

GUILDFORD BOROUGH COUNCIL RESPONSE TO:Ministry of Housing, Communities and Local Government; [Planning for the future](#)

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Question	Response
Pillar 1	
1. What three words do you associate most with the planning system in England?	No response
2(a). Do you get involved with planning decisions in your local area? [Yes / No] 2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]	No response
3. 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]	No response
4. 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	Planning is concerned with balancing all considerations – cannot limit it to three priorities.

Question	Response
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]	
5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]	<p>GBC agree that the plan making process needs to be simplified and speeded up to make producing the plans proportionate to the benefits that they deliver.</p> <p>This could be achieved through focusing on the process itself independent of fundamental changes to the content of the plans especially in relation to the wish to produce policies and codes that remove subjectivity from the decision making process.</p> <p>The detail of how this is to be achieved still requires much more detail.</p> <p>It would be far easier to express a view of the implications of the different policy approaches if the White Paper had defined what “substantial growth” is intended to mean. There is a significant range between what could be considered “substantial growth” and “smaller scale development”. The determining factor in deciding whether a site should receive automatic outline permission should be centred on whether the site has specifically been considered and allocated through the plan making process. This overrides whether the site is considered to be in growth or renewal areas as the allocation of the site provides the necessary evidence regarding the capacity/use and requirements of the site. In our recently adopted plan, sites of approximately 25 units or more were included as allocations. However we would caveat that the permission in principle should not be indefinite, but limited to 5 years from the date of plan adoption. This would incentivise sites to deliver early and allow flexibility to review this position. Sites that are likely to commence late in the plan period would have sufficient lead in time to drive their own outline permission process or could be considered when the Local Plan is reviewed.</p> <p>Regarding the second alternative approach of limiting automatic permission to growth areas – we consider that this should be conferred to all local plan allocations and not just those categorised as growth areas (i.e. smaller allocations that may fall within renewal areas as they are below the defined threshold of substantial growth). We do however think that remaining non-allocated renewal areas should still follow the current planning process and not be given permission in principle as it would be disproportionate to prepare a plan that contained the level of specificity regarding what may be</p>

Question	Response
	<p>suitable across a borough that contains many areas of differing character and in which there is no certainty that any growth would actually occur. We therefore strongly disagree with the alternative of combining growth and renewal areas.</p>
<p>6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes – to a degree.</p> <p>We consider that the second alternative proposed, namely not duplicating national policy, is already the approach local authorities are required to take as set out in paragraph 16f of the NPPF. We can support additional national policy in relation to DM. However, this should not restrict the ability of Boroughs to supplement these national policies with locally distinctive/necessary policies.</p> <p>We therefore support the first alternative option which standardises the way policies are written but allows a locally-defined approach. For example, where there is a shortage of commercial/industrial land it is appropriate for a borough to identify such areas for protection and to create criteria-based policies to protect them.</p> <p>From a Development Management view point a national ‘framework’ of DM policies is supported. This should facilitate the production of local design codes/guides. The success of this would depend greatly on the national policy framework. This would need to be clear, concise and able to cover all levels of development.</p> <p>The interaction with Neighbourhood Plans remains a concern. There would need to be a more rigorous examination process to ensure design codes within NP’s accord with the national framework otherwise there is the possibility that significant conflict could arise.</p>
<p>7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes. In terms of the legal test the duty to co-operate has not been a success. Additionally, the formal SA process is protracted and has attracted much criticism and been a focus for legal challenges.</p> <p>However a single test does not obviate the need to consider the aspects covered by the existing tests of soundness. Evidence would still need to be prepared in relation to the plan’s impact on economic, environmental and social objectives. Plan makers will still need to provide evidence in relation to this issue in order to demonstrate that the plan is sustainable. Additionally, plans would still be required to demonstrate they are meeting objectively assessed needs (as this is proposed to be binding) and any plan would still need to be consistent with national policy. However, reducing the need for disproportionate evidence base and the scope for significant debate regarding whether the strategy is an appropriate strategy when compared against others would help to speed up the plan-making and examination processes. Further guidance on how such issues would be assessed would be useful.</p>

Question	Response
	<p>In terms of a slimmed down/reduced test for deliverability, whilst the level of detail now required to demonstrate a plan is 'effective' has become onerous, a robust assessment of deliverability remains important to ensure that there is confidence that any sites allocated will come forward at the time envisaged. If not, there are risks to ensuring both a 5 year housing land supply (if this is retained) and an adequate housing delivery test. If the process of site assessment is over-simplified and not robust then it runs the risk of reducing the purpose/value of preparing the plan. Simply allocating more reserve sites would not circumvent this problem if they too are not assessed for their deliverability/developability. Given the white paper proposes to confer outline permission to growth areas, it would be necessary to undertake relatively detailed site-specific assessments to achieve this. This work would support any evidence required to demonstrate deliverability.</p> <p>This section also links to infrastructure planning. How this operates will also be key yet little detail is included in the White Paper. A clear hierarchy of infrastructure provision including mechanisms and timescales for delivery is required for national/regional and local levels, and to ensure that the spatial development strategy is sustainable.</p> <p>The use of digital plan making is also an attractive proposition, however, greater clarity is required as to how this will operate. It is a common thread through the document and we are keen to engage in this process. Likewise poor digital applications will result in a poor output.</p> <p>"Everything should be made as simple as possible, but no simpler." This is one of the great quotes in science. Einstein was saying that it is desirable to keep even complex things as simple as they can be, without losing something of the essence of those things, but that some things cannot be reduced to something simpler as they lose something of vital importance.</p>
7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?	<p>In order to deliver sustainable development, it is still necessary to ensure that cross boundary and strategic issues are considered and addressed. However, this responsibility for cross borough discussion should equally lie with the organisation responsible for its delivery. Eg Highways England, EA. Those organisations should be required to attend Examinations and be required to answer the following questions –</p> <ol style="list-style-type: none"> 1. Have all relevant parties positively engaged in addressing the strategic issue within the context of plan making and regional or sub regional proposals?

Question	Response
	<p data-bbox="965 236 2130 300">2. Is the plan consistent with known strategies and aspirations of the relevant prescribed bodies over the plan period?</p> <p data-bbox="920 344 2130 408">The prescribed bodies should also have a legal duty to cooperate placed on them for their duties that they undertake outside of the local authority's plan-making process.</p>
<p data-bbox="203 418 857 552">8(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.]</p>	<p data-bbox="920 418 2145 951">The present plan making system spends too long discussing housing need which is subject to continual change and uncertainty. If the system is to be speeded up then taking those discussions out of the plan making process is sensible. In general terms if a housing requirement is to be handed down to boroughs and is binding then to be seen as reasonable/realistic it must in some way take into account local constraints. The issue is the national figure of 300,000 homes pa is not capacity based. It must therefore be made clear that simply because constraints were a consideration in establishing the binding housing requirement, it does not follow that a sustainable plan must or indeed can necessarily avoid growth within areas of constraint in order to meet it. This specifically applies to areas of policy constraint such as Green Belt whereby a reduction in the binding housing requirement is made in part by Green Belt constraints, however it is subsequently found through the plan making process that incursion into the Green Belt is still necessary to achieve the binding requirement. Indeed in most of the south east where there are serious affordability issues it will still be necessary if the indicative housing requirement numbers are to be met. Guildford can provide evidence as to why government stating it is a local choice on how to meet the figure, implying it could be met in total as brownfield development is highly misleading.</p> <p data-bbox="920 995 2119 1343">It is also not clear how constraints will be factored in arriving at the final binding number as some constraints are absolute e.g. flooding/tightly defined administrative boundary, etc whilst some are policy constraints that are capable of being overcome in accordance with the NPPF e.g. Green Belt. Densification may not be appropriate in all areas (e.g. due to heritage considerations, land assembly, the need for other non-residential uses, etc) to avoid the need to allocate Green Belt land – this was demonstrated through our recent plan-making experience. Reference is made to the need for non-residential uses however the scale of this will only be known as one progresses through the plan-making process and after the binding OAN is set – this may pose significant additional growth needs over and above housing for which appropriate land will need to be identified. There may also be locational considerations in deciding where growth needs to be sustainably located.</p>

Question	Response
	<p>E.g. loss of industrial land within urban areas but increase in need for B8 to support internet shopping in locations close to the strategic highway network – this would likely necessitate greenfield/Green Belt release.</p> <p>There appear to be three options that could be pursued: Either there should be a binding number that takes account of constraints and would not require authorities to develop within any of those constraints – this should include absolute and policy constraints e.g. Green Belt. This would likely require additional growth in relatively non-constrained areas to compensate for the greater loss in constrained areas in order to still meet the 300,000 dpa. However, this may not direct growth to the areas which suffer from greater affordability issues e.g. the south east.</p> <p>OR</p> <p>There is a binding number that takes account of constraints but a clearly published national policy position on the extent to which these policy constraints which, whilst factored into the binding number, could if necessary still be used to meet that number should insufficient policy compliant sites be identified (i.e. making it clear that meeting housing need can in itself constitute exceptional circumstances for amending Green Belt boundaries) – this is our preferred approach.</p> <p>OR</p> <p>The alternative option of having a non-binding method and leaving the assessment of the policy-off housing need and the final policy-on housing requirement to local authorities (as it is currently).</p>
<p>8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>If the aim of Local Plans is to deliver housing for all sectors of the community and there is no regional policy which seeks to redistribute growth throughout the country then this represents an appropriate starting point. However without a more nuanced approach to the setting of the binding figure, this is likely to result in the loss of existing green belt in boroughs located within the Metropolitan Green Belt if there are limited significant opportunities for densification.</p>
<p>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.]</p>	<p>Yes.</p> <p>One of the main purposes of a LP is to provide certainty to all stakeholders. A LP allocation is intended to confirm the principle of development on the site. To enhance this certainty further and confer outline permission is seen as reasonable. It reflects and is consistent with the premise of the white paper to enhance the plan led approach to planning.</p> <p>Stronger linkages between site allocation policies and an eventual permission will be needed for this at the local plan stage, also how this links to infrastructure provision needs to be considered. The</p>

Question	Response
	<p>question is when would an 'outline' permission commence, would the allocation carry a requirement for a masterplan or parameter plan to be submitted first? Also, would this outline stage confer any conditions, can these be imposed through the allocation process. This approach would assist with land assembly and encouraging co-operation between landowners on layout etc (this is an issue we are encountering on some allocated sites not in single ownership).</p> <p>A clear proposal for the use of either reformed reserved matters or local development orders is needed before more comments can be provided. A hybrid approach should be considered where both methods are used depending on the development type and scale. The adoption of local development orders should be streamlined where it is promoted through a local plan.</p>
<p>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.]</p>	<p>No.</p> <p>We consider that any site not allocated through the Local Plan should be subject to the current planning application procedure. The approach of automatic outline permission should apply to any site allocated within the LP – regardless of whether it meets the threshold to be included within the growth area category. This is on the assumption that the site has been tested and found to be acceptable within a sustainable LP. Which annotated area it lies in is not relevant. As caveated above in the answer to Q5 – the permission in principle should not be indefinite, rather limited to 5 years from the date of plan adoption. This would incentivise sites to deliver early and allow flexibility to review this position. Sites that are likely to commence late in the plan period would have sufficient lead in time to drive their own outline permission process or could be considered when the Local Plan is reviewed. Any remaining non-allocated renewal areas should still follow the current planning process and not be given permission in principle as it would disproportionate to prepare a plan that constrained the level of specificity regarding what may be suitable across a borough that contains many areas of differing character and in which there is no certainty that any growth would actually occur.</p>
<p>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. Please provide supporting statement.]</p>	<p>Whilst there is some merit in this, clear parameters over settlement sizes would be required. We consider that if it is brought forward under the NSIP regime this should be limited to large scale new settlements only (e.g. 10k or more homes). There would be some synergy in linking this to infrastructure projects required. However, it should be considered whether the current NSIP process is appropriate for this. Should there be a more engaged and collaborative approach with local authorities and would this take such settlements out of the local plan process? If so where would the 'plan making' aspect lie?</p>

Question	Response
<p>10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes – but the devil will be in the detail.</p> <p>Great emphasis is placed on greater digitalisation/modular software landscape/automation of process etc. These are all positive aspirations, but as with all technology depends on the implementation. Tools to give greater synergy between pre-app and planning application will benefit. Based on experience a one size fits all approach often does not give the desired outcomes. The aspirations towards integration of validation and a rules based approach greater certainty are positive but again this will depend on the systems and policies developed.</p> <p>Modular software landscape again implies a positive more, however, further details are needed to ensure it offers the configurability required by differing authorities.</p> <p>Number of references to ‘PropTech’ sector, the relevance of this is unclear as although the sector would assist it is important the any tools are accessible to the entire industry. Our experience is that small to medium level developers are less familiar with digital technologies which requires greater resources from the LPA to assist them.</p> <p>Standardising information requires: there is already a national validation requirement, this can be adapted under existing regulations. There has been mixed success in these changes in the past, some have been successful, others have led to a watering down of quality in submissions especially in small to medium sized developments. It needs to ensure the proposals do not result in a ‘race to bottom’ in terms of standards. For major applications limiting the level of information to be provided could also assist, but this will need to be firm and also not expanded at appeal stage where developers supplement original submissions with rafts of additional documentation.</p> <p>For all levels of planning applications moving to a firm rule of considering plans as submitted would assist. This would encourage early engagement and prevent delays in determination where developers often push to submit amendments and ask for extensions of time for this.</p> <p>Data rich registers and digital templates sound promising, although it needs to be underpinned by quality information provided in the first instance, otherwise all that will result is poor information being moved around digitally. Unsure how digital decision templates offer more than is currently provided. We email out nearly all decisions and they are posted on our website which offers good accessibility.</p>

Question	Response
	<p data-bbox="920 236 2107 300">Any new system must also be mindful of the small percentage of the population who do not engage digitally.</p> <p data-bbox="920 344 2130 552">Standardising technical information – this would assist, especially with small to medium sized submissions. Such standardisation needs to come through the relevant technical bodies, for example Environment Agency; County Highway Authorities. Adequate resource needs to be provided in the short term to ensure these can be done quickly otherwise there will be a significant time lag. Experience is that outside bodies have been reluctant to engage as it diverts income from their own pre-application services.</p> <p data-bbox="920 596 2130 767">Standardised condition: simplifying the use of planning conditions would be a positive step. There remains significant confusion across the sector as to the use of planning conditions where there is overlap with other legislation and the expectation of onerous conditions especially on smaller developments. Any revisions also needs to include much clearer guidance over when certain types of conditions should be used, eg. Construction hours controls.</p> <p data-bbox="920 812 1765 839">Streamlines developer contributions – considered in Pillar 3 responses.</p> <p data-bbox="920 884 2152 1238">The issue of timeliness of decisions is a key one, judging performance based on speed of decisions has pushed LPA's down the route of using extensions of time especially where lack of resources impacts on ability to delivery decisions. There should be a true incentive on the local authority rather than just sanctions i.e. refund fees/designation of authorities. Extensions of time also play a key role in may applications, for example where a S.106 agreement is required the legal process is such that it is rarely delivered in 8 weeks and therefore an extension of time is needed to legitimately cover the application process. GBC operate a rule of not allowing extensions of time on householder level developments and this has generally provide positive. In other cases Extensions of Time are often needed where submission a lacking information or need amending, under current regulations dealing with the matter through an extension of time is less resource intensive that requiring a new application.</p> <p data-bbox="920 1283 2152 1380">Deemed granting of permission can be effective in some cases, however, recent regulations have often been poorly drafted and open to abuse. It is well reports that this has lowered development quality. Any continued use MUST ensure this is not the case. Note the comments regarding community uses,</p>

Question	Response
	<p>GBC has little evidence that such developments are not dealt with quickly under the current system. Problems tend to arise at the submission stages, with proposals not fully thought out at submission or unrealistic timescales assumed in project plans.</p> <p>Appeals – this is a cornerstone of the planning system. However, there needs to be greater transparency on appeal decisions with no remit other than to seek legal challenge, reasons for decisions can be confusing. Changes to proposals during the appeal process and submission of significant levels of additional information means that the issues considered become very different to how they were considered at the application stage. Furthermore, compared to the democratic requirements at an application stages appeal considerations are remote appear unaccountable. Timescales also need to be addressed with strict deadlines applied to statement submissions etc, but no requires on inspectors to ensure a decision is dispatched by a certain date. An appeal fee would also deter speculative appeal submissions. It is considered that the threat of a fee rebate will have little impact on considerations of planning committee members.</p>
<p>11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes however it will require significant additional resources within local councils both in terms of skills and the software necessary to produce this. Will lead to enhanced understanding and help to get more people involved in the speeded up plan making process.</p>
<p>12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>We agree the plan making process is too complex and takes too long, given the benefits it delivers and the time frame for which it is normally relevant. However, a process is a process and a key aim of the white paper is to ensure stakeholder engagement (not just consultation) and to provide sustainable and robust plans. A borough should not be penalised for generating a high number of responses and level of engagement, for or against a plan, that results in a plan taking longer than an arbitrary 30 months.</p>
<p>13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes. However it would be helpful to have additional guidance as to the scope and content of neighbourhood plans. If DM policies are set at a national level, it is not clear what scope there would be for Neighbourhood Plans to produce localised policies particularly if LPAs are restricted from producing local DM policies. If design codes/standards are produced both nationally and at a local authority level then again it is unclear as to what scope there would be at a neighbourhood level.</p> <p>There need to be clear linkages between national framework/local plans and neighbourhood plans. At present the NP system is too removed leaving a disjointed policy framework. If the national framework is intended to give a national DM policy basis then neighbourhood plans MUST align with this.</p>

Question	Response
<p>13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?</p>	<p>There is a danger of duplication of effort re design. The White Paper already stipulates that local design codes must have the support of local communities so this would presumably negate the need for further design guidance within neighbourhood plans, except on very detailed matters. However, if the intention is that local design codes are created through neighbourhood plans then this would reflect community preferences. However, there would need to be sufficient scrutiny in their adoption to ensure that they did not undermine the strategic growth set out in local plans. e.g. overly restrictive codes/criteria that would have the effect of reducing the housing planned for in that area. Additionally, not all communities have the resources or inclination to prepare neighbourhood plans – in this case the local planning authority would need to prepare the local design codes. There would therefore need to be greater clarity/certainty regarding the production of neighbourhood plans so as to ensure that an appropriate local design code exists for all areas.</p> <p>Currently the scope and content of NPs is very different, we have four adopted neighbourhood plans, all different in approach and focus. White Paper talks about a standard layout for local plans, this should also be the case for NPs. We recognise that one standard may be difficult, but three or four could be used to cover different types of areas e.g. areas within urban areas or countryside etc.</p>
<p>14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>There is a balance between supply and demand. LPAs have limited control of this, and developers will ultimately dictate how quickly they wish to build out their sites. Whilst LPAs can offer incentives these are less effective. If Government wish to really accelerate housing delivery then Government should consider bringing in either some incentives or penalties (outside of planning) to ensure that sites are delivered swiftly. This could include charging Council Tax on unbuilt permissions after a certain period (LGA suggests 5 years). This would be more effective than penalising councils for non-delivery through the housing delivery test.</p>

Question	Response
Pillar 2	
15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]	Mixed, some good examples, some bad examples, others that are non-descript i.e. housing estates. This is not limited to recent development though, examples stretch back through the 20 th century
16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]	<p>Overly simplistic to focus on one thing as sustainability is a culmination of several elements working together not competing against. There is a drive to reduce car reliance, however, this is hampered by lack of viable alternatives especially in existing rural areas. There is also a need to increase green and open spaces within our urban areas however there are competing objectives in making efficient use of land. Areas can become poorly maintained with limited control over long term management. Energy efficiency is increasing in priority through new local plan policies and SPD. We now have greater policy requirements, these are often met with resistance though and requirements need to be set by policies which take a long time to produce and cannot quickly/easily be amended to reflect changing circumstances. Change is often therefore slow and not reflective of the pace of new technologies and what can be viably achieved.</p> <p>Tree planting and retention is important – however, there needs to be focus on quality too. Poor quality planting will lead to trees dying off and have little positive contribution to sustainability.</p> <p>Sustainability is not a box ticking exercise. In order to integrate new development into existing communities without exacerbating all the pre-existing issues requires consideration of a complex set of competing objectives – namely social, economic and environmental and attempting to achieving net gains in all.</p>
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.]	<p>Yes, subject the following caveats.</p> <p>The National Design Guide is a positive document in encouraging good design – it must be emphasised that good design includes both aesthetics and the quality of the build. The National Design Code is still pending and until the detail of the code is clear and the degree to which it is prescriptive vs flexible, it is</p>

Question	Response
	<p>difficult to be definitive regarding our position on its use. The Council agree that the national code should provide positive models for local authorities to follow, but that it should contain sufficient flexibility to ensure that local distinctiveness is reflected in design, even in the absence of a particular local design code.</p> <p>The proposal to retain the different routes for bringing design codes forward (i.e. supplementing Local Plans, neighbourhood planning groups, applicants) is supported. Regarding proposals that designs and codes should only be given weight in the planning process if they can demonstrate that they are prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. It is considered that further clarity should be provided on what is meant by effective local input and how this should / will be tested. This is particularly the case considering the different routes whereby design codes could be brought forward and the different processes that would be involved in terms of community input.</p>
<p>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.] Planning For The Future</p>	<p>It is considered that Government should prioritise resources and support for planning departments within Local Authorities in order to build or access design expertise, which suits their own needs. Whilst a stand-alone body may have a role to play – the Council have utilised a design review panel (Design South East) to assist in assessing design of significant scale applications – the concern would be whether the scope and mandate of such a body would be sufficiently responsive (and accessible) to authority needs.</p> <p>Furthermore, design and placemaking is not a standalone matter. There is significant interaction with all other aspects of planning which must be considered and potentially balanced against design considerations. Design and function are inextricably linked. Thus, whilst the principle of a chief officer in that area holds the potential for greater weight to be given to design considerations at a high level in the Council, sight should not be lost of the need for Government to contribute support and resources to strengthen design teams in Councils. Funding is key to this and attracting appropriate staff. Recent recruitment attempts have highlighted a lack of suitable candidates in this field. It may be appropriate for Government to consider why this might be the case in order to inform interventions.</p>
<p>19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic</p>	<p>Yes.</p>

Question	Response
<p>objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]</p>	
<p>20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes – however, this is conditional on clear framework wording and understanding of how this operates. Beauty is often subjective in design terms, in order for there to be an effective fast track everyone involved needs to understand what is required and leave no room for subjective disagreement. One could question if this is possible. Areas of concern include the interaction of contemporary designs with traditional built form, when will a contemporary approach be acceptable? How is this applied in historic areas such as Conservation Areas? There should not just be a consideration of whether development is ‘beautiful’ but whether it built to a high standard in terms of quality.</p> <p>Secondly the need for masterplanning to underpin PiP is considered key. The paper suggests production of the masterplans by LPA, however not all Councils have Masterplan expertise. These costs could be offset through making their production more of a collaboration through a PPA arrangement.</p> <p>Thirdly – expanded use of permitted development is not necessarily a problem, however, a fresh approach is needed. Current Regulations are complex and burdensome, over emphasis of numerical values, depth, height etc, leaves no control over design and as a result there are many examples of very poorly designed additions which undermines the ethos within this Pillar. Furthermore, if this is intended to be a major thrust then the Government needs to consider the issue of removing permitted development rights by condition or Article 4 Directions. In terms of the proposals for ‘renewal’ areas, detail here is very limited, more information is required to comment.</p> <p>The proposal to develop a set of form based development types cannot be commented on fully without knowing what is being proposed. Some sort of local tailoring as suggested is a key requirement but again additional detail is needed here.</p> <p>The Government has consistently underestimated the resource requirements of prior approvals in fee setting etc. This MUST be addressed accordingly to ensure Councils are not penalised through a deemed consent route. Furthermore, these approaches have generally been poorly received by local residents which has increased the burden on Councils by having to deal with complaints that arise from this process.</p>

Question	Response
	A pilot scheme is suggested. This should be targeted at local levels instead of national to begin with. Pilots need to be geographically spread and not just focussed on London, or built up areas.

Question	Response
Pillar 3	
<p>21. 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]</p>	<p>Everything that is necessary to make the development acceptable and sustainable. The provision of Infrastructure and Affordable Housing are key priorities to secure in terms of contributions from development. Other aspects are reflected by standards set in the Local Plan, which are expected from development (e.g. high-quality design, the provision of open space, reduction in carbon emissions). The provision of uses (employment, retail, etc.) is provided direction by allocations in the Local Plan.</p>
<p>22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Not sure.</p> <p>The Council are supportive of many sentiments expressed in the White Paper including securing the necessary or 'right' infrastructure and affordable housing and the potential to increase value capture, in a manner that is simplified, transparent and responsive to changing market conditions. Furthermore, the proposed consolidated Infrastructure Levy appears to respond to concerns around the need for certainty, which in turn has potential advantages in terms of securing gap funding where needed, and holds the potential to address the complexities of the current regime.</p> <p>There are however several concerns regarding the potential of losing the advantages related to securing necessary infrastructure and other developer contributions through (s.106) legal agreement, which mean it is not possible to hold a firm view until more detail is provided in terms of the mechanics of the proposed new IL and clarity regarding the broader associated framework within which it would operate. In particular, the following concerns arise:</p> <ul style="list-style-type: none"> <p>Reduced direct ability to secure infrastructure delivery to mitigate the impacts of development: Currently planning obligations (in many cases secured via s106 agreements) form a basis for a planning application being considered acceptable. As proposals relating to the IL appear to 'break the link' between a particular development and necessary infrastructure, it is not clear how the new planning system (beyond the use of Grampian conditions) will retain the certainty around development impacts being mitigated at the point at which this is necessary. The proposed introduction of the Infrastructure Levy (IL) in place of securing, amongst other commitments, contributions to infrastructure via s106 legal agreements has the potential to weaken Local Planning Authorities' ability to ensure that infrastructure required to mitigate the impact of development is secured and delivered where and when it is needed.</p>

Question	Response
	<ul style="list-style-type: none"> <p>• Increased potential for misalignment between development and delivery of necessary infrastructure. Misalignment, in this regard, could work both ways with infrastructure either being delivered early (and a site not delivering according to assumptions due for instance to changed market conditions) or not at the point when needed (leading to potential delays in the delivery of homes). It is considered that the risk of misalignment between development and the delivery of necessary infrastructure may be heightened by the proposed system. This is for several reasons:</p> <ul style="list-style-type: none"> ○ Reduced clarity regarding the infrastructure delivery agent. Addressing the question of who is responsible for identified infrastructure delivery is central to the obligations written into s.106 agreements. The White Paper appears to assume it is the local authority who is responsible for its delivery, which is often not the case. The proposed introduction of the IL appears to only allow for a cash contribution from developers to the Council (apart from offsetting the provision of affordable homes against the IL). It would then be for the Council to use these funds either to pay for and deliver infrastructure itself, or in many cases transfer funds to infrastructure delivery partners such as the County Council. These arrangements and obligations are frequently detailed in s.106 agreements. However, without these agreements, a move to an IL system appears to hold greater potential for misalignment between the housing delivery programme for sites and the delivery of required infrastructure. This is of particular concern in relation to larger multi-phase developments delivered over a number of years with specific ‘trigger points’ for certain infrastructure items or improvements. Safeguards need to be incorporated to ensure infrastructure delivery where other bodies are responsible and ensure it is brought forward at the appropriate time and importantly does not become a constraint on delivery of development. ○ Reduced clarity on the detail of on-site infrastructure delivery, including timing. In reviewing the current regime it is also important to note the different types of infrastructure provision. Whilst off-site provision is considered generally compatible with a Levy regime (although s106 agreements may be used to outline contributions), consideration needs to be given to on-site provision, especially on larger scale developments. Outside the nature of contribution, s.106 agreements currently control the delivery of these including timing (such as identifying ‘trigger points’), delivery agent and other details. It is unclear how the proposed Levy would deal with these and GBC

Question	Response
	<p>considers that some form of legal agreement process needs to be retained for such matters.</p> <ul style="list-style-type: none"> ○ Lack of ability to secure ‘in kind’ delivery of infrastructure. Associated with the above point regarding consideration around who the infrastructure delivery agent should be, currently, securing ‘in kind’ delivery of infrastructure by developers via s106 agreement (in lieu of payment toward this infrastructure) has the potential for efficiencies both in terms of cost and timing. This would appear to be lost in under a proposed IL system. ● Potential loss of mechanisms to secure non-financial benefits / mitigation of impacts. S.106 agreements provide the opportunity to secure other benefits via legal agreement (not merely contributions toward infrastructure and the delivery of affordable homes). This includes land contributions, securing mitigation measures on matters such as Special Protection Areas, detail relating to the delivery of self-build and custom build homes and various other aspects which are suited to legal agreement (rather than planning conditions). Unless there are other mechanisms introduced (it is not clear if Unilateral Undertakings will be retained) there is a concern that these benefits could be lost. The concern is that a ‘Levy’ in many instances would not be appropriate for securing these other benefits / mitigation measures. ● Potentially reduced certainty in relation to affordable housing provision. S.106 agreements provide clear legally binding outcomes for developers, the local authority and the local community that broadly guarantee specific outcomes on the provision of affordable homes, guaranteed in perpetuity. From the outset, often prior to planning permission being granted and before any development commences the developers have the full knowledge of the requirements for affordable residential development and can design and develop schemes with a certainty stronger than that for private market sales, in a way that has been proven to be widely successful in enabling developers to build profitably with the needs of those excluded from the local housing market addressed. Tying affordable housing contributions to specific sites enables clarity in delivery for all parties and demonstrates transparently to local communities the benefits of residential development to all sectors of the local community. ● Lack of clarity regarding mitigating impacts of development that is under the value threshold. It is not clear how infrastructure would be funded and delivered to support proposed development where such development might fall under the value threshold required to pay the IL and whether LPAs would have the ability to prevent such development coming forward, should

Question	Response
	<p>it not contribute to necessary infrastructure. There is some concern that this situation or relying on Levy's can lead to funding gaps.</p> <p>Furthermore, it is considered that there is a need for greater clarity in terms of the timing of IL payments beyond it being levied 'at the point of occupation.' For instance on larger or strategic sites, it is not clear whether these payments would be due at the beginning of occupation of a particular phase of development or on individual home occupation within that phase. In this regard, provision should be made for a series of staged payments at points following the grant of planning permission, which may incentivise delivery to ensure cashflow to make payments. There is a need to design the IL in a manner to avoid it being attractive for developers to delay completions as well as to support greater clarity in terms of the timing of receipts in order to allow for better planning in the funding and delivery of infrastructure.</p> <p>It is considered that future more detailed proposals should seek to address concerns outlined above. It appears that there would likely be a continued role for legal agreements with developers, particular for major development, which could operate in a similar manner to current s.106 agreements and the Council considers that provision should be made for such mechanisms in the new planning system.</p>
<p>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]</p>	<p>It is not clear precisely how the 'flat-rate, value-based charge' would be calculated. It is assumed that this could be formula based. If so, the resulting rate is likely to be dependent on area variation in development values. In any case, it is considered that the approach adopted should ensure that in areas where there are higher values (and uplifts) councils are able to capture these accordingly. This is likely to require some area-based consideration. This could result either from a well-considered national approach, taking onto account variation in values resulting in area-specific rates, or a local rate setting process.</p>
<p>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.]</p>	<p>The IL should capture at least an amount of value to ensure that the payment / contribution is sufficient to address the cost of all necessary infrastructure (inclusive of escalation costs) and the level of affordable housing that is required (along with associated costs such as for monitoring/administration).</p>

Question	Response
<p>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.]</p>	<p>Yes. It is considered that this flexibility is appropriate (possibly even necessary for the proposed system to work) as forward funding may be required to assist with the delivery of infrastructure to enable appropriate development. There are certain items of infrastructure that may be required prior to occupation (when the IL is envisaged to be paid) and it may be necessary that these are forward funded should IL receipts (from potentially unrelated schemes) be committed elsewhere. Associated with this prospect, it is considered that further support to Councils is likely to be required (e.g. capacity support to develop business cases, expansion of low interest loan facilities) in this regard as borrowing against uncertain future receipts may expose Councils to a level of risk, and the instances where forward funding is needed may increase as a result of the IL implementation by Government. The Council considers that it should have the ability to access such borrowing on the 'local infrastructure rate' from Public Works Loan Board (PWLB).</p>
<p>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.]</p>	<p>Yes. Especially considering the expansion of permitted development (PD) rights, it is appropriate that contributions are made via the IL. Current 'avoidance' of s106 contributions is a concern for instance the lack of contribution toward affordable housing from schemes converting from office to residential under PD.</p>
<p>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.]</p>	<p>Yes The Council's Local Plan sets the requirement for affordable housing contributions (at least 40% of homes on liable sites), which is generally sought on-site. The IL should not result in a degradation of this requirement, but rather seek at least the same amount. Furthermore, it is noted that affordability remains a key driver (in terms of uplift) for Councils' housing requirements as calculated under the standard method (as proposed in the government's 'changes to the current planning system' consultation). In many areas of the country, including in Guildford borough, affordability is of particular concern and need is comparatively high. It would appear to be difficult to justify significant uplifts for affordability on the one hand (as part of the standard method), whilst on the other hand suggesting that the new means to secure affordable housing (the IL) could deliver less than what is required or secured at present.</p>
<p>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?</p>	<p>Securing affordable housing as an in-kind payment toward the IL would appear to be a simpler means of securing affordable homes (than via a 'right to purchase' approach). As noted in the consultation, this would involve a provider of affordable housing purchasing the dwelling at a discount from market rate,</p>

Question	Response
<p>[Yes / No / Not sure. Please provide supporting statement.]</p>	<p>which is similar to how this currently operates under the s.106 regime. It is agreed that further detail would be necessary in relation to this approach and in particular how risk would be mitigated.</p> <p>A 'right to purchase' approach may introduce additional risk to the affordable housing supply chain, if for any reason the local authority missed the opportunity to exercise this right, for whatever reason. Furthermore, if a Council is unable to secure building/land would it prevent the consent development from coming forward until the affordable housing can be provided? There is thus some concern in terms of the effect of this on the delivery of affordable homes and whether this mechanism would be practicable.</p> <p>These options aside, the associated risks identified in the consultation appear to be possible to overcome should the current more flexible system of s106 agreements (or similar) be retained for the purposes of securing affordable housing provision, even in the event that the IL is progressed as a means to secure infrastructure. S.106 agreements provide clear legally binding outcomes for developers, the local authority and the local community that broadly guarantee specific outcomes on the provision of affordable homes, guaranteed in perpetuity - and tied to any particular site.</p>
<p>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.]</p>	<p>Yes. It is understood that the question relates to circumstances (should the IL and an in-kind delivery approach be adopted), of overpayment to local authorities (i.e. where value secured through in-kind units is greater than the final levy liability). The consultation proposes that there should be no right for the developer to reclaim overpayment from the authority. This is agreed, however, it is considered that this situation would be less likely to occur should the IL be set at an appropriate rate and where values are comparatively high.</p> <p>More broadly however, the final cash liability as an in-kind delivery of the Infrastructure Levy would introduce more uncertainty to the provision of affordable housing and diminish affordable housing supply where affordable units are flipped back to market sales to cover a shortfall, should this occur. It is not clear how 'policy design' would mitigate the risk to the authority in this regard. It is also unclear whether, beyond Local Plan obligations, the 'incentive' noted in the consultation would be sufficient to ensure on-site delivery (rather than a developer opting for a levy payment only). This is a potential further introduction of risk into the affordable housing supply chain in areas of high housing demand like Surrey, and would also lead to the delay in any affordable housing provision, pending securing further</p>

Question	Response
	<p>sites and development elsewhere, rather than at the known original development site; especially challenging where alternative development land is both scarce and expensive. There also appears to be an assumption that the authority could develop, when the development industry is often best placed to do this – and does this successfully now – and to avoid unnecessary risk in the development chain.</p> <p>The advantage of the current S.106 system over this, is that, where financially viable, it permits affordable housing to be provided at the site actually in development, delivered through the established development industry.</p>
<p>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.]</p>	<p>Yes.</p> <p>Whilst the consultation proposes that 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, this introduces risk to the supply of affordable homes if for any reason (by accident or by design) poor quality housing was to result from development activity. Current arrangements (via s.106 agreements, etc.,) already avert this risk. Furthermore, in areas where the housing market is strong (expensive) and land availability limited (such as in the South East / Surrey in general) there may be a tendency for local authorities to accumulate cash for affordable residential development, which then has no site capacity for effective delivery. Reverting back to cash contributions is thus not a desirable fall-back position in the case of poor-quality affordable homes.</p> <p>As an alternative, should s106 agreements (or similar) be retained (as referred to in the response to Q 24b) it is possible that current mechanisms to ensure quality could remain in place and there would be no impacts on the (potentially separate) IL. The steps already embodied within typical s.106 agreements ensure quality in residential development. These would likely need to be replicated should any alternative emerge to replace them.</p>
<p>25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Not sure. It is not clear how spending on core infrastructure obligations (that the consultation indicates should be met first) would be secured, though it is acknowledged that in future the Infrastructure Funding Statement will provide transparency in this regard. Assuming that the levy is sufficient to pay for infrastructure that is needed (as well as affordable housing requirements) and the associated costs of administering the system, further flexibility would be welcome.</p> <p>There may be a risk introduced into the affordable housing supply chain through projects seen as of greater strategic importance taking priority for funding over the provision of affordable housing, with the</p>

Question	Response
	sincere intention to provide additional affordable housing being delayed to some further future unspecified date. s.106 agreements, as currently operating, effectively eliminates this risk.
25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]	Should the Local Plan set policy requirements and affordable housing secured in an 'in kind' manner and be offset against the IL liability, it is unclear why it would be necessary to 'ring fence' an amount of the levy for affordable housing (unless there was a reversion to cash contributions for instance due to poor housing quality). It is assumed that the opportunity would exist to ring fence a further amount of the levy for affordable housing (beyond that secured 'in kind' and offset against the levy). It is considered that the decision on whether to 'ring fence' additional funding should be for the local authority. Dependent on further detail regarding the system, a 'ring-fence' approach may be required to manage the risk to the affordable housing supply chain, as above.
26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?	The Council consider that MHCLG should and will need to comply with the requirements of the Act and Public Sector Equality Duty including assessing potential impacts on people with protected characteristics.