the value secured through in-kind units is greater than the final levy liability, then the developer should have no

right to reclaim overpayments. Such “over-payments” would be theoretical/paper only valuations, whereas any repayments to the developers would be at direct cost to the Council and its taxpayers.

**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? [Yes / No / Not sure. Please provide supporting statement.]**

Yes

The Council is concerned a centralised set of quality requirements may not fully reflect our needs or those of our Registered Providers. Rather, our preference would be to continue to agree site appropriate requirements with the developer informed by local plan policies on design and standards.

Should an in-kind delivery approach be taken, clearly there will be a need for the Council and Registered Providers to reject those properties which do not meet a previously agreed standard. Whilst this review process should be kept independent, it should be at no additional cost to the Council.

***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? [Yes / No / Not sure. Please provide supporting statement.]**

Yes

Existing restrictions (CIL Regulation 122) can result in situations where both a developer and a community wish for a community benefit to be provided though this cannot be secured via the planning regime. There are also situations where previously identified projects are no longer viable and developer contributions cannot easily be re-directed to alternative projects. This will be particularly acute where previously earmarked capital funding for projects has been re-directed owing to the Local Government funding fallout from the Covid-19 pandemic.

However, given the significant levels of infrastructure that are required to support delivery of development, it is highly unlikely that there will be sufficient funding secured through this process to enable reducing Council Tax as suggested by the consultation.

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

Yes

Whilst the Council would welcome the clarity that would be provided by the ring-fencing of key requirements such as Affordable Housing, sufficient flexibility to set appropriate levels would need to come with this. Centrally prescribed rates or levels which are then ring-fenced could result in no other funding available for other critical infrastructure needs.

## Appendix 2 – Response Submitted to Consultation on Changes to the Existing System

### 1. Standard method for assessing housing numbers in Strategic Plans

#### PROPOSED RESPONSE TO CONSULTATION QUESTIONS

**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?**

***Disagree** – Whilst consideration of existing housing stock in areas of low household projected growth is a positive step towards ensuring that all areas take a proportion of the governments aspirational target of 300,000 homes a year, this does not go far enough, and in most cases the use of the household projections will prevail. Household projections result in huge variations in outputs as they are updated. For example, the change in the annual increase in housing for Dover between the 2014 and 2018 based projections has resulted in the need for an additional 2,000 households over a 10 year period, which is then compounded by the affordability adjustment. As the household projections are updated bi-annually, and the affordability ratios annually, the figures are constantly changing an unpredictable manner which is causing significant delays in the plan-making process.*

*The current calculation is not going to deliver the target of 300,000 homes a year once constraints are taken into account. In the South East of England and London, the levels of housing growth are unlikely to be achieved given the constraints that exist. Local Authorities are struggling to deliver on the existing housing need, let alone a further increase in this.*

*The proposals are also not going to achieve the levelling up and increasing of supply in the north of the country, which is one of the stated aims of the consultation. Under the proposals some areas in the north of the country, such as Greater Manchester, see a decrease in housing requirement.*

*For Dover District, the proposals result in the housing numbers more than doubling, from 596 a year to 1279 a year. Finding enough land for this level of housing will be extremely challenging, given the constraints in the District, which include AONB, Flood Risk, European and Nationally Designated wildlife sites. These constraints mainly lie around the urban areas of the District, which will put further pressure on rural and unsustainable locations to deliver the growth.*

*Even if sufficient land could be found, it is considered highly unlikely that this level of housing could be delivered in the District given past rates of delivery and the weak housing market in some areas of the District. Those areas of the District which are most sustainable, around the town of Dover also struggle with low values. The current adopted Core Strategy allocates a site of up to 5750 homes on the edge of Dover, however due to issues relating to viability and infrastructure funding, this site has only delivered 200 homes since it was originally identified in 2010. Identifying further land for development will not assist in bringing forward development more quickly. Wider action and support are needed to speed up delivery.*

*These proposals will also put a huge strain on existing infrastructure and services, and there will need to be significant investment and upgrading of infrastructure for which funding is limited.*

*Of strategic national importance is access to the Port of Dover which is served by two routes, M20/A20 and M2/A2, forming a critical part of the HE strategic route network. Government will be aware of the pressures that are suffered on each route, as accentuated by the upcoming demands associated with Brexit, which have impacted on the efficient operation of the network to the detriment of the East Kent and Dover area. Adding to this, external developments such as the Lower Thames Crossing will serve to compound the situation.*

*Without significant improvements to these routes the ability to serve existing planned development and housing growth is compromised, let alone the further increases that are proposed as a result of the proposed change in standard methodology. Dover District Council is of the view that forward funded improvements to infrastructure is essential as experience indicates that viability challenges will inhibit growth in the absence of targeted investments to improve capacity.*

**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.**

***Disagree** – the rationale for a baseline that considers 0.5% of existing stock is grounded in the assumption that areas of low household projected growth still have aspirations to develop new housing. The consultation states that last year new homes contributed to an additional 1% of all dwelling stock and that applying a 0.5% baseline would ensure that areas of low projected household growth would in turn play a part in contributing towards that national target of 300,000 new homes per year. This 0.5% is not considered to be high enough, and in order to achieve the target of 300,000 homes a year a higher percentage is going to be required.*

*This could be set nationally, or alternatively, if growth is desired in areas of low household projected growth, would be for those areas to choose an appropriate existing stock percentage as their baseline. This would allow local authorities, where there is desire to do so, to be more ambitious in setting the housing need figures and offer them the flexibility to set appropriate baselines where they feel growth should be above the governments aspirations as set out within the consultation.*

*It would then be appropriate to reduce housing targets in areas of high land constraints, off-set by areas seeking higher housing targets than prescribed by the standard method.*

**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.**

***Disagree** – Whereas it is appropriate to use the most recent data sets in determining the most common trends for workplace-based median house prices to median earnings ratios, the approach as part of setting a housing requirement is inappropriate in determining need for a local authority area. With both median workplace-based earnings and house prices the local authority has very little control over these trends. In terms of workplace earnings these are set by employers and are dependent on both local and wider economic issues largely beyond the remit of a local authority. Regardless of how much land a local authority may make available for housing development, if salaries go down within an area a trend will occur that the affordability ratio will worsen. Further, with decreases in salaries households with the highest need for new homes may then no longer have the financial capability to purchase a home.*

*Unfortunately, the high numbers of homes that have been built over recent years has not resulted in the lowering of house prices. In the last 10 years Dover District through its adopted core strategy and strong approach to consenting windfall development has built nearly 5,000 new homes, however this*

have not limited the growth in house prices, with the average price having risen 39.6% during the 10 year period, and medium work based earnings only by 11.4% (table 1).

	<b>Median house prices (£)</b>	<b>Median work place earning (£)</b>
<b>2009</b>	151,000	26,964
<b>2019</b>	250,000	30,417
<b>Change</b>	99,000	3,453
<b>% change</b>	39.6%	11.4%

Table 1. (source: ONS 2020)

When considering median house prices, the data does not consider local factors which could be influencing house prices. Within Dover District Council there is a large discrepancy between house prices within the urban areas and those in areas of high land constraint where options for land release is very minimal due to national policy constraints. Table 2 below demonstrates that there is a difference of £126, 250 between the urban area of Dover Town which has the highest levels of deprivation in the District, whilst also having the most land available for development, and St Margaret’s administrative ward which is surrounded by an Area of Outstanding Natural Beauty. Effectively this results that within the District house price medians are being made artificially higher by prices of homes in the areas of most constraint within the District.

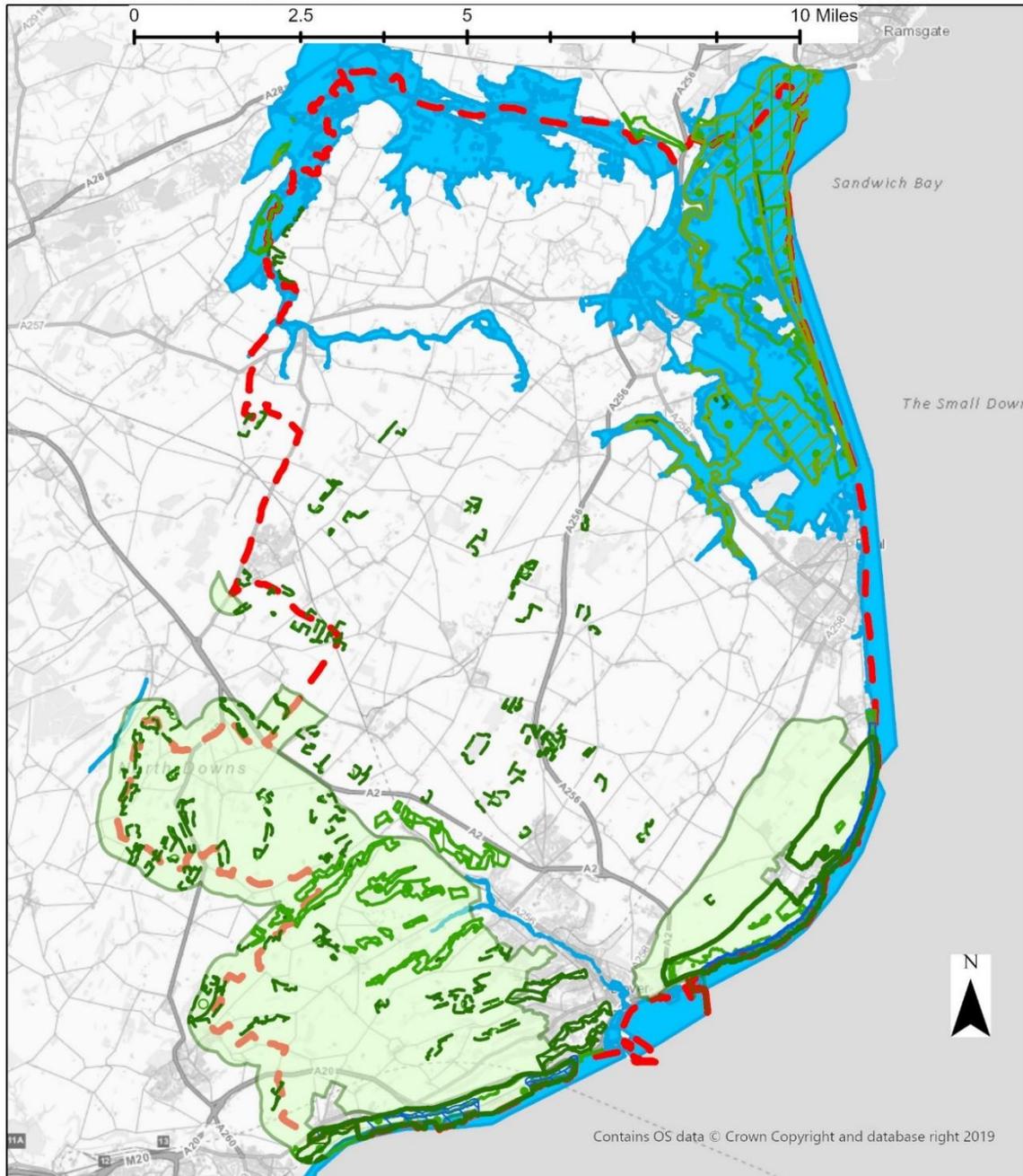
Map 1 below illustrates the significant amounts of land in Dover District that are covered by national policy land constraints. The Area of Outstanding Natural Beauty to the south counts for 25% of the District land area and National flood zones 2 and 3 to the north and North East account for approximately 20%, in effect making nearly half of the land in the District of Dover constrained by national land policy constraints. Further, within those areas are found the highest house prices. Map 3 illustrates the wider variation in house prices across the District and in comparison, to map 1 demonstrates that the highest median house prices are in the most constrained land areas.

A more appropriate approach when considering median house prices and median work based earning is to compare them by wards within a Local Authority area and then weight the wards with the highest number of workers in residence by the highest number of properties. The weighting would then be applied to overall medians for the Local Authority Area. Effectively this approach would appropriate greater weight to the median where house numbers are the highest with the highest levels of workers in residence compared to median being forced higher by house prices and workers’ salaries in areas of the highest land constraints and least homes and prospects for new homes

<b>Median asking prices</b>					
	1	2	3	4	<b>Overall</b>
Dover	75,000	170,000	250,000	375,000	<b>217,500</b>
Deal	140,000	230,000	320,000	485,000	<b>293,750</b>
Sandwich	75,000	260,000	392,500	575,000	<b>325,625</b>
Aylesham	*	225,000	255,000	360,000	<b>280,000</b>
Ash	75,000	272,000	333,000	525,000	<b>301,250</b>
Eastry	75,000	285,000	360,000	575,000	<b>323,750</b>
St Margarets	250,000	275,000	400,000	450,000	<b>343,750</b>
Shepherdswell	*	247,500	325,000	475,000	<b>349,167</b>
Wingham	200,000	322,000	500,000	437,500	<b>364,875</b>
Rural North	75,000	300,000	400,000	600,000	<b>343,750</b>
Rural South	140,000	232,500	315,000	475,000	<b>290,625</b>
<b>All</b>	<b>122,778</b>	<b>256,273</b>	<b>350,045</b>	<b>484,773</b>	<b>312,186</b>
* no data					

Table 2. (Source: Rightmove.co.uk June 2020)

# Natural Environment

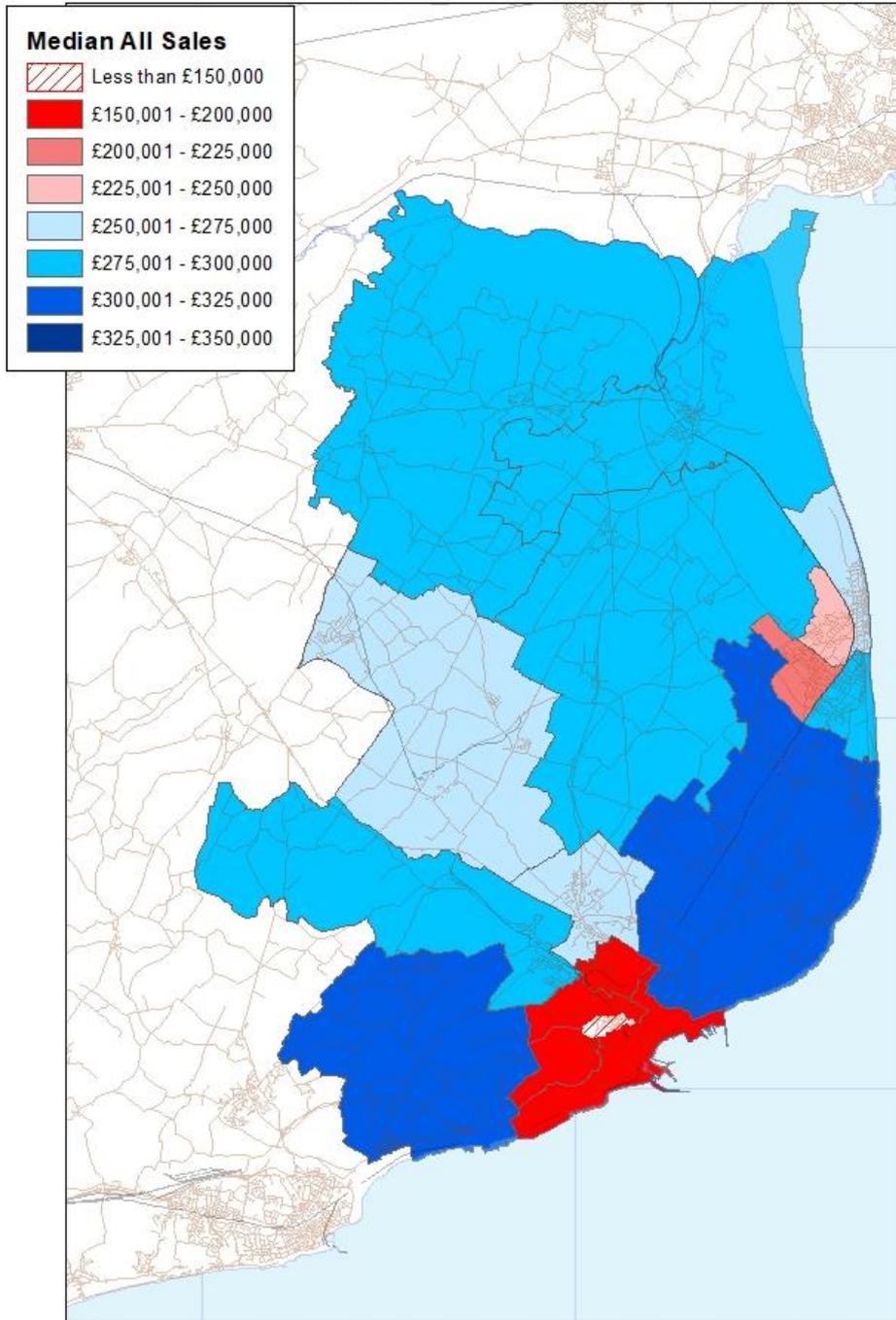


## Legend

- |                                     |                                 |                   |
|-------------------------------------|---------------------------------|-------------------|
| Heritage Coast                      | National Nature Reserves        | District Boundary |
| Area_of_Outstanding_Natural_Beauty  | Local Nature Reserves           |                   |
| RAMSAR                              | Ancient Woodland                |                   |
| Special_Protection_Areas            | Coastal_Change_Management_Areas |                   |
| Site_of_Special_Scientific_Interest | Flood_Zone_3                    |                   |

Map 1. Dover District Policy Land Constraints (source: DDC 2020)

# Dover District Council Median by Ward - All Sales 1/1/19 - 25/6/20



This data covers transactions received at Land Registry from 01/01/19 to 25/06/2020  
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Contains public sector information licensed under the Open Government Licence v3.0

Map 2. (source: Dover District Council Whole Plan Viability Study 2020)

**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.**

*Disagree – There is no need to review the trend of affordability over a 10 year period. In essence the most current years medians that make up the affordability ratio are a result of changes over a 10 year period whether they are economic or a result of the availability of housing. By considering a 10 year period authorities who have reacted to rising issues of affordability in recent years and thus have adopted Local Plans and released land for housing will be penalized still further for failures from the years before an up to date local Plan was produced. This additional adjustment for affordability should be removed from the calculation.*

*If it is the governments preferred approach to include a second trend adjustment, to help identify if there are currently any improvements being made to affordability and if a historical trend is the preferred approach then a shorter period of analysis of 3 to 5 years would be more appropriate. This approach would demonstrate that local authorities who have taken actions to increase the supply of land for housing development in recent years will not be penalized but recognized for recent improvements.*

*Further factors influencing why an affordability consideration over 10 years is not appropriate include, that in 2009 there was no National Planning Policy Framework to help accelerate the supply of new homes and the country was experiencing the worst part of the global financial crises of that time with high unemployment and low to negative growths in salary resulting in worsening affordability at that time and in subsequent years. It would be more appropriate to consider affordability within Local Authority areas they have had to adapt to changes in national policy through the NPPF and local policy through local plans and approaches to granting windfall housing development. As the country has come out of the global recession of 2009 affordability ration in recent years has improved as salaries and employment opportunities have improved.*

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

*Disagree - Affordability is given too much weighting within the standard method. The delivery of additional homes has not been proven to reduce house prices. No matter how much additional land is identified for development, the national housebuilders will continue to control the rate of supply to maintain house prices and therefore profits.*

*When determining the level of homes being built within a local authority area other factors need to be considered including size and tenures of homes and special needs housing, as determined, often, through a locally evidenced Strategic Housing Markets Assessment (SHMA). When increasing the housing need through two levels of affordability consideration, it is not considerate of the types of homes required or the make-up of the households that are projected to be formulated. A result could be that lifting housing need artificially higher through affordability may result in a mix of homes that are not appropriate to the requirements as set out within a SHMA.*

*Affordability can vary within a Local Authority area dependent on land constraints and result in the highest house prices in areas where there is no land available development. Housing need targets should be set by considering land constraints, the existing built environment and quality of, locally identified locations for demand of new homes, and what land has been made available to the Local Authority for its consideration. This approach would be preferred as it would move away from using small data samples analysed by one body that then sets the precedent for housing need nationally on large scale, to consideration of local authority specific issues that impact and cause trends in household*

*projections and affordability ratios. The Council welcome a more localised approach to understanding affordability and how housing need can address the issue, through a method of setting housing need that is considerate of the causes of affordability rather than outcomes and that would also consider the holistic needs of a local authority area going beyond just considering housing to include creation of jobs, development of sustainability, provision of retail, leisure and open spaces.*

**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?**

*Disagree - Whilst it is reasonable to allow 6 months for submission of a plan already at Reg 19 stage, this suggestion ignores the significant number of plans already at or near to Reg 18 stage on which a lot of time and expenditure has occurred - see below for explanation.*

**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?**

*Disagree— this would be a reasonable period of time to allow for completion of works to publish a Regulation 19 document, complete the consultation and complete works for submitting for examination, but see below.*

**If not, please explain why. Are there particular circumstances which need to be catered for?**

*In cases where the revised standard method has resulted in a far higher housing need figure a period of transition should be allowed for local authorities to achieve a first stage consultation (Regulation 18). A period of 3 months should be allowed to get to a Regulation 18 consultation. Following completion of the regulation 18 consultation a period of 6 months would be suitable to start consultation on Regulation 19, a further 6 months should then be allowed after Regulation 19 consultation has been completed to consider the responses and prepare for submission for examination.*

*In some circumstances the revised standard method has resulted in a substantial increase in housing need. In those cases, the majority of the front-loaded evidence work required at Regulation 18 would need to be redone to address the substantial increase in housing requirement. Main evidence bases that would need to be redone including a call for sites and housing economic land availability assessments, Strategic Housing Market Assessments, Sustainability Appraisal particularly on growth options, and highways and air quality. In the Case of Dover District Council, the housing need under the existing standard method for the monitoring year 2020 is 596 dwellings, however under the proposed changes to the standard method the housing need will more than double to 1,279 dwellings. At present, Dover District Council has completed all the evidence base for its Regulation 18 consultation and are in the process of engaging with stakeholder groups and District Councilors in preparation for consultation in January 2021. This exceptional increase in Dover Councils housing need of over 200% will make the evidence base for the Councils Local plan out of date the moment the guidance is changed on the standard method. This would result in a waste of significant amounts and time and money and undermine confidence in the planning system.*

*In cases where housing need has substantially increased a third period of transition as described above for those about to consult on Regulation 18 would be appropriate. The costs to Dover District Council in terms of having to redo its evidence base and Local Plan documents to accommodate the revised standard method would be substantial, and during these difficult times of financial constraint and pressure on the Council due to Covid-19 financially unviable. In effect, if Dover District Council are not provided with an approach that results in a much lower housing need figure or an allowance to transition including regulation 18 due to the exceptional circumstances then Local Plan production in the district will be halted whilst finances are found to recommission the Local Plans evidence base. This action will inevitably in the short and medium term, slow down and constrain the release of land within the district for new housing and go against the Government's aspirations to increase the supply of new homes.*

**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.**

*Agree – this approach will further advertise and raise awareness of the brownfield sites that were not identified initially through the Brownfield land register as having been agreed in principle to be suitable for development.*

## **2. Delivering First Homes**

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

**i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.**

**ii) Negotiation between a local authority and developer.**

**iii) Other (please specify)**

*Other – the 25% First Homes to be taken from our Starter Homes and Shared ownership Strategic Housing Market Assessment percentages. First Homes should not be given priority over the provision of affordable rented units, as we have a high need for affordable rented accommodation and would not wish for that provision to be sacrificed. If it is left only to negotiation for each site, it will take longer and slow the process down. Our SHMA states the percentage of housing mix we require and we would want new proposals to adhere to the split which is evidence-based, otherwise we will not be able to work towards achieving housing which will meet our needs as a district. This is still within the context of dealing with sites on a case by case basis, where there are sometimes more unique circumstances to factor into decision making, but with a clear policy steer to start and benchmark any further negotiations against.*

**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 this First Homes requirement?**

*The existing exemptions should still stand which include at para 64 of the NPPF, build to rent, specialist accommodation for a group of people with specific needs, developments for people who wish to build their own homes or a site exclusively for affordable housing, an entry level exception site or a rural*

exception site. It is not considered that the provision of First Homes should override the exemptions in place for affordable home ownership, as for our district, the product will mainly be serving the same housing need, for people to be able to get onto the housing ladder.

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

*We have not had a very big take up within our district for build to rent. This product seems to be more successful in higher value areas, so it is less relevant for us as an authority to need to single it out as an exemption currently.*

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

*We do not consider there are any additional exemptions required.*

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

*At the current stage of our Local Plan, we will be able to build the requirement for First Homes into the process of policy writing in order to make it clear for developers and affordable housing providers what we expect for delivery within our district at a local level.*

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

*Where developers may want to increase the level of discount, potentially in our higher value areas in order to ensure accessibility for first time buyers, this would need to be justified in accordance with local housing market evidence. We will also be considering the different levels of discount within the viability evidence base to support the production of the new Local Plan.*

**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?**

*We would need to be satisfied from a thorough viability assessment to accompany any application that it was necessary for market housing on First Homes exception sites. We would not expect this to be the normal situation as our rural areas within the district are higher value, so even with a 30% discount on the First Homes, a developer should still be able to ensure site viability, particularly on sites where there are no additional infrastructure costs and through appropriate land values based on the delivery of First Homes on a site.*

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

*Providing it is stipulated as suggested that the development would be proportionate in size to the existing settlement, then we would not object to the removal of the site size threshold. We would also expect for delivery of exception sites and rural exception sites to demonstrate an identified need for the number of properties proposed.*

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

*Yes, we agree that First Homes exception site policy should not apply in designated rural areas. The exception sites are intended to meet a more specific evidenced housing need, which cannot be met elsewhere, where as First Homes are available to a wider group of people seeking their first home.*

### **3. 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? (see question 18 for comments on level of threshold)**

**Agree** in relation to sites within urban confines and brown field sites, however not in relation to edge of settlement greenfield sites and rural areas – see also below. For rural and greenfield sites where values are better AH should be capable of being delivered. At present DDC are not aware of any evidence that values on such sites are a barrier to bringing forward smaller sites, which tend to have far less upfront infrastructure costs than larger sites. The Government's own research suggests that a threshold of 50 units would reduce the national delivery of affordable units via developer contributions by between ten and 20 per cent thus creating further inequalities in the housing market and unmet housing need.

Developers bringing forward sites that are notionally slightly above the threshold may also be disincentivised from either bringing forward schemes or reducing their scale because it would be more profitable, as well as cheaper and quicker, to deliver slightly smaller schemes leading to an inefficient use of land. The policy may become a windfall for the landowner rather than an incentive for the developer. If brought in there should be a shorter time period for implementation and build out of any consents.

As well as National Parks and AONBs, other areas may be designated by the Secretary of State as 'rural' for the purpose of affordable housing contributions. At present, however, this covers less than 40 per cent of rural parishes, meaning many rural parishes are not able to seek affordable housing contributions on such small sites. While it is appreciated that, at face value, this proposal could temporarily assist the viability of some schemes, it could disproportionately harm the district's supply of affordable and local housing given the reliance on smaller sites.

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

*Subject to the answer to Q17 50 units.*

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

*It is assumed this means increasing it to 2 or 2.5 hectares. However, this potentially takes the numbers well above 40 – 50. It is considered that numbers are a preferable method of establishing the need to provide AH.*

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

*Yes, but see the answer above re; implementation periods.*

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

*Yes, in principle but little detail is given to comment on.*

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

*Yes, agree. This allows more opportunities for affordable housing to be delivered. Rural local authorities such as Dover secure greater proportions of their housing supply as affordable on average when compared to urban local authorities.*

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

*Yes – could consider paying a proportion of their planning application fees; making specialist advice available free of charge i.e. via PAS, development finance, grant for AH.*

#### **4. 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?**

*Disagree with this proposal. Whilst there may be some schemes where only considering issues of land use, site location and scale of development is appropriate they are relatively scarce and it*

would seem to undermine the aspirations of the planning White Paper to secure higher standards of design in new developments. In addition it would appear to put the onus on the LPA for determining whether some issues are relevant or not i.e. highway impact. The low cost of making such applications would put an additional burden on the LPA (but see also answer to Q26).

National Planning Practice Guidance states that, in requesting further details for determining technical details consent, 'Local planning authorities are encouraged to consider whether this could be achieved by requesting that such information is provided in a single concise statement.'

The current proposal to widen Permission in Principle could encompass some very large schemes, effectively removing them from the need to provide detailed design and other information; it is not clear how this fits with the White Paper's proposal to use design codes as the key part of the development management process, if limited detail is provided at technical details consent stage for Permission in Principle schemes. Of particular concern are issues relating to flooding and sustainable drainage.

**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.**

*If these proposals are brought into force, then there should be a limit on the amount of commercial development of no more than 1000 sqm.*

*Provision of larger amounts of commercial floorspace must be part of a sustainable, strategic and plan-led system which still seeks to focus commercial development on town and local centres which are well-served by existing infrastructure. Having no limit would undermine this premise.*

**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?**

*If implemented there should be a need for parameter plans for example on maximum and minimum heights, number of storeys, ratio of developed to undeveloped land and principles of flood and surface water drainage in order to understand the impact of the development especially in sensitive urban areas. In terms of securing high standards of design in new developments, the Council should have the ability to specify areas where PIP cannot be applied for. There is considerable potential for gaps between expectations at PIP stage and the submission and approval of technical details, for example over transport issues.*

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

*See the council's response to Question 26.*

**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.**

*The publicity and timescales for PIP should be the same as for other types of planning application. Reduced consultation arrangements undermine public confidence in the planning system.*

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

*The fee structure must be set at a level that recoups local authorities' full costs in determining Permission in Principle and technical details consent applications.*

*The consultation states that: 'We are keen to promote Permission in Principle by application as a more streamlined and cheaper alternative to outline permission and have considered a number of options to facilitate this.'*

*This appears to go against the planning White Paper's statement that: 'Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking.'*

*The current proposal seems to be designed to undercut the existing planning application fee structure to divert large proposals into the Permission in Principle route; at the very least, the fee structure for Permission in Principle should be based on a national assessment of evidence from local authorities into the full costs of processing these types of application, as the planning White Paper states will be undertaken.*

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

*See answer to Q29.*

**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.**

*Part 2 of the brownfield land register comprises only those sites that would be suitable for a grant of permission in principle for residential development. It would therefore make sense if brownfield sites that were granted Permission in Principle through the new system were also included on Part 2 of the 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 and concise guidance is needed about what the Permission in Principle route will approve and what it cannot. See replies on Q24 and 26.*

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

*Expanding Permission in Principle to large schemes opens up scope for additional challenges i.e. through judicial review, with the associated costs these entail for local planning authorities. At present it is simply not clear what matters the LPA can take into account and ask for information on.*

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

*The Council has experienced very little interest from developers for the existing Permission in Principle regime.*