

Decision Maker: Cllr John Lodge, Leader of the Council **Date:** 28 October 2020

Title: Planning for the future

Portfolio Holder: Cllr J Evans, Portfolio Holder for Planning and the Local Plan

Report Author: Stephen Miles, Local Plan & New Communities Manager **Key decision:** No

smiles@uttlesford.gov.uk

Summary

1. The government is consulting on a planning white paper: [Planning for the Future](#), this report proposes a response to this consultation.

Recommendations

2. That the Leader approves:
 - i. The response to the government consultation Planning for the Future.

Financial Implications

3. None.

Background Papers

4. None

Impact

- 5.

Communication/Consultation	This is a government consultation. Uttlesford District Council has informed Town & Parish Councils of the consultation.
Community Safety	N/a
Equalities	N/a
Health and Safety	N/a
Human Rights/Legal Implications	Consequent changes to national policy & guidance could impact on how the new Local Plan for the district is developed.

Sustainability	Consequent changes to national policy & guidance could impact on how the new Local Plan for the district is developed.
Ward-specific impacts	All
Workforce/Workplace	N/a

Situation

6. The government is consulting on a planning white paper: Planning for the Future, this report proposes a response to this consultation.
7. The proposed reforms propose radical reforms to the planning system intended to speed up the planning process and increase and speed up the delivery of new homes.
8. The appendix to this report sets out the proposed response to government, this response should be read alongside the white paper itself.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
That the government introduces a new system for producing Local Plans	4 – a document with changes is currently out to consultation	4 – the changes currently proposed would result in a radically different timetable	The Council is drafting a response to the government consultation and should also monitor the outcomes.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1 – Planning for the Future: UDC Response

The proposed changes are grouped broadly into three ‘pillars:

- I. Planning for development (Questions 5-14).
- II. Planning for beautiful and sustainable places (Questions 14-20).
- III. Planning for infrastructure and connected places (Questions 21-25).

Specific proposals are set out under each pillar that correspond in most cases to one or more of 26 questions. Not all the questions are directly relevant to Uttlesford District Council (UDC) but have not precluded the Council making other observations as set out in our original internal Briefing Paper of 5th October and/or voiced by Members and captured in this response.

Importantly, and in response to the White Paper, at its meeting on 8th October the Council passed the Motion that:

“This Council being of the opinion that there is cross party consensus to seek to improve the planning system, does not consider that the proposed reforms in the White Paper “Planning for The Future” published in August 2020 achieve that aim.”

The Motion then set out Council’s concerns as below:

‘This Council resolves to submit a response to the White Paper consultation which will (among other matters):

- 1. support the local determination of the planning framework and planning applications which will enable local communities to continue to shape their future;*
- 2. oppose the granting of automatic rights for developers to build on land identified “for growth” in Local Plans made under the proposed new plan making process;*
- 3. advocate the continuation of the third tiers’ and residents’ entitlement to be consulted upon planning policy and to submit effective representations upon planning development applications;*
- 4. support the provision of at least the same amount of affordable housing on site as at present;*
- 5. promote the effective supply and early use of any infrastructure levy, which should be locally and not nationally set;*
- 6. support proper consideration of the effective stewardship and enhancement of the natural and historic environment, noting with regret that no consultation is currently sought on this topic;*
- 7. object to the use of “pattern book” model for all new development;*
- 8. support the value and materiality of Neighbourhood Plans; and*
- 9. support the greater and improved use of digital technology in the development planning management process.....’*

The questions are set out below together with the Council's response. Our response starts with some general observations where we wish to emphasise our concerns, or which have not been addressed in the set questions.

General Observations

(1) Uttlesford District Council is concerned that the reforms will undermine the democratic process for and participation in local decision-making. The planning system must be about creating and enhancing places where we can all lead happier and healthier lives, and where we can be part of shaping the places where we live and work. Yet the proposals will mean that there will be little regard to balancing the needs and interests of residents, or opportunity for local opinion in the future once the Local Plan is adopted.

The move to a zonal system would reduce opportunity for public input on the principle of where development should be located effectively to only when the local plan and design codes are being prepared. Although the proposals in effect make plan-making and design codes vastly more important for public engagement there is limited scope to change afterwards, and this limits the ability of local communities to comment on development proposals once agreed in the Local Plan. Moreover, some considerable time will have elapsed before the details are finalised or the planning application is submitted reducing the capacity to respond to changing circumstances.

(2) Digitisation of plan making will require resourcing in terms of the upgraded technology itself but also to raise the skills across planning departments. Of critical importance to democratic access is that along with sufficient funding to install, promote and adapt to a new system is resourcing to assist members of the public to access and use it. There will be a long intermediate period when people who cannot access the system directly will need to be supported or given an alternative access if discriminatory digital exclusion is to be avoided. Further digitisation assumes that digital technology through fast broadband across the district is of adequate capacity and reliability; this is not the case uniformly across rural Uttlesford. We therefore request consideration of additional resourcing and for Government pressure on the utility providers to upgrade and extend the system as soon as possible.

(3) It is increasingly widely acknowledged that across the world the most important mitigation to climate change is to protect biodiversity, ecosystems, and the natural environment. The loss of species is having a more far reaching impact on human health than has hitherto been understood. The Planning system is best placed to respond to this given its far reaching influence on human health, the natural environment and the built environment impacts on both. The interplay

between nature, the quality of air, (including carbon and other gas emissions) and fresh rivers and stream water all need to be fully assessed and included in the water cycle studies and this should be mandatory and included in the proposed Sustainability Impact.

The Council considers that the White Paper does not recognise this adequately and has not made strong enough proposals to protect and enhance natural environments.

We call upon the Government through the White Paper reforms therefore to:

- address the increase in nature's decline;
- facilitate the integration of nature including fluvial water into all development proposals; and
- through the detailed implementation and operation of the three proposed zones effectively to integrate nature into people's lives;
- ensure there is adequate scrutiny in the proposed single Sustainability Impact which must not dilute current environmental protections;
- Sustainability assessments must embrace all aspects of a sustainable approach to living and therefore should include social (health, well-being, community etc) and economic (range of jobs, business and access to 'wealth' generation, skills etc) as well as the environmental factors including opportunities for environmental net gain, and
- in all respects, speed must not be secured at the expense of sustainability and the environment.

(4) The White Paper has not really addressed the stifling of the delivery of homes by the land banking process and how the planning system enables this to arise and be perpetuated.

For some considerable time, the planning system has been the target for deregulation and loosening of local democratic, discretionary control over Local Plan making and development management. Over the years, free market narratives have come to dominate the conversation with 'shortages of housing land' and 'development delays' and even 'jobs locked up in planners' filing cabinets' being blamed on deficiencies represented in the planning system. Individual local authorities have various attitudes to development and may use planning to achieve aims wider than developers' goals of profit maximisation.

However, the most powerful argument used against the current planning system is that the rationing of land restricts the supply of housing and hence increases the cost of housing. It is said that deregulating the planning system would transform the supply side by encouraging wider competition in the housebuilding industry, increasing completion rates, driving up design and quality standards and reducing house prices. There are though wider explanations for new housing

supply trailing demand, expressed as household formation and rising house prices, than the planning system alone notably:

- for completions, the virtual collapse in the construction of all types of social housing and a domination of the market by a few and larger housebuilders.
- for house prices, contributory factors including deregulation of financial markets which replaced rationing of mortgages leading to greater liquidity and more recently low interest rates.

The Government's proposed reforms need to be considered in the context of the dominant goal of increasing the housing building completion rates to improve affordability of owner occupier properties in areas of high demand. The Council supports the proposed changes to this, but they need to go further to release the 1m homes that LGA research established have consent but are unbuilt. In Uttlesford there are almost 3,000 homes with planning permission that are not built with many of these sites completing at normal speeds; however not all are. For example, Woodlands Park on the edge of Great Dunmow originally received planning permission in the 1990s for approx. 1,600 homes of which just over 1,000 are completed and the remaining homes are expected to continue to be delivered well into the 2020s. The Council would support securing a mechanism to persuade if not force developers to commence and complete development at a timelier pace.

Related is our strong opposition to raising the bar on the minimum size threshold for the inclusion of all affordable housing to 50 which would reduce supply and particularly in rural areas dominated by smaller development parcels like Uttlesford; further, viability factors should not impact adversely on the District's required 40% percentage of affordable private and social rented housing which should continue to be both well designed and carbon minimised.

The outcome of the reforms must not be to favour the landed and more affluent sectors of society at the expense of those with average or more modest incomes and assets.

(5) The near-automatic path to permission for developers, having gained approval in principle through the zoning system for growth and renewal areas, should be curtailed by requiring additional detail at the planning application stage or at one or more of the proposed set stages leading up to this. Without this check, thus allowing for democratic balance, the emphasis on the up-front detailed review at

the local plan stage gives advantage to the developer's confidence but at the expense of the following:

- No allowance for changing circumstances when the final proposal is brought forward
- It is difficult to predict and provide for the cumulative developments on infrastructure requirements especially transport, health education and the need for open/green spaces and biodiversity offsetting
- The resources required to give a full assessment at the local plan stage of every site will stretch the local authorities' resources and will also place an upfront burden of risk and finance on the developer/promoter without at that time any certainty over the outcome
- The process will need to be carried out possibly multiple times depending on which sites come forward, again stretching the resources of the authorities
- Moreover, this additional work is expected to be completed not within the current 13-week period for the determination of major applications but is expected to be carried out within the tightened 30-month window proposed for the whole local plan preparation. This includes detailed community engagement on each and every one of these (unpredictable in numbers) of proposals
- The opportunity for engagement on each of these sites over a similar foreshortened time period may well be repetitive, confusing and wearisome for communities and parish councils resulting in the 'consultation fatigue' that leads to poor engagement
- If, at the Examination In Public the Inspector feels s/he has insufficient detail for one or more sites and recommends that the plan has to undergo Modifications, how will the Modification(s) be subject to the same level of necessary detail in the short time scale remaining after the EIP?
- Communities must have certainty that their views expressed at the local plan stage or in design guidance are truly reflected in outcomes for placemaking and climate change in order to give confidence, transparency and ultimately trust in the whole decision-making process.

(6) We support the intention to develop a comprehensive resources and skills strategy for the planning sector that will support the implementation of reforms. The Council agrees that the cost of operating the new planning system should be principally funded by the beneficiaries of planning gain, the landowners and developers. However, it is not agreed with the suggested imposition of performance targets that correlate with funding the planning system since the performance of the Inspectorate and statutory consultees needs to be allowed for too. Otherwise, this lays the authority open to risk and could place burdens on third parties where external circumstances cannot be controlled. It may well lead to poor, hasty decision making as a consequence.

Overall, a clearer process for this earlier engagement needs to be set by Government to ensure consistency across planning authorities and clarity for developers and authorities. Clarification needs to cover the detail needed at what stage, including the level of detail in the proposed simplified 'Sustainability Impact' process.

(7) There should be much greater protection afforded to heritage reflected in buildings, farmed, managed and more natural landscapes. Uttlesford's character is defined by its rich heritage, with one of the highest numbers of listed buildings per head of population in the country. It may not have nationally designated assets, but its rural and enduring character should be able to be recognised in the proposed design guidance and potential zoning. In essence, such 'Areas of Outstanding Local Heritage Value' could be designated and must be safeguarded into a sustainable future.

Finally, we feel that consultation without the benefit of an updated NPPF makes it difficult to provide complete and fully informed responses.

UTTLESFORD DISTRICT COUNCIL DETAILED RESPONSE TO QUESTIONS POSED BY THE PLANNING REFORMS WHITE PAPER

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

We do not feel it appropriate for the Council to comment on the whole planning system since we find it operates in different ways depending on the stage – local plan, development management or as a tool to delivery, and for different kinds of development proposal. We encourage continued and informed debate and urge the Government to review all responses carefully and to instigate considered changes in the knowledge and understanding of their impact on the environment, economy, public wellbeing and across all communities.

Q2. Do you get involved with planning decisions in your local area? [Yes / No]
Q2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

Yes, as local planning authority and consultee on county or NSIP proposals

Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and

planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

This question seems to be oriented towards residents and consultees and we would support measures to increase ease of access to the planning processes for all.

Q4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

- i. Planning for climate change – adaptation, mitigation, resilience including water resources, biodiversity, energy, sustainable travel patterns and infrastructure
- ii. Protection of the environment and heritage areas, embracing farmland, landscape, views
- iii. Increasing the affordability of housing and availability of affordable and social housing, including rented, housing to help ensure an even-handed and equalising outcome of the planning reforms

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

In principle the Council supports the desire to simplify the Local Plan process as long as this makes it more accessible to more people. We do not believe that the proposed reforms will achieve this. We require much more detail as to how the zoning would work and the definition of 'substantial'. The impact of any development on a close-knit community and finer grained built settlement or rural area characterised by many small settlements will be greater than on a wider regeneration or city-scale environment.

The simplification proposed will reduce considerably access to opportunity for involvement in local decision making on planning applications, master plans and local guidance. The opportunity for residents, social and business communities and organisations to be heard democratically still needs to be allowed for.

It front loads and restricts engagement to the early stage(s) of local plan preparation; even with the proposed shortened term to prepare and compete the local plan, it will still mean that many new people will now live in the area, or have grown into young interested adults or indeed no longer reside or work in our District by the time the plan is adopted and its proposals and policies

implemented. Because of this there is considerably less opportunity for newcomers to be engaged, including as local representatives, at subsequent stages. This simplification effectively disenfranchises many from immediate involvement in decision making. Hence simplification as an aim will have unintended consequences which the Council finds concerning and cannot support.

Furthermore, the concept of the three pillars is too simplistic and does not allow for potential overlap, detailed and appropriate “layering” within each or for very small zones to exist within a larger zone with a separate designation itself. Local countryside designations and green spaces in the vicinity of development need to be properly allowed for.

Clarification and definition of the terms of ‘growth’ and ‘renewal’ is needed.

The Council notes that the proposals will enable larger scale developments on strategic sites for garden communities to be brought forward more easily but clarification is needed on the balance between affordability of infrastructure, and the otherwise acceptability of these larger scale proposals in deliberations at the EIP. Uttlesford’s experience in the previous local plan bears witness to previous lack of clarification over this balance. It is critical that in the later stages local people and members continue to have influence in how these settlements are developed and particularly how supporting infrastructure is planned properly and timely provided.

The Council seeks confirmation that the Protection areas (and any layers within) shall be locally designated and are not proposed to be limited to just those areas with an official designation such as flood zones, a conservation area, in Green Belt or AONB. We have commented on the need for acknowledgement of local heritage value areas in our general observations above.

What would be the status of a brownfield site in a Protection area? Protection areas should not be so conservation-focused that improvements and enhancements are stifled. Members must be able to determine applications in Protection areas.

The detailed design codes for each of the zones will be useful to add clarity and certainty.

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 recognised that there are many generic policies that could be covered by a national ‘set’ such as protection of heritage, highways standards, flood risk, householder extensions. This would reduce the length and repetitiveness of local

plans, which could in turn speed up the local plan adoption process. The Council would need to reserve the right to add local detail regarding issues in the District at relevant times, for example, that may coincide with reviews. For example, in Uttlesford, we currently have a Countryside Protection Zone policy around Stansted Airport. The priority within this zone is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments. Uttlesford residents will expect to be able to develop and implement such locally specific policies in the future.

Therefore, the inclusion of detail at a local level should be allowed in certain circumstances, although there should be a strong local reason to justify it. We note and endorse the continuing role that Neighbourhood Plans can play in producing their own local design guides and codes to reflect local character and provide context for new developments.

Having generic policies could also free resources to prepare the detailed policies and design codes under the reformed system. This could take some time to prepare and to engage the local community within the tight local plan timescale. The codes appear not to provide flexibility to respond to new circumstances at the final planning consent stage because their detail would have been considered and written into the zonal plan, although exactly when the design codes should be produced is not clear. They are likely to be a considerable addition to authorities' workload.

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?

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

No guidance is provided as to the definition of “sustainable development” and regard might be given to a wider definition, taking into account UN and other internationally accepted norms, than that presently supplied in NPPF. The three arms of sustainability - economic, social and environmental- must all be addressed. One narrow single test would not be suitable.

Although the Sustainability Appraisal can result in lengthy and repetitive documents, it provides a structure with which impacts on health, biodiversity, economy and environment can be assessed, and this assessment of the balancing of different objectives in local plans should not be lost. The Council stresses that a short-cut approach should specifically require a full assessment of the path to achieve net zero carbon and more generally to reduce carbon emissions. Development proposals must be required to comply with other UK

environmental and international law, and the Paper should specifically reference Health and Wellbeing (extending to noise and pollution considerations also); in Essex there is a County Council health checklist that has been 'adopted' by the Districts.

We endorse the inclusion of a deliverability assessment as part of the 'sustainable development' test in principle but query how this might work in practice. Uttlesford District Council has experience of deliverability of proposals being an issue at EIP, and considers that clarity for Councils, Inspectors and the public could be achieved with specific tests on deliverability. This could speed up plan production and examinations by reducing arguments over how much evidence is required on deliverability.

The White Paper should reference and link to the economic aims of the Industrial Strategies.

The dilution of the Duty-to-Co-operate, and in the absence of a requirement to locate Uttlesford District in the strategic-regional context or assess cross boundary impacts, will entail specific effort in partnership working and engagement. Uttlesford can take advantage of mature partnership networks and strategies in adjoining Cambridgeshire and Hertfordshire as well as Essex. We contribute for example to the LEP, Oxford-Cambridge Arc, London-Stansted M11 Innovation Corridor. However, there is no mandatory requirements to do so and this should be re-imposed. Without the strategic framework it will be difficult to derive sustainable cross border development with aligned Infrastructure Plans, reallocation of housing requirements to more sustainable locations, Funding and Infrastructure Levy contributions, and subsequent certainty over timely delivery.

Hence, Local Plans should be informed by joint and coordinated Infrastructure Planning, and where there is no reasonable prospect of infrastructure coming forward, development sites should not be included in the plan unless clear commitment to external funding is available alongside the infrastructure provider's and/or the promoter's confirmation of deliverability, while taking into account cross-border matters. This requirement up front would remove much of the uncertainty over infrastructure provision and its timely delivery.

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

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?

This White Paper consultation covers wider issues relating to housing requirements making them binding, and introducing factors other than affordability, most notably constraints to determine deliverability of any housing requirement. A method for calculating the impact of constraints on housing delivery should be formulated and advised by Government too. The planning system is only one factor in affordability of housing. Areas of high demand, strong economic growth but with environmental constraints or a strong commuter pull to major cities, as operates in Uttlesford with London and Cambridge, are major determinants of housing cost and impacts on affordability despite relatively high average wages.

We are clear that the factors that need to be given weight against a more credible measure of affordability, include those set out below:

1. Government aspirations for growth areas. The government has identified policy areas for significant growth that impact on Uttlesford, for example, the Oxford to Cambridge Arc to help realise the potential of the globally competitive knowledge intensive cluster. The standard method as currently proposed does not take account of this policy objective. To align housing targets with Government policy objectives, like the Oxford to Cambridge Arc and the north of England 'levelling up', a wholly new standard method is required that steers development to 'policy on' areas and away from those 'policy off' areas with no privileged access to growth funds.

2. Forecast job growth. An important missing factor for where new homes should be planned is where new jobs are expected to be created by the market and steered by public policy. Without factoring the location of new jobs first, there will be a mismatch between the location of new homes and jobs with environmentally and financially costly longer distance commuting. There will also be a skills mismatch with skill shortages in some areas and unemployment in others.

3. The size of existing urban settlements, identified in the White Paper as a potential factor in the standard methodology, intends to target development to areas that theoretically can absorb the level of housing proposed to ensure development is deliverable. However, Districts like Uttlesford with many relatively small settlements have more limited transport and community infrastructure and are less able to incorporate significant housing growth, particularly at pace. This issue was identified by the Inspectors of the withdrawn Uttlesford Local Plan as a barrier to early, large scale, sustainable development. Locating new growth as extensions to existing (urban)

settlements may be a solution depending on the capacity of infrastructure and environmental/heritage constraints around that settlement; it is not appropriate to generalise for areas like Uttlesford.

4. The housing need of 1,231 homes pa for Uttlesford, would imply planning for extra growth of the existing stock by 32.38% over ten years. This target exacerbates two problems following from the existing target of 706 dwellings per annum (i) Pressure for bolt-on small and medium size developments to existing settlements has proved difficult to accommodate as stated above in relation to losses to heritage and natural environment, and air quality, congestion, and local infrastructure deficits. (ii) Strategic scale allocation would require significant Government investment in advanced infrastructure.

We suggest that adjustment to any housing need assessment should reflect the deliverability of housing having regard to the size of existing settlements (as a proxy for existing infrastructure capacity) and availability of Government funding for advance infrastructure to support the relevant spatial strategy. This was explained in our response to the Housing Needs Methodology in early October.

5. The extent of land constraints. This is identified in the White Paper in order to account for practical limitations such as designated areas of environmental and heritage value and flood risk. Additional constraints that should be accounted for are: (a) The extent of Conservation Areas and the number of heritage assets/listed buildings as a proportion of total buildings since they can limit the acceptability of some forms of development. Uttlesford as a District has one of the highest number of listed buildings in the country (b) Undesignated landscape constraints as an appropriate limiting factor on development. Although Uttlesford does not have any designated landscapes, numerous appeals have been dismissed on the basis of unacceptable impact on locally important landscapes.

6. Opportunities for sustainable development and/or the urban/rural nature of a district are factors as well as affordability. Rural districts tend to have larger, more expensive houses than urban areas with fewer flats, and this affects affordability and a higher need being identified in rural districts. Urban districts with shops, infrastructure, and sustainable transport options are inherently more sustainable options for focussing development. Hence, we feel the methodology should identify cities and larger towns with a good range of services and facilities as nodes for sustainable growth while also addressing

the overall challenge of climate change. Directing growth to rural areas does not help in meeting the Government's net zero carbon commitments.

7. Public Transport Availability in our rural areas is severely limited as it is on many other similar districts and proximity of sustainable development to services, amenities and employment locations should be positively promoted. Uttlesford's public transport connectivity is well below national averages.

8. Uncertainty. There is a high level of uncertainty at the current time, not least due to the EU Exit and the COVID-19 public health emergency. Uncertainty needs to be recognised and incorporated into a housing need assessment methodology but one which is based on local democratic planning judgements.

(Please note that the Council responded to the recent Government consultation on housing methodology replicated here (appendix 3) and expressed significant reservations.:

<https://uttlesford.moderngov.co.uk/documents/s20894/Uttlesford%20DC%20Response%20to%20Changes%20to%20the%20current%20planning%20system.pdf>)

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

In general, development management policies being set nationally could reduce complexity and save time at Local Plan production. It will however remove the ability of local authorities to respond to local circumstances. National policies will have to be generalised but this might make them futile in dealing with individual circumstances in development proposals of concern to residents. This would be the penalty for effectively streamlining the process to save time but with a significant reduction in opportunity for consultation at the application stage or for debate within the Planning Committee.

It could be appropriate in some circumstances for the principle of development to be established through the adoption of the local plan. However, if time lapsed without implementation and circumstances (e.g. growth, nearby development, infrastructure, standards etc) changed, how would this be addressed given the proposed ten-year life of the Local Plan?

In order to achieve this objective by front-loading the planning process, planning authorities will be challenged in terms of time and resources, not helped by the objective to fast track the detailed consent. The 13 -week determination period is

often tight for major developments involving several strategic stakeholders and it is difficult to see how the statutory consultee process in particular can be shortened, let alone the reduced opportunity to permit local residents' involvement.

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

It would be difficult to require the environmental and indeed the Beauty and local distinctiveness standards in renewal areas where there will be outstanding and often involved issues to explore with stakeholders, on which the community will wish to comment, otherwise denied by a fast track approach. The Council maintains that the existing statutory timescales should be retained.

For the Protection areas the Council would support the process which is similar to the current. Clarification is sought on the scale of the areas proposed (is there a minimum size or floorspace or number of units?) and the prioritisation of policy between the three approaches, for example if there were a small protected enclave within a renewal area, and how to deal with the detailed heritage characteristics that would be the focus in protected areas but which might have wider ramifications e.g. noise and vibration.

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

It may be worth exploring this possibility for potential new settlements through the Nationally Significant Infrastructure Projects process, but we caution the need to ensure adequate community involvement. Certainly delivery mechanisms for largescale initiatives need commitment and support, and the Locally Led Development Corporation may be a possibility but the cost for the scale for one single district (as opposed to a strategic growth area or County) may be insufficient to make it economic.

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

The Council agrees with the principle of increasing the speed of the local plan process and decision making, and that having a greater level of certainty over determination timescales is desirable. This should not be achieved at the expense of essential detail and accuracy. Limiting a major planning application to drawings, plans and max 50-page planning statement could over-simplify the

proposals and the accompanying technical information which needs to be thorough and in some instances (for example, landscape impact, ecology, heritage) requiring extensive written materials. There are advantages to standardising some common planning conditions as long as there is scope for local adjustments if needed.

Clarity is needed on what happens to those local planning authorities currently preparing a local plan and but have yet to submit although it is understood from MHCLG that authorities such as Uttlesford should continue to progress their local plan.

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

Digitisation of plan making will require resourcing in terms of the technology itself and to raise the skills across planning departments. However, of critical importance to democratic access is that along with sufficient funding to install, promote and adapt to a new system is resourcing to assist members of the public to access and use it. There will be a long intermediate period when people who cannot access the system directly will need to be supported or given an alternative access if discriminatory digital exclusion is to be avoided. Further it assumes that digital technology across the district is of adequate capacity and reliability; broadband at fast and reliable speeds is not a uniform product across Uttlesford.

Care needs to be taken to avoid a patchy response based on people's access to and confidence in digital technology. Promisingly it might attract more young people to participate but elsewhere support will be needed for those without skills or access to digital means, or who are uncomfortable with interpreting diagrams and maps, or who have particular physical or sensory disability which makes access difficult.

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

The breakdown of the 30 months into a five-stage timetable unrealistically rigid and not helpful for planning authorities wrestling with different political regimes, stakeholders and community engagement events, not to mention interpreting proposals against the design codes and commentary from statutory consultees. This is compounded by the imposition of incentives and penalties relating to the determination of applications. These deadlines could have a counter effect on democratic engagement, resourcing the departments, morale, and result in the focus on Plan process and procedure at the expense of quality. Moreover, the 30-month timetable does not allow for local planning authorities to consult on a draft

Local Plan with the public and amend it taking into account those representations (currently the regulation 18 stage). The proposed process requires only one formal consultation and submission to the SoS at the same time. This will have the impact of undermining confidence in local Councils, by removing their ability to respond to local concerns.

A practical look at the requirements within each stage will demonstrate how difficult it will be for most authorities to undertake the process including discharging the new functions required such as the Design Codes and adapting to any political changes or new strategies. The process must be mirrored at the EIP where Inspectors will need to understand the different methodology and likely information available for the five stages:

Stage 1 (6 months) - call for sites to identify which of three zones to be designated

Stage 2 (12 months) - evidence preparation / draft Plan production; LPAs receive mandatory PINS visits to monitor progress

Stage 3 (6 weeks) Submit draft Local Plan to SoS for examination; publicise and consult on the Plan (reps word limit)

Stage 4 (9 months) - Planning Inspector examines land designation proposals against 'Sustainable Plan' test / national guidance; makes binding changes required to satisfy test; LPA and representors right to be heard at examination; shorter summary Inspector's reports (without reasoning / justification etc.)

Stage 5 [6 weeks] Details and format finalised, and Plan comes into force

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

Continuation of Neighbourhood Plans is supported. They represent a local perspective and are a collaborative and inclusive exercise although often attenuated and we ask whether they will have their own (strict) timetable; we would not support this except in an advisory sense and certainly would not support any sanctions. NPs should continue but with the application of considerable assistance to transfer to digital methods of display and participation.

The Council could support a detailed street level focus for Neighbourhood Plans in appropriate areas such as valuable heritage or natural resource assets, as long as it did not conflict with any local strategy, and presumably conformed generally with the Three Zones ethos. Clarity is needed over whether the Design Codes that can be developed in Neighbourhood Plans now will remain or will need to

take on the qualities of the new Design Codes prepared under the local plan – which takes precedence?

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?

The revised NPPF will emphasise that the masterplans and design codes for sites prepared for substantial development should include different development types by different builders and allow phases to come forward together. Easier access for a range of builders, self-build enterprises and SME's is supported. It will give variety and individual impetus with SME's keen to build out their own phase, although the delivery of infrastructure will need to be co-ordinated, and mechanism established to provide adequate funding each phase.

The Council supports faster build out rates across the board by any developer and again this must be co-ordinated with infrastructure delivery. We ask the Government to consider a mechanism to help install the right level of infrastructure in order to supplement this more rapid build-out where this differs from infrastructure delivery timescales, such as bridge funding. In order to assist infrastructure delivery, the Council would need flexibility to negotiate extending timing of delivery with infrastructure providers such as Highways England, County schools

We stress that any new system must not favour developers' access to consent at the expense of or whilst overlooking the needs and views of the community, nor the desire to see development get underway as soon as possible after consent. Where build-out appears to have stalled local planning authorities should be given more powers to try to complete implementation of consent. This would help to reduce uncertainty, blight and speculative land banking.

We would like the Government to consider a mechanism to encourage, if not require, developers to progress their developments at a faster pace and that the planning process reflects this in a requirement to deliver. We request consideration of this in the planning reforms through for example removing consent if there is insufficient 'progress' (this will require defining) or being able to impose a financial penalty, bond, facilitate a CPO, or through some kind of fiscal measure. It could also be progressed by extending the scope of Planning Performance Agreements beyond planning consents through the whole development project management to on-ground delivery.

The intention would be to maintain a positive and proactive approach to achieving the advantages of good development and environmental enhancement, and not least the ready supply of appropriate housing.

Q15 What do you think about the design of new development that has happened recently in your area?

The Council looks forward to assistance with achieving good design through accessing the National Design Guide with its ten characteristics of successful places though these need to be translated into specific standards. The National Model Design Code (NMDC) and the revised and consolidated Manual for Streets (MfS) will also be useful guidance that will help achieve consistent quality in our District. The Council also stresses the role of stewardship and placemaking in the protection and identification of places of environmental and cultural value, in promoting environmental recovery and long-term sustainability, and in mitigating and adapting to climate change e.g. through active transport opportunities. We support the changes to NPPF that include commitments for all new streets to be tree-lined, alongside national green infrastructure standards, and also promote a review of the role of planning in water provision, depletion avoidance, flood risk, and support mandatory biodiversity net gain in the Environment Bill. We ask that these are fully integrated within the planning reforms to ensure consistency and streamlining. Importantly we stress that adaptation to climate change is given prominence in all these Government documents and policies.

Q16 Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

The Council's priorities stem from its declaration of a climate emergency and desire to ensure adaptation and resilience measures as well as water supply and quality and biodiversity enhancement. This is enshrined in our approach to development across the District where we have recently completed a Climate Change Strategy. There appears to be a lack of specific proposals in this regard in the White Paper to address overall sustainability, climate change and the role of a reformed planning system to help address these critical issues. This is particularly important in Essex where there is an active Climate Change Commission reporting back to Government in late Spring 2021 involving a diverse range of eminent professionals and practitioners focussed on achieving change and climate focused approach. UDC is playing an active role in this work.

As stated in our general observations, our priorities embrace the three aspects of sustainability – environmental, economic, social and encompass our proactive response to climate change. Our priorities include:

- Environmental – protection of valuable farmland, heritage landscape, wide vistas and far reaching landscape views across undulating topography;

character heritage areas in our historic villages and small towns; water quality and scarcities; enhancement to the natural environmental and biodiversity

- Economic – ensuring there are sufficient local jobs to minimise commuting, permit working from home, optimise skills, support business and employment growth, participate in the economic opportunities in the wider subregion
- Social- enable access to a range of affordable housing types and tenures; promote public health and wellbeing in facilities, good design and access to open space; ensure education provision for all is enhanced in line with growth; facilitate voluntary sector activity, community support and engagement.

The Sustainability objective is central to our new and emerging Local Plan.

Q17: Do you agree with our proposals for improving the production and use of design guides and codes?

UDC will adopt a balanced approach between community evidence/ representations, local characteristics and design quality to ensure that potential endorsement of the continuation of poor design is avoided. National Standards will help to set a high level but will have limited if any community input and will not be locally specific, though they could provide consistency. Therefore, the application of these national standards should be advisory only.

We must stress that across Essex we have a 50-year lineage of emphasis on local design quality initiatives and maintained by the Essex Design Guide (EDG). Innovative and nationally respected this has helped districts identify local characters and to adopt and develop different aspects of the EDG in their own guidance to suit local circumstances and priorities. We insist that we have the freedom to maintain this accepted approach, albeit there might be effectively three tiers of design guidance. We reserve the right to continue to reflect advice from the EDG in our local design codes as appropriate and to maintain access to the Essex Design Quality Review Panel. To reiterate, the national standards should be advisory.

In order to help achieve wider corporate objectives and the aims of the emerging Local Plan, Uttlesford Council will be keen that design codes consider all aspects of place and building design including benefits to health and wellbeing, and positive steps towards reducing carbon emissions. However, we note that there is no requirement for this or for any environmental standards, net zero ambition or how to create healthy environments in the White Paper; our assumption is that we can address this in our local design codes. We ask Government to clarify whether it is the assumption that all three proposed areas are covered by local codes and note that this is a considerable work area for planning authorities.

The Council seeks clarification over the balance between beauty and new homes, for example, if an application is resisted because it does not comply with an adopted Design Code?

The Council supports the production of Masterplans and design guidance by promoters in accordance with the LPA Codes since this will help to establish standards, and may engender a professional design rivalry between developers to maintain quality in the market place, particularly when proposed developments are taken to the County's Design Quality Review Panel.

Q18: Do you agree that we should establish a new body to support design coding and building better places, and that each authority should appoint a chief officer for design and place-making?

The Council supports this approach but seeks assurance that there would be District representation even on a rotating basis on a local design body. We would need to establish its relationship to the existing District Quality Panel and County Quality Review Panel.

Government will need to make available additional funding for the proposed chief officer design responsibility as well as to support the transition to the new system for all planning and design staff.

Q19: Do you agree with our proposal to consider how design might be given a greater emphasis in the strategic objectives for Homes England?

Homes England (HE) should consider wider environmental standards and not just balance viability and design quality. All new homes should be fit for a zero-carbon future and Homes England should lead by example and place health, spatial standards, energy efficiency and sustainable energy and water usage as its core development principles. It should promote in its own estate the retrofit or where there is conversion that high standards for the design, environmental performance and safety of refurbished buildings are required, and subsequently monitored and enforced.

We consider that HE's remit must cover climate change challenges such as drought, overheating, and how low and zero carbon infrastructure will be addressed within each 'zone'.

Nevertheless, there may also be other organisations or partners that could provide advice on high quality design and the environmental standards and they should be suggested also by Government such as professional design organisations and institutes, the Building Research Establishment etc.

Q20: Do you agree with our proposals for implementing a fast-track for beauty?

The Council does not agree with the standardised ‘pattern book’ approach to looking at form-based development types that would cover the redevelopment of existing residential buildings in ‘Renewal Areas’. Our areas are so diverse it is difficult to see how this is plausible and it may lead to more standardised development types that favour some developers but do not contribute to local distinctiveness or placemaking. We would agree with the potential to modify the pattern book principles through LPA’s or neighbourhood planning groups if those were introduced though this needs more explanation. On balance the Council strongly objects to this packaging of principles at a theoretical level and distributing a product that denies attention to detail, or to changing circumstances.

The Council questions the priority afforded to ‘beautiful design’ as opposed to the climate change emergency. We ask Government to consider a similar approach for proposals that require the application of principles and standards that progress towards achieving the national goal of net zero carbon by 2050. In fact, the Council aspires to a faster pace of achievement towards this goal and seeks confirmation that the Government will address this in revisions to the proposed reforms. The Council is committed to addressing the impacts of climate change and in fact, has allocated a substantial budget towards initiatives to achieve this. We urge the Government to explore how these goals can be integrated alongside the proposed approach to quality design and beauty in the built environment. Please note we consider health and wellbeing and the Healthy Homes Bill principles of healthy living to be integral to climate change mitigation and adaptation.

The Council supports the somewhat diluted statement in the White paper that “Government will clarify the role local authorities can play in setting energy efficient standards for new build development and be accountable for this”. This will not be possible without planning policies being permitted to push for higher standards as mandatory, for this to be included in the proposed design codes and guidance, and for the design-development-build and operation process to be checked and monitored with sanctions for under performance in relation to energy standards. It is a significant area for discussion but one where the planning system can play a critical role on the path to net zero carbon. We endorse the statement therefore that “high standards for design, environmental performance and safety of new and refurbished buildings are monitored and enforced” and that LPA resources might be realigned to undertake this providing that additional resources are made available also; defining and mandating these standards are key requirements.

It is considered that Master Planning and/or site-specific code work should involve all infrastructure providers including utilities, education facilities, SUDs, sustainable and active travel modes, to link the scheme into practical delivery objectives. These infrastructure and design requirements have to be built into the local plan, because if not there is a risk that they undermine the objective of delivering development more quickly. We therefore agree that sufficiently detailed (subject to this caveat) Master Plans should be a condition of the outline permissions granted through local plans.

We lend support to enabling Modern Methods of Construction because this could result in local business or employment opportunities and has the potential to accord with sustainability principles of short supply chains and sustainable construction methods.

Simplifying the environmental impact process through a Sustainability Appraisal is welcomed in principle as long as the technical information is captured and adverse impacts addressed properly; we ask the Government to consider how a suitable mechanism can be devised, and then results and analysis re-tested at the detailed level when planning applications are assessed.

The Council supports that Local Plans will identify the “location of internationally, nationally and locally designated heritage assets, and locally important features like views”, and that the NPPF will be updated for Listed Buildings and Conservation areas to allow, sympathetic changes and improvements to energy efficiency. We commend the government in facilitating retrofit measures to heritage buildings but do not agree with the suggestion that specialist architects should have access to automatic listed building consents since this might encourage bias, value judgment and acts against the wider involvement of other architectural and design practices, and specialist SME’s.

Stewardship is discussed and although there is no direct question, we wish to emphasise the role of place keeping following growth and renewal development so as to preserve the quality enshrined in the design codes, and delivered on the ground. This would also be an effective means to continue to involve the local community in the long-term management and heritage of their local area.

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]

This question does not have a simple answer because of many and competing priorities but they include:

- More locally affordable and socially rented housing
- Good local infrastructure
- Environmental and biodiversity enhancements

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?

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

Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

The Council supports the aim to capture a greater proportion of the land value uplift to enhance infrastructure delivery. It supports the principles of responding to local needs, with the right infrastructure and affordable housing delivery, and making it clearer for developers what is required to be funded by them. Being calculated on a national standard basis would make it objectively transparent based upon a flat-rate, valued-based charge. In higher value areas, a greater proportion of the development value would be above the exempt amount, and subject to the levy but in lower value areas it would not meet thresholds. What happens to funding essential infrastructure in these latter circumstances? Clearly, the new Infrastructure Levy must capture the same or more value from development to support investment in infrastructure.

It is important to remember that to deliver infrastructure, more than funding is required. There is no reference to the land and works needed for that infrastructure which also needs to be identified in respect of pavements, cycleways, and community provision; would this be through bonds, trigger points, review mechanisms? Should local planning authorities set a locally derived infrastructure levy based on a standardised form of a local infrastructure delivery plan?

We are concerned about the levy being available on the point of occupation for the development since we would not support any proposals that would affect the early and essential delivery of infrastructure. 'Occupation' needs to be defined: occupation of a single property, the whole site, the last occupation?

Clarity is also needed on the following issues:

- How the levy will be calculated and split between two tier authorities
- Would developers be able to negotiate down their levy obligations on grounds of financial viability and if so, what would be the proposed tests/measures?
- How to assess cross-boundary infrastructure scheme and to agree funding package in absence of duty-to-cooperate obligation?

- How to account for the cumulative impact of development not included in the Local Plan, or cross boundary
- Would high quality design pay more for materials and a greater amount of Levy than a poorer quality scheme
- What would happen for schemes that have different abnormal or on-site infrastructure costs but are otherwise similar?
- How would an identified 'funding gap' be considered if set nationally? A national standard would not take account of the scale of growth; local infrastructure requirements, any other local funding opportunities/sources, but with no local engagement.
- How will a smaller site mitigate its impact on the local environment, where the value generated by the development would be below the threshold, and so not subject to the levy?
- With a flat rate charge would low impact developments, in effect, subsidise high impact developments and how would this be resolved?
- How to manage the risk of a developer deliberately delaying construction rates, ceasing to trade, being placed into liquidation and/or failing to make payments when due, whereupon local authorities might end up funding infrastructure with no prospect of reimbursement and potentially needing to borrow needs to be considered. Would this place more obligation on local authorities to have to borrow to forward fund the more strategic infrastructure? Districts should not in this context be required to take on the risk, cost of borrowing or provide for inflation. Government might consider setting up an Infrastructure Fund to assist planning authorities in this eventuality.
- The Environment Bill before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development; the Local Nature Recovery Strategies will identify opportunities to secure enhancements through development schemes and contributions but how is this captured in the Levy?

Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

The Council agrees that the Levy should capture changes of use which require planning permission as well as the early provision of enabling infrastructure. However, we would be concerned if extension of PD rights meant that fewer sites would be subject to the Levy.

Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

It is critical that the new Infrastructure Levy should secure the required amounts of affordable housing delivery (40% in UDC) and preferably on-site.

Increasing the provision of affordable housing is firmly supported, but the necessary infrastructure to make the site developable and a beautiful place is still required.

We would welcome the reference to the need to incentivise developers to deliver high build and design quality for their on-site affordable homes and to ensure quality we would probably continue to pass schemes through the District or County Quality Review Panels.

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Q25(a). If yes, should an affordable housing 'ring-fence' be developed?

Affordable housing must be provided as a matter of principle and policy, and dilution of spend away from this would not be supported. In this sense the Council would agree to a ring fence, but this would need to be locally determined.

We have the following queries:

- If the Infrastructure Levy is used to support Local Planning and enforcement teams, or other services and Council tax, how is this judgement to be made and how will infrastructure be provided? We are adamant that this should not represent the substitute for Government funding to upgrade skills in planning authorities
- What is the definition of "core infrastructure obligations" which need to be first met?
- How would expenditure be monitored and adjudged any disputes over allocation or spending?
- How is the allocation to parish councils to be determined?
- What if a parish council were not to have enough resources to apply their allocation properly?
- Can maintenance funding be disbursed from the Levy?

Q26 Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

As stated above resourcing for opening access to the planning service and particularly once the early stages are digitised, will mean that Government support is necessary. The District would prepare a Communications Plan and would need to appoint a community development worker to facilitate access and consultation for all, including those with disabilities. Planning is founded on its public benefits and it is crucial that all residents of the district are given equal opportunity to be involved. Furthermore, advice from people with different disabilities will be useful in compiling the Design Codes to ensure they are sensitive and encourage adaptable, flexible spaces, designs and use of SMART technology as required.

Additionally, the needs of an ageing population and the wishes of some to “downsize” need to be acknowledged.