

# “PLANNING FOR THE FUTURE”

## RESPONSE OF PLYMOUTH CITY COUNCIL 27 October 2020



This document sets out Plymouth City Council's formal response to 'Planning for the Future' White Paper. We object to 16 of the 24 proposals. We support 6 of the proposals in principle and fully support 2 of the proposals.

We have responded to each question asked in the White Paper, where appropriate.

We have undertaken community group engagement on the proposals and incorporated the views we captured from these local stakeholders within our response and we have encouraged local residents to directly engage in the consultation process.

We have also commented upon parts of the White Paper where no specific question was identified.

We are widely acknowledged as one of the leading local planning authorities in the country for positive, proactive planning and local plan performance, and as such we would be very happy to meet with Ministers and Government officials to help improve and guide the detail of the proposals set out in the White Paper. We note that the task force behind the ideas included in the White Paper did not include any local authority representative, which to us seems a glaring omission given that local government has not only the most direct experience in operating the current planning system but will be crucial to the successful implementation of a new planning system. We can offer the experience many years of high quality engagement with the planning process from a local authority perspective.

## **INTRODUCTION**

### **Plymouth City Council Response**

Whilst we would agree that some modernisation of the planning system is justified, we strongly disagree with some of the comments and analysis in the White Paper about the faults attributed to the operation of the planning system itself, when in reality it is the behaviours and actions of some vested interests that leads to some of the poor outcomes mentioned in the White Paper.

We consider the suggestion made in the Prime Minister's Foreword that the housing crisis is the fault of planning systems to be unfounded. This suggests a predetermined view of the planning system and deflects from more fundamental structural reasons about why this nation has been unable to deliver sufficient homes of the right quality over many decades. For example, we are only 6 years into the 20-year plan period of our Joint Local Plan and nearly 90% of the housing requirement of 26,700 dwellings has either been completed, is under construction now, or already has planning permission. Planning is clearly not a barrier to housing delivery in Plymouth, South Hams and West Devon.

The White Paper (paragraph 1.3) suggests nine 'problems' with the current planning system. We comment on these as follows:

- **“It is too complex”** – we agree with this observation. An effective planning system for the nation has to have effective local political and professional leadership. The system is already more centralised than comparable systems in Europe and elsewhere. We welcome proposals which genuinely will make the planning system simpler to deliver, and would comment that it is the excessive tinkering of successive governments that has made the planning system more complex than it needed to be and created an industry for lawyers and legal challenges. Planners themselves have demonstrated time and time again that they can make whatever system they are working within operate effectively, but what frustrates them, and therefore local communities most, is a continuing shifting of the goal posts.
- **“Planning decisions are discretionary rather than rules based”** – we fundamentally disagree with this criticism of the existing system. It is naïve to think that a planning system

could ever function in the benefit of society without the ability for case by case judgments, as circumstances inevitably vary and there can be no effective one-size-fits all. However, we do agree that greater certainty on the principle of development could be delivered through a reformed local plan system.

We can see that this opinion of planning arises from a negative perspective that land use planning is merely a ‘form of regulation’ (paragraph 1.4). The planning system has always been a discretionary system rather than a zonal rules-based system of the type that exists in various forms around the world, allowing decisions on individual proposals to be tested against the policy framework set out usually in a local plan, but ultimately considered on its individual merits. This provides flexibility and quick adaptation to changing economic, social and environmental contexts, which in light of the impact of COVID-19 must be a basis of assessing whether what is put back as a new system is fundamentally better than the one that currently exists. The planning system has, on the whole, enabled England to respond to the various societal, economic and environmental challenges of a changing society over the last 70-odd years.

The planning system created by the 1947 Act is inherently locally democratic and acts in the wider public interest. Although the system in England, compared to almost every other liberal democracy has always been heavily centralised, the basis of the system has always been predicated on democratically elected members and professionally qualified planning officers together comprising the local planning authority working with local communities to plan for the future of their areas. However, that is not how the Government sees the planning system in the Planning White Paper, describing it as “a relic” from the 20<sup>th</sup> century, “outdated, and ineffective”, and “artificially constraining the potential of the country”. Indeed, the White Paper suggests that “thanks to the planning system, we now have nowhere near enough homes in the right places”. While there are clearly planning regulations, we could not disagree with the overall tenet of this statement more. Land use planning is not about regulation, it is about identifying a vision for a place and a strategy for achieving that vision. There may be elements of land use that need regulating for the sake of the environment etc. but at its core purpose planning is positive and proactive activity to deliver real and lasting change. Good local planning authorities get this and have been practising it for decades and have consistently achieved positive outcomes for local communities.

- **“It takes too long to adopt a Local Plan”** – we agree that this process does take too long and despite numerous reforms since 2004 this has never been addressed in any meaningful way. There needs to be a more proportionate approach to evidence-base requirements, a review of the examination process itself, and overhaul of the failed Duty to Cooperate process which does not effectively address strategic planning issues.
- **“Assessments of housing need, viability and environmental impacts are too complex and opaque”** – we do not agree that environmental considerations should be subservient to a pre-determined view about speed of decision-making. Decisions on developments that impact wildlife and biodiversity will have implications for generations to come and therefore must be properly assessed at the correct stages of the planning application process. We do agree however that the processes could be streamlined so that it properly contributes to more informed decision-making on planning applications. In the absence of a clear alternative proposal, it appears there is an inherent insinuation here that environmental considerations delay developments, yet the Planning White Paper provides little evidence to substantiate this.
- **“It has lost public trust”** – we do not agree with this. Planning is an inherently democratic, open and transparent process, governed by professional and constitutional codes of conduct. It is not that planning that has lost public trust – it is that when local people realise that the planning system that has been created in recent years is so centrally stifling of local innovation, and subject to so much central dictate by the National Planning Policy Framework, their belief in the system delivering the outcomes they want is severely diminished. No part of the public

sector is as heavily consulted upon and scrutinised in public than planning. Good local planning authorities are already creative and innovative in building community trust. Furthermore, the answer to increasing trust cannot be to de-democratise the development management part of the planning process, which is what the White Paper proposals will lead to.

- **“It is based on 20-centuary technology”** – we agree with the objective of modernising and digitising planning, whilst being mindful of issues of digital exclusion. For too long central government has refused to allow local planning authorities to remove inefficient and costly processes such as placing statutory notices in local papers because of a desire to set the requirements centrally.
- **“The process for negotiating developer contributions to affordable housing and infrastructure is complex”** – we agree, because it is central government who have made it unnecessarily complex refusing to give local planning authorities the powers and tools to secure an appropriate level of the uplift in the value created by the grant of planning permission for the benefit of the community.
- **“There is not enough focus on design”** – we agree, which begs the question why the Commission for Architecture in the Built Environment was abolished in July 2010. If the government are serious about the role of design in the planning system, the National Planning Policy Framework has to be altered to allow local planning authorities to refuse not only obviously poor developments, but also developments that do not address climate change: and be able to do so whether there is a 5 year land supply or not.
- **“It simply does not lead to enough homes being built”** – we do not agree with this analysis. The plan and planning system can provide the supply of land but it doesn’t guarantee homes are delivered. The government appears to be wilfully ignoring its own advice in the Letwin view, and the work that preceded it in the Barker and Lyons Reviews as to the real reason why this country is continually failing to deliver the homes its people need. It is a deliberate distraction to lay this at the door of the planning system as opposed to funding a new affordable housing programme and providing local planning authorities with the tools they need to ensure developers build what they have planning permission for. Whatever happened, for instance, to the “lose it or use it” powers previously promised? Will government not only roll out a more creative use of Completion Notices but look seriously at incentivising local plan allocations to turn allocations into planning permission and permissions into much needed homes? Why, for instance, could the government (through Homes England) not work with all local planning authorities and align funding streams in a strategic place-based partnership to drive forward the delivery of housing sites (and for that matter other allocations) to see homes delivered faster rather than imposing centrally devised bureaucratic and procedural devices such as the 5 Year Land Supply and Housing Delivery Test? It is accepted that many local planning authorities can do more to encourage delivery, and be more effective about bringing it forward and building themselves. The data on unimplemented consents and allocations demonstrates that supply through the planning system is not the reason for insufficient homes being built.

The White Paper (paragraph 1.12) suggests nine 'aims' for a reformed planning system and have the following comments on these:

- **“To be more ambitious for the places we create, expecting new development to be beautiful and to create a ‘net gain’ not just ‘no net harm’”** – we agree with this statement, but there will need to be a step-change in resources available to local planning authorities to be able deliver this.
- **“To move democracy forward in the planning”** - we disagree profoundly with the rationale for this statement because its corollary is to remove democracy for later stages of the planning processes which will severely disenfranchise local communities ability to influence developments coming forward in their areas. Front loading of engagement of local communities and other stakeholders is already part of the current local plan system so nothing new in that sense is being proposed – other than electronic and digital methods of engagement.
- **“To improve the user experience of planning”** – we do not agree that the measure of success of any new planning system is just about its user experiences: all citizens should have a positive engagement with the planning system and their rights should be enshrined in primary legislation linked to a clear definition of what the overall statutory purpose of planning is. Having said that, Plymouth have already implemented a number of innovations in relation to citizen and user engagement in planning which we can share with government if it wishes to use these to help design any new system.
- **“To support home ownership”** - we do not agree with this aim as it is too limited. Government housing policy should support a range of housing types. The White Paper makes several references to the success of other European nations in delivering homes, but they also have reputations for high quality highly desirable social housing.
- **“To increase the supply of housing land”** – we do not agree that this should be an objective in its own right because land supply is only one factor in the delivery of the number of homes that the nation needs.
- **“To support innovative developers and housebuilders”** – we agree with this objective and we are prepared to assist government in drawing out the lessons from our award-winning Plan for Homes programmes in helping to design new approaches which will genuinely help small and medium-sized builders.
- **“To help businesses to expand with readier access to commercial space”** – we do not support this objective as it is clear the government is seeking to extend permitted development rights limiting the role of the planning system in addressing the location and sustainability of commercial developments.
- **“To promote the stewardship and improvement of our precious countryside and environment”** - we strongly oppose this aim as drafted as the suggestion that this is sufficient to capture the role of planning in tackling the climate emergency is woefully inadequate. The reform of the English planning system is a once-in-a-generation opportunity to place the climate emergency centre stage. Any overall aim of the planning system has to be much more than the status of green spaces and the environment.
- **“To create a virtuous circle of prosperity in our villages, towns and cities”** - we do not support this as an aim as it should be the natural outcome of a planning system that is truly democratic, local and balances social, economic and environmental considerations. The reference to “gentle densities” around town centres is over-simplistic and once again illustrates how housing matters have unduly influenced the overall basis of the proposed reforms in the White Paper as opposed to a rounded view about what a modern planning system in 2020 would look like.

We would also comment that it is striking how little attention the White Paper pays to transport and the relationship between the location of housing, employment and services and travel between them. Transport is key to land-use planning and it is unclear how the White Paper proposals will ensure the delivery of developments that are not over dependent on car travel just at a time when the imperative is a green economic recovery that addresses the climate emergency, drives the decarbonisation of transport and improves the health of the population by encouraging people to walk and cycle more.

It is difficult to see how the White Paper promotes its three pillars of 'Planning for Development', 'beautiful and sustainable places' and 'Infrastructure and Connected Places' unless an integrated transport and land-use planning approach is taken. Planning authorities need to be able to have the powers to allocate land use that recognises the availability of public transport connections and capacity and being able to provide walking and cycling infrastructure that reduces carbon emissions, promotes healthy lifestyles and enables access to education, training and employment opportunities to as many people as possible without them being dependent on having access to a car. The Government's own publication "Gear Change: A Bold Vision for Cycling and Walking" published in 2020, sets out how it wants to ensure that all new housing and business developments are built around making sustainable travel, including cycling and walking the first choice for journeys. It is difficult to see how this will be achieved without reference to design, funding and delivery of sustainable transport within the Planning White Paper.

## **PILLAR ONE – PLANNING FOR DEVELOPMENT**

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

### **Plymouth City Council Response to Question I**

The government's own answer in its introduction (inefficient; opaque; poor outcomes) appears to confirm that the real rationale for the question being asked is to deliberately illicit negative responses to justify some of the proposals set out in the White Paper.

Plymouth has always take a much more positive view of the role of planning, going all the way back to the 1943 Abercrombie Plan for Plymouth. Whilst we are advocates for a modernised, decentralised, properly resourced and truly citizen-focussed planning system, we say the current planning system is:

- **Democratic**
- **Local**
- **Essential**

2(a). Do you get involved with planning decisions in your local area?

[Yes / No]

### **Plymouth City Council Response to Question 2(a)**

**Yes.**

We work with local communities across the whole of Plymouth to engage on planning issues as the local planning authority.

**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]

**Plymouth City Council Response to Question 2(b)**

We have found that some communities cannot fully engage in planning issues because the resources available to them are disproportionately biased to developer and landowner interests.

**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]

**Plymouth City Council Response to Question 3**

**We agree in part.**

Plymouth City Council has found that its early adoption of innovative community consultation techniques, and the digitisation of planning processes within existing government constraints, has been a positive approach for communities. However, we remain concerned at the overall level of resources that will be provided to move to the proposed new system and whether these will be ring-fenced to local planning authorities rather than wider corporate IT initiatives.

**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 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]

**Plymouth City Council Response to Question 4**

The question is premised on the respondent being forced to make false choices between the stated issues. All the matters listed are priorities and contribute to achieving a genuinely sustainable locality. Our priority is to deliver the vision, spatial strategy and specific strategic objectives set out in our adopted Plymouth and South West Devon Joint Local Plan through our proactive positive planning approach, through which we have identified 114 sites where housing and 55 sites where employment uses can be delivered. In March 2019, Plymouth City Council declared a climate emergency: therefore action on climate change must be the top priority for concerted efforts between national and local government to effect real and sustained decarbonisation of the housing, transport and energy-generating sectors of the economy.

## **A NEW APPROACH TO PLAN-MAKING**

### **PROPOSAL 1: THE ROLE OF LAND USE PLANS SHOULD BE SIMPLIFIED. WE PROPOSE THAT LOCAL PLANS SHOULD IDENTIFY THREE TYPES OF LAND – GROWTH AREAS SUITABLE FOR SUBSTANTIAL DEVELOPMENT, RENEWAL AREAS SUITABLE FOR DEVELOPMENT, AND AREAS THAT ARE PROTECTED.**

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

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

#### **Plymouth City Council Response to Question 5**

##### **No. Plymouth City Council strongly objects to Proposal 1.**

Fundamentally, the need for the proposed changes has not been sufficiently evidenced. The White Paper is riddled with assertion rather than proposals supported by evidence. This lack of evidenced based policy making is most acute in relation to the whole premise of the White Paper's argument to move from a flexible, discretionary planning system that has, on the whole, enabled England to respond to the various societal, economic and environmental challenges of a changing society over the last 70-odd years to a hybrid-style zoning system that does not exist anywhere else in the world and which therefore carries huge risks in its implementation – especially at this time of a global pandemic. There are many pros and cons to the various zonal planning systems that exist across the world and the proposals set out in the White Paper do not sufficiently evidence the analysis that has been undertaken of these to justify the proposal to change the entire basis of the existing system.

Specifically, the proposal completely ignores the key role of planning as a tool for identifying a vision and spatial strategy for place and therefore relegates planning to merely a regulatory function that is about enabling quick decisions relating to development and meeting the government's arbitrary housing target. Furthermore, it sets up an approach to planning decision making articulated in Proposal 5 that in our view represents a fundamental erosion of the democratic basis of planning. The proposals – ironically given the criticisms levelled at the existing planning system, are very process-driven. It is simply not credible to suggest that greater public engagement is provided for through front-loading of engagement at the local plan stage, as this is already provided for in the existing planning system. Our local community groups in Plymouth strongly feel that the White Paper focuses on targets and timescales and does not express a strategic purpose or vision, they consider this to be an omission that needs to be addressed and we are in agreement with these views.

There is a significant absence of information in the White Paper about how the standard classification of land will operate in practice. We are concerned that the proposal, which clearly seeks to operationalise the move from a discretionary and flexible system of planning, to one that is more rules-based, could oversimplify decision-making and lead to unintended consequences. Those unintended consequences will themselves lead to uncertainty – the very thing the White Paper is seeking to avoid. The proposal that land be zoned for only three categories ('growth', 'renewal' and 'protection') could be extremely restrictive and does not in any way reflect the complexity of an urban area such as Plymouth.

The proposal relies upon accurately predicting how developers and landowners will want to develop their sites in the future, but inevitably this can change substantially over time as the context for specific investment decisions alters. Development rarely comes forward exactly as envisaged at the time of plan preparation and adoption. In an economic model where the private sector will make the

vast majority of development-related investment decisions, at a time of their own choosing, this inevitably means that local plan allocations have to be crafted carefully with appropriate levels of flexibility in order to not unduly stifle development. The proposed system, with its confused and differing application processes in each of the 3 areas, is therefore based on the false premise that the certainty sought in the new style local plans is reflected in subsequent developer intentions.

We do however support the requirement for interactive web based map.

**If the proposal proceeds, we would advocate that:**

- There is explicit recognition that Joint Local Plans are a highly effective way of addressing strategic cross boundary issues and these should be encouraged.
- Revised planning guidance makes it clear that the allocation of land to these categories (zones) follows and responds to a clear vision and spatial strategy to be articulated in the Local Plan.
- That the Local Plan itself is able to define what land uses are covered in each zone and put in place appropriate policies to protect key interests.
- Provide greater clarity on how important ecological features are to be protected within the “Growth” and “Renewal” categories, and the extent to which development can be permitted within “Protected” Areas. In reality it is not so clear, and some types of development would be appropriate, for example an interpretation centre might be appropriate in a protected park. It is better to have a more nuanced approach, with appropriate development taking place in the different types of area. The new system should provide for this level of flexibility.
- The overall spatial strategy and vision also needs to be able to be shown diagrammatically in the Local Plan but this could be an element of an interactive website. The interactive plan should also include infrastructure and delivery proposals, and the ability to have some bespoke strategic policies relevant not just to a site but also to an area

**In respect of alternative proposals**, we believe there is a great deal that the government could do to improve the planning system without the need for such radical reform and completely new legislation. For example, as explained in our response to Proposal 7, the Local Development Framework system of the early 2000s, which was delivered under the current primary legislation, enabled Local Plans to be delivered quickly and effectively. The problem at the time wasn't the legal framework for planning, but rather not all local planning authorities prioritised plan preparation.

Furthermore, if one of the objectives is that every piece of land in England has a clear land use classification (and we can see the benefits of such an outcome), this can be delivered by policy zoning under the current legal framework with a change to national planning policy. For example, Plymouth's First Deposit Local Plan of 2001 categorised every part of its land into different land use categories, including, for example:

- Established Residential Area
- Establish Employment Area
- Mixed Use Area
- Greenscape Area etc.

Each with a bespoke policy to guide the principles about how development would be managed in those areas.

## **PROPOSAL 2: DEVELOPMENT MANAGEMENT POLICIES ESTABLISHED AT NATIONAL SCALE AND AN ALTERED ROLE FOR LOCAL PLANS.**

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

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

### **Plymouth City Council Response to Question 6**

#### **No. Plymouth City Council objects to Proposal 2.**

We do not advocate duplication between national and local plan policy. However, we believe the proposal amounts to the wholesale centralisation of planning policy by central government. The claimed intention of avoiding duplication already exists in relation to the preparation of existing plans so a false choice is being presented. Local planning authorities must retain the ability to set policies that respond to their own local priorities and deliver the development that the local community needs. Far from building local trust and confidence in the new planning system proposed in the White Paper it will lead to a further deterioration in confidence and will undermine any notion of changing public opposition to development.

Since the advent of the National Planning Policy Framework, national government has continually changed the planning system by frequent alterations of policy and guidance. This has led to inconsistencies and created uncertainty in the system for all those involved – developers, agents, local planning authorities and communities. Government have also been slow to respond to new innovations required in evidenced-based policy making such as for example climate change. Additionally, the site or area specific policies need the scope to go beyond just design issues to ensure that development that takes place meets the vision and strategy of the plan and is in the wider public interest.

However, we accept that general development management policies should not be replicated in Local Plans as this is unnecessary repetition. We also agree that a more standard approach to writing policies could be of benefit in simplifying plan making. In reality one of the issues mitigating against this has been the tendency of government agencies such as Natural England, Heritage England and Sport England to require reams of additional policy drafting and additional text to justify the removal of their objections to local plan policies and which reflect their, rather than the local planning authority's and Planning Inspector's interpretation of National Planning Policy requirements in terms of the consistency test. Our experience with the Plymouth and South West Joint Local Plan highlighted the importance of collaborative and early engagement with statutory consultees, although we were concerned at the extent to which some sought to be involved to such a fine grain of detail rather than taking a more strategic remit. Our joint local plan is one of only seven joint local plans in the country to be adopted and which fully meets its Objectively Assessed Need and its employment and retail needs in full.

Additionally, we agree with the idea of design guides and codes being on a twin track with Local Plans either for inclusion in the plan itself or a supplementary planning document.

#### **If the proposal proceeds, we would advocate:**

- The process for testing them, consulting on them and evidencing them – as local planning authorities have to do with their policies - has to be established. Such a process must be completely open and transparent and directly involve local planning authorities in a meaningful way through for example, representation on CLG Task Forces or Commissions that oversee this new proposed policy approach.

**In respect of alternative proposals**, we believe that the principle of ‘no duplication’ with the National Planning Policy Framework is correct and a greater standardisation of policy wording would be beneficial, but such changes should also include:

- Permitting Local Plans to include specific development management policies where there is a clear need for policies that provide a local flavour to nationally set policy principles. An example might be a particular design characteristic of an area that needs to be promoted or protected, or an issue that might affect a particular local area, such as where an evidence based threshold is needed to prevent over-saturation of Homes in Multiple Occupation within a family housing area or application of local connections criteria.
- The justification for any development management policies in Local Plans to be robustly tested at the examination stage and removed if not locally distinctive.
- Clear guidance to national agencies about their role in the local plan process, which should be strategic and not detailed word crafting of development management policies.

There are lessons from the Marine Spatial Plans with regards to this issue, as these have involved the development of bland generic policies which are then applied to regional plans as appropriate though a ‘pick and mix’ type approach. Whilst this has some value, there are concerns that local definition is lost in terms of how they are defined and implemented and that local ‘win-wins’ are not attained.

**PROPOSAL 3: LOCAL PLANS SHOULD BE SUBJECT TO A SINGLE STATUTORY “SUSTAINABLE DEVELOPMENT” TEST, REPLACING THE EXISTING TESTS OF SOUNDNESS.**

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

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

**Plymouth City Council Response to Question 7(a)**

**No. Plymouth City Council objects to Proposal 3.**

We would need to see the precise wording of the proposed “sustainable development” test to be able to meaningfully comment.

Whilst the simplification of the current processes and rules is a worthy goal as they are complex and generate lots of scope for risk and delay, the devil will be in the detail and very little detail is provided in the White Paper. Whatever replaces these things needs to:

- Support addressing the climate emergency, not just pay lip service
- Support the principle of joint working and joint plans to overcome cross border issues and deliver a more sustainable distribution of development (lack of joint working will work against the climate emergency and sustainable development)
- Reduce the scope for nit-picking and game playing by participants in the plan making process

Further information is needed on how a ‘consolidated test of sustainable development’ is to be used, particularly as there may be a danger that this will be diluting the drive to sustainability at precisely the time when we need it to be at its strongest if we are to deliver development for future generations as well as meeting the challenges set out in the 25 Year Environment Plan (25YEP). Environmental impacts are extremely complex when they need to include impacts on biodiversity, on air, water and soil pollution, and on environments which are already compromised. A single consolidated test must not take an over-simplistic approach to complex inter-relationships and could result in environmental degradation of the very ecosystem services on which we rely.

It is not clear how cumulative and in-combination environmental effects would be dealt with under the new planning regime. For example, following the Habitats Regulation Assessment of the Plymouth and South West Devon Joint Local Plan which found that the increased recreational impacts would be likely to have a significant effect on the European Marine Site, the Local Planning Authorities have adopted the use of Planning Obligations to fund the required recreational mitigation strategy. This approach thereby enables development to go ahead whilst also ensuring that important marine species and features are protected through funding. Such an approach will need to be maintained if we are to conserve our marine environment as required under the 25YEP.

Linked to the above, further clarity will therefore be needed on whether there will be a hierarchy of environmentally designated sites or whether international, national and local designations will all carry equal weight. We will also need to know how our local designations will be reflected; for example in Plymouth we have three different locally designated green space designations: Strategic, City and Neighbourhood Green Spaces, and the ways in which these are dealt with in terms of planning are all slightly different with some types of development allowed on some but not on others. This nuanced approach delivers solutions which reflect both local community need and local environmental need, and therefore further clarity is needed on how this would be affected as it would not be acceptable to dilute our approach.

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

### **Plymouth City Council Response to Question 7(b)**

The Planning White Paper appears to suggest a “permissive strategic planning approach” but with no legislative provisions to secure the proper provision and consideration of cross-boundary issues that are best assessed on a wider functional spatial level, so as to ensure sound strategic planning and policy interventions to deliver sustainable patterns of development. This is also important for biodiversity planning, as wildlife does not have regard for planning authority boundaries. So for example, the Local Nature Recovery Strategies will need to dove-tail across boundaries. . Our Joint Local Plan has successfully addressed strategic cross boundary issues to deliver necessary development and associated infrastructure.

In our view it is essential that proper statutory provision for cross-boundary issues must be provided for in any reformed planning system. Whilst we understand the government would be reluctant to recreate, or be seen to recreate, regional planning structures in light of the abolition of the Regional Spatial Strategies through the Localism Act 2011, nevertheless the fact remains that England is one of the only countries in Europe without a strategic, wider-then-local level of planning. Without any specific statutory provisions for stronger strategic planning, the removal of the Duty to Co-operate will mean that strategic issues are often simply not planned for, leading to disjointed development and failure to support development with the right strategic infrastructure. It will also mean that cross-authority action on climate change issues cannot be properly coordinated.

Plymouth is a particular case in point. The city has very tightly drawn administrative boundaries and significant growth to meet the needs of the city takes place in urban extensions in the adjoining council area. Additionally, many of the infrastructure impacts of these urban extension are within the boundary of the city and the solutions need to be delivered within the city, this having a significant cost implication.

**In respect of alternative proposals**, we agree that the Duty to Cooperate is an inadequate mechanism to ensure effective cross-boundary working. We would support in its place:

- A statutory obligation for local planning authorities to consider undertaking a Joint Local Plan to address cross-boundary issues.

- A requirement for Local Plans to provide a clear sub-regional context for their plan which has been developed collaboratively with neighbouring councils, regardless of whether or not a Joint Local Plan is being prepared.
- Local authority engagement in the setting of their housing requirement, to provide opportunity for local planning authorities to present evidence of constraints and opportunities which will be taken into account in the final requirement.
- Planning inspectors should be able to test the performance of Local Plans in relation to cross boundary issues and the sustainability of their overall distribution strategy in the context of the wider area.
- Provisions to ensure that resources related to development delivery are directed to where the impacts of the development are felt so that neighbouring councils do not have an unfair financial burden as a result of development.

This is an important matter not just for terrestrial sites, but also for the marine environment where it will be equally crucial to identify the ways in which terrestrial planning can comply with the adjacent Marine Spatial Plans and vice versa. It may be worth considering integrating the two in certain pilot areas and such an approach could be compatible with Plymouth's plans to designate waters covering Plymouth, South Hams, West Devon and Cornwall as Britain's first National Marine Park.

**PROPOSAL 4: A STANDARD METHOD FOR ESTABLISHING HOUSING REQUIREMENT FIGURES WHICH ENSURES ENOUGH LAND IS RELEASED IN THE AREAS WHERE AFFORDABILITY IS WORST, TO STOP LAND SUPPLY BEING A BARRIER TO ENOUGH HOMES BEING BUILT. THE HOUSING REQUIREMENT WOULD FACTOR IN LAND CONSTRAINTS AND OPPORTUNITIES TO MORE EFFECTIVELY USE LAND, INCLUDING THROUGH DENSIFICATION WHERE APPROPRIATE, TO ENSURE THAT THE LAND IS IDENTIFIED IN THE MOST APPROPRIATE AREAS AND HOUSING TARGETS ARE MET.**

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

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

**Plymouth City Council Response to Question 8(a)**

**No. Plymouth City Council strongly objects to Proposal 4.**

We consider the proposed methodology flawed and not fit for purpose (as we set out in detail in our response to the earlier "Current Planning System Changes" consultation which ended on 01 October 2020).

The 300,000 dwellings per annum figure is an ambition or aspiration and not an assessment of the nation's housing need and type of housing needed. It is not underpinned by any evidence to support and justify the housing target which should have been produced to form part of the consultation on this document and the White Paper. On this basis the standard method therefore cannot be soundly referred to as an adequate assessment of housing need, rather it is an algorithm designed to ensure it adds up to a national housing target in excess of 300,000 homes. To quote Harriett Baldwin MP (Conservative) we agree that it is an "imposition of housing numbers handed down by Central Government and [we] strongly resisted this new 'Stalinist' approach".

The new National Housing Target ought to be subject to a Strategic Environmental Assessment particularly given that the figure appears to have no evidential basis to it and is likely to lead to a significant loss in green spaces for development in rural less sustainable locations. Alternative

options/targets ought to have been considered as a lower housing target of focusing on high levels of affordable housing provision as a portion of overall housing development could meet the nation's housing need in a more sustainable way. This alternative option would better align with the Government's objectives to reduce climate change impacts and addresses the affordability crisis more appropriately through the provision of higher levels of affordable housing.

There is no clear evidence of past under delivery of housing numbers as a total, the issue is past under delivery of affordable homes when compared to public sector housebuilding numbers prior to 1990's. The solution must be to focus on substantial increases in affordable housing as a portion of the overall total. An increase in the overall supply above current levels is not necessarily needed and this should be considered alongside the impacts of climate change in establishing the most appropriate level and type of housing supplied.

The algorithm is not fit for purpose, it is an algorithm purely designed to arrive at a high housing number and is not an appropriate or justified assessment of actual housing need. It still directs growth to rural locations as is the case with the current algorithm i.e. it inflates housing figures substantially in rural areas compared with urban areas.

The affordable housing/market signals adjustment methodology leads to inflated housing numbers in the wrong locations and is based on a flawed assertion that delivering more houses leads to greater levels of affordability. There is no clear correlation between higher house building numbers and greater levels of affordability, indeed the opposite is often the case due to wider economic effects. For example within the Plymouth, South Hams and West Devon area there are periods of time where lower levels of housebuilding have resulted in greater affordability and higher levels of housebuilding have resulted in lower levels of affordability. Higher levels of housebuilding normally take place in a buoyant economy where house prices rise at a rate higher than earnings and lower levels of house building take place in an economic downturn where house prices fall at a rate greater than a decrease in earnings.

Furthermore there are no mechanisms within the White Paper or the previous consultation on the Changes to the Current Planning System to ensure house builders deliver the higher numbers generated by the algorithm. House builders will increase output dependent on an optimum price point. Therefore if house prices fall, which is the Government's clear aspiration in aiming for such a high house building figure, then house builders have and will always react by reducing output. It is a matter of simple supply and demand economics. It would be counterintuitive to house builders' business models to do anything to the detriment of reducing profit. To merely expect or hope house builders will operate differently without any incentive or penalties is a failure to understand how the house builders and the housing market operates. It is perhaps inevitable that the housing numbers generated by the algorithm are undeliverable and development plans as a result will be set up to fail and rendered out of date very quickly.

The housing crisis is an affordability crisis, yet there is insufficient attention to substantially increasing affordable housing provision as a portion of overall housing to deal with the affordability crisis. Moreover the effects of having an undeliverable high housing target in inappropriate locations results in reduced obligations and thus reductions in affordable housing provision in the interests of site viability. Leaving London to one side, affordability ratios in rural locations are significantly higher than in urban locations, the solution must be to ensure greater levels of provision of affordable housing in rural locations rather than focusing on inflating overall housing numbers that are not deliverable and have the effect of reducing affordable housing provision. We suggest that Government considers requiring through national policy significantly higher levels of affordable housing provision in rural locations with a high affordability ratio rather than inappropriate inflation of housing numbers in such locations.

We have fundamental concerns with this proposal and would look for significant reassurances and clarifications should the government proceed with what is at face value a totally undemocratic way of

deciding on housing requirements and based upon an arbitrary national housing requirement and an untested algorithm. In particular, we highlight the following:

- At face value, the proposal will deliver massive increases to London and south east housing requirements and increase regional disparities. This concern must be overcome in order to make the proposal workable, perhaps by policy led approach to targeting specific growth areas elsewhere supported by a national spatial / investment plan.
- Given that the planning system deals with the supply side we can see no reason to continue with the flawed Housing Delivery Test if distribution comes from a standard methodology. The Test which blames local planning authorities for developers not building out their consents is completely unfair and sets Local Plans up to fail from day one. This is not the way we should enter a new planning system.
- If an area's housing requirement is modified downwards in this centralised process given its constraints, does that mean the figure for other areas will need to be modified upwards to ensure the government's overall housing target is provided for? This issue needs to be explained.
- How will constraints and associated revisions to housing requirements be assessed? Is this going to be a transparent process? Are some constraints more worthy than others? What about local policy constraints, gaps, green space, heritage, landscape? To what extent will there be lobbying and how will a judgement be made about increases in housing numbers? Can authorities volunteer to take more? And what benefits would they get? These are critical questions that need to be considered to avoid the new approach being misused and creating more opportunity for confusion and delay.
- It is doubtful whether a centralised methodology could adequately reflect local constraints and there should therefore be an opportunity for local planning authorities to be consulted and make representations to government before the figures are finalised. E.g. an urban authority with tightly drawn boundaries may have very limited urban development capacity which a centralised process is unlikely to pick up.
- How frequently will the national housing requirements be updated? Will a plan be out of date as soon as the figures change? If so, would this make the 5 year review meaningless? What if the nationally set housing requirement changes while plan in preparation or examination? Again, the absence of detail makes it difficult to respond positively on this proposal. A plan's housing requirement should be clearly set at a particular point in the plan preparation process to avoid delays caused by shifting goal posts (managing with shifting goal posts generally has been a major issue with the current planning system).
- Joint Local Plans should be specifically encouraged (not just joint planning arrangements) – this is the best mechanism to agree a local redistribution of housing and this should be explicitly permitted and indeed encouraged in the new system.
- Allocating a greater figure than the requirement should be allowed for a local planning authority area.

We are also worried that this proposal and the pre-eminence given to the housing numbers within Pillar 1 has the potential to undermine the delivery of improved quality and outcomes identified through greater engagement associated with Pillar 2.

Plymouth's local community groups have also expressed significant concern over this proposal and are particularly worried about the impact of standard housing calculations.

**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.]

**Plymouth City Council Response to Question 8(b)****No.**

Although affordability is an appropriate indicator of need, it should to be carefully balanced by other factors. However, the extent of existing urban areas is not a good indicator of the quantity of development to be accommodated, in part because relying on this will create a self-perpetuating cycle whereby the more homes are delivered, the greater the need. The methodology must not be used to drive spatial decision-making. It is an input into that decision-making not a decision in and of itself.

As we commented in relation to the previous consultation on Changes to the Current Planning system we have concerns about the use of the affordability measures and housing stock as appropriate indicators of the quantity of new development.

The workplace-based median house price to median earnings ratio is an inappropriate arbitrary multiplier that is not fit for purpose and does not result in greater levels of affordability. The affordable housing / market signals adjustment methodology leads to inflated housing numbers in the wrong locations and is based on a flawed assertion that delivering more houses leads to greater levels of affordability. There is no clear correlation between higher house building numbers and greater levels of affordability, indeed the opposite is often the case due to wider economic effects. For example within the Plymouth, South Hams and West Devon area there are periods of time where lower levels of housebuilding have resulted in greater affordability and higher levels of housebuilding have resulted in lower levels of affordability. Higher levels of housebuilding normally take place in a buoyant economy where house prices rise at a rate higher than earnings and lower levels of house building take place in an economic downturn where house prices fall at a rate greater than a decrease in earnings. We are also concerned that changing working patterns due to the effects of Covid-19 may mean that workplace-based data is not the right indicator and this should be reviewed as part of this process.

The affordability crisis should be addressed by a planning system that requires developers to deliver substantially higher levels of affordable housing than the current levels or to contribute substantially higher levels of money for the provision of affordable housing from registered providers and local authorities. In addition the Government must create a system that holds to account house builders to build the consents that have been granted and the sites that have been allocated expeditiously. The responsibility to house the nation and address the affordability crisis has been handed to private sector house builders therefore they must be incentivised to do so. House builders must also face a delivery test and also face financial consequences for failing to deliver the sites that have been allocated and granted consent.

The algorithm as a whole is not fit for purpose, is volatile on a yearly basis and undermines rather than underpins the plan led system due to the flawed outputs it generates. It bears no relationship with actual need arising in places and ignores sustainable distribution patterns.

The additional arbitrary element of 0.5% increase in housing stock is a blunt tool that results in an exponential increase in housing targets year on year. The more houses that are added to the dwelling stock results in a greater increase in household formation forecasts as well as the 0.5% of existing housing stock part of the equation thus resulting in exponentially higher housing targets every year. It is inevitable therefore that this will require continuous amendment following inception which adds weight to the assertion that the algorithm is not fit for purpose.

It is recognised that proposals set out in the White Paper will consider an additional algorithm to factor in constraints to generate a binding Housing Requirement, however Government has made clear that 300,000 plus homes per annum is the ambition/aspiration. Development Plans ought to be deliverable plans. Local planning authorities faced with vastly increased undeliverable housing targets, not underpinned by any sound evidence of housing need, and an exponentially annually increasing

standard algorithm regardless of delivery will find plans out of date rapidly, if indeed they are even able to produce a plan to meet the target. The effect of this blunt tool is likely to result in an unplanned led planning system of piecemeal development prioritised on Greenfield development in inappropriate unsustainable locations in advance of brownfield development within main cities and towns. This does not sit well with the Government's climate change emergency declaration / objectives and the objectives to prioritise brownfield development and protect areas of greenspace value. See additional comments on the Government's proposed approach above.

Government should consider national policy requiring and ensuring house builders deliver higher levels of affordable housing in locations with the highest affordability ratios rather than merely inflating housing numbers in these locations with no mechanisms / incentives or penalties for developers to ensure delivery takes place.

The effect of overinflated undeliverable housing numbers as a result of this element of the algorithm has the opposite effect i.e. to reduce affordable housing provision within schemes in decision making, due to failed housing delivery tests or lack of 5 year land supply. This has been the case since the introduction of the NPPF in 2012 and also appears to be the case elsewhere in this consultation where Government proposes an interim removal of affordable housing obligations for sites below 40 or 50 units in response to potential viability issues associated with the effects of COVID 19 and the downturn in the economy.

The affordability crisis is not best addressed by the loss and reduction of affordable housing provision. This seems to be a very counterintuitive outcome to improve affordability and access to housing. Research from Lichfield's clearly shows that greater levels of affordable housing within developments substantially increase delivery rates. Government should therefore be ensuring that the planning system secures greater levels of affordable housing within developments above current levels not lower levels to meet the Government's aspirations for higher housing delivery figures.

## **A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS**

**PROPOSAL 5: AREAS IDENTIFIED AS GROWTH AREAS (SUITABLE FOR SUBSTANTIAL DEVELOPMENT) WOULD AUTOMATICALLY BE GRANTED OUTLINE PLANNING PERMISSION FOR THE PRINCIPLE OF DEVELOPMENT, WHILE AUTOMATIC APPROVALS WOULD ALSO BE AVAILABLE FOR PRE-ESTABLISHED DEVELOPMENT TYPES IN OTHER AREAS SUITABLE FOR BUILDING.**

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

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

### **Plymouth City Council Response to Question 9(a)**

**No. Plymouth City Council strongly objects to Proposal 5.**

We have fundamental philosophical and practical concerns with this proposal.

Firstly, we consider this proposal to be profoundly undemocratic and it has generated significant concerns amongst a number of Plymouth's community groups that feel this proposal will erode the

democratic concept of planning. Under Proposal 5 “there would be no need to submit a further planning application to test whether the site can be approved”, with different consent regimes dealing with tightly defined very technical matters in the growth and renewal areas, but in protected areas this being determined through a planning application process as it is now. It is clear that what is intended by the Planning White Paper is a much more constrained role for the Planning Committee who would only deal with exception issues in the growth and renewal areas. The Planning White Paper is quite explicit about limiting the future role of elected councillors in this respect by stating that the Government intends to achieve its streamlining objectives by proposing “the delegation of detailed planning matters to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgement”. This fails to understand the importance of openness and probity within the planning system. It also fails to understand the importance of local councillors who are elected amongst other reasons to formulate and pursue planning policies on behalf of local residents. This involves exercising a formal scrutiny and challenge function as well as representing legitimate concerns and issues raised by local people – as opposed to these being raised with unelected officers.

Secondly, the proposed automatic outline permission gives no scope to consider whether there has been a significant material change that means that development is no longer appropriate. Even with the streamlined process, a new style local plan would take 30 months to prepare, which may not be sufficiently fast to respond to those changes. Section 38(6) of the Planning and Compulsory Purchase Act 2004, allows for other these material considerations to be taken into account and so this would have to be altered to allow for the new approach which, very rapidly, could be found to be incredibly inflexible. Plymouth’s community groups strongly oppose the restrictive, limited nature of stakeholder engagement opportunities that would be required to fast track the plan making process in accordance with the expectations of this proposal.

We feel the proposal is entirely unnecessary. The mere allocation of a site for a particular land use should provide sufficient certainty to a development about the acceptability in principle of a development, and we believe it is not necessary to the speeding up of the planning process for a local plan to grant an outline consent. Certainly, the desire to speed up the planning process is no justification for so significantly limiting the ability of local communities to make representations on development proposals wherever they are in the planning process and for so downgrading the role of elected members and Planning Committees.

There are a number of other implications / drawbacks of the White Paper proposal:

- It would rely on the local planning authority providing far more detailed constraints mapping and guidance to make a policy as valuable for a developer for investment purposes as a current grant of outline planning permission. It would also rely on significant upfront work by the local planning authority to consider the relevant issues for the allocation and this work will need to be properly resourced.
- It raises significant resourcing issues and there is currently no certainty about how these increased resources will be provided. If these resources were either to be paid by the developer upfront, as part of the call for sites, or through another suitable trigger point during the development process, then that might address those concerns. This would be reasonable considering the value that would be derive from an automatic outline permission.
- Planners will have a more reactive role in the planning system because once land has been zoned for a particular use, the principle of development will be established and will negate the need for a developer to discuss a range of potential use classes with the local planning authority. Planning Officers will, therefore, not have the opportunity to helpfully draw on their knowledge of the development pipeline nor the needs of the local area that will change over time to ensure development is valued and utilised upon completion. Instead, Planning Officers will be required to respond to the technical details of a detailed planning application at consents stage.

- Agreeing outstanding matters and addressing them can be a lengthy process because planning applications can often be organic and can evolve over time through proactive engagement between the applicant, professionals, specialists and stakeholders. Ongoing engagement takes time, but it is essential to ensure the delivery of good quality, well designed, successful developments. It is possible that the quality of a development could be compromised if there is an emphasis on fast decision making as there would be fewer opportunities for continuous engagement as decisions will be time bound and sanctions imposed on local planning authorities for non-compliance with fixed planning application determination timeframes.
- It is unclear whether the local planning authority can ensure a balance of uses are delivered within a Growth Area e.g. enough job opportunities made available to support housing delivery.
- Although Growth Areas can provide greater certainty to developers about what proposals are acceptable, there is no increased certainty of delivery.
- It is unclear how an outline consent given by a Local Plan might work for a large site such as an urban strategic development opportunity, an urban extension or new settlement, given that there will be a multiplicity of uses and infrastructure requirements. Perhaps there should be a legal requirement for a masterplan to be published in the local plan for such sites and the outline consent is linked to that.
- It is unclear what would the local plan give outline consent for. Would it be limited by the elements of the policy for the site – e.g. if the policy said that 30% of the housing must be Affordable housing pepper potted through the scheme, would that be part of the outline consent? Or would the outline consent simply be for the use itself?
- There is a lack of detail as to how minerals planning issues are to be dealt with under Proposal 5's land classifications. Minerals and waste proposals would not be suitable because of their nature, and their interrelationship with other permitting regimes, to be granted automatic consent in the manner proposed. This would appear to suggest that by default mineral sites could not be classed as 'growth' areas.
- The current system allows for investment decisions to be considered and a planning application submitted when a developer is ready. That allows up-to-date environmental information to be prepared and indeed other supporting evidence to be submitted in support of a planning application at the time it is made. There is a real danger that all these proposals will do is shunt all that detailed work to a later part of the reserved matter process creating a log-jam in the system at that point.
- Further clarity is required to set out how the current process of safeguarding mineral areas will operate and how local planning authorities would determine non-mineral planning applications where they impact an identified strategic mineral resource.
- The requirement for a masterplan to be in place prior to submission of the detailed application would mean that if these are to follow on from the local plan (which is probable, as the 30-month timescale for local plan production is unlikely to give sufficient time to prepare a masterplan in parallel on every single identified site in each of the 3 proposed land use classification areas) it would need to be an established principle that authorities can refuse the detailed permission if such a masterplan does not exist.
- Reference is also made to faster routes for detailed consent, but no details are available on what these would be, and so once again the lack of detail contained in the White Paper makes it difficult to envisage how the proposed 3 areas would operate in practice.

**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.]

**Plymouth City Council Response to Question 9(b)****No.**

The general presumption in favour of sustainable development is sufficient and the three ways to gain consent is both confusing and unnecessary. A general presumption in favour of development should be properly defined so that local planning authority making clear what constraints a developer has to address to gain planning permission. If a local planning authority sought to try to impose an unnecessarily high bar this could be tested at appeal. We consider this proposal adds complexity and layers to a planning system that the White Paper is trying to simplify.

Presumably this new consents regime kicks in on the adoption of a new style Local Plan. However, there will be a very mixed and confused picture nationally until every area has an adopted new style plan.

Under the new hybrid system proposed in the White Paper there are in fact four routes to consent because planning applications that do not accord with any of the identified three routes can still be considered in the normal manner. In reality developers will test the acceptability of their proposals which are not set out as allocations in the local plan much more frequently than the White Paper seems to anticipate.

The White Paper uses consent terms interchangeably which makes it impossible to fully understand what simplified and streamlined approval process the Government is actually advocating should be delivered. The proposal refers to an “automatic permission” for certain development types, which mirrors the language for growth areas, where a form of permission in principle is proposed. However, it then cross-refers to the fast track for beauty proposals, which in that section are couched more as a permitted development right subject to certain criteria.

A statutory presumption in favour of local plan-compliant development is also proposed in “Renewal Areas”. The White Paper refers to this being development that complies with the local plan description and the provisions of the National Planning Policy Framework. No mention of local design codes is made, so it is totally unclear which applications will actually benefit from those codes other than area-specific codes for “Growth Areas”

The proposals also seem to set up a dual system, whereby a developer could choose to exercise permitted development rights via a national pattern book approach, or to make an application for local plan-compliant development. Although provisions are suggested that would allow a local planning authority to modify (not replace) the pattern book, the starting point appears to be that developers can ignore the local plan and instead go down a pattern book route. Much of the development that takes place in “Renewal Areas” would therefore be development over which the local authority has no control. We strongly disagree that this is an appropriate approach. A genuinely plan-led system with strong emphasis on local design preferences would not contain these potentially wide-ranging permitted development rights.

In terms of “Protection Areas, it appears that local authorities will only be able to choose from a shopping list of possible protections that are set in national policy. This would prevent local authorities from identifying their own protections that pick up on matters of local, rather than national, significance. Almost inevitably, national policy would be unlikely to be able to adequately cover all possible protections that may be needed at local level. When protections are included in a local plan, they are not necessarily protections against all form of development, but come with important contextual wording that clarifies how the protection will apply. Simply zoning an area for protection will not give the required level of granularity and again raises the danger of inflexibility. It is noticeable that the certainty that would be afforded to “Growth Areas” in decision-making is not similarly afforded to “Protection Areas”. For instance there is no automatic refusal proposed in such areas that counterbalances an automatic approval in “Growth Areas”. Instead all that needs to be done is for a developer to submit a planning application as they do now. In practice this means

developers will be able to target their considerably greater resources to challenging local policy in these areas inevitably resulting in more appeals work.

We have additional concerns as to how this system will operate in practice:

- Developers could ‘cherry pick’ land/sites within Renewal Areas with fewer constraints to minimise their risks, which could lead to piecemeal development.
- There may be less incentive to deliver more complex sites.
- Lack of wider masterplanning could have implications for place shaping.
- Smaller ad hoc developments could cumulatively generate much wider implications e.g. infrastructure demands.
- Lost opportunities to cross subsidise different forms of development.
- The benefits of phasing strategies could be lost on larger areas of land in Renewal Areas.
- Planners will have a more reactive role in the planning system because once land has been zoned for a particular use, the principle of development will be established and will negate the need for a developer to discuss a range of potential use classes with the local planning authority. Planning Officers will, therefore, not have the opportunity to helpfully draw on their knowledge of the development pipeline nor the needs of the local area that will change over time to ensure development is valued and utilised upon completion. Instead, Planning Officers will be required to respond to the technical details of a detailed planning application at consents stage.
- Local communities will have less say in the type of development coming forward and could have less involvement in the Planning System if technical matters become the only outstanding issues to resolve.
- Wider regeneration benefits could be undermined if smaller sites advance.
- Agreeing outstanding matters and addressing them could still be a lengthy process and quality could be compromised if there is an emphasis on fast decision making.
- How can we ensure a balance of uses are delivered e.g. enough job opportunities made available to support housing delivery?
- Minerals can only be worked where they are found and given the lack of detail it is unclear how minerals applications would be determined, particularly if they are located in a protected area.
- Further clarity is required to set out how the current process of safeguarding mineral areas will work and how Authorities would determine non-mineral planning applications where they impact a resource.
- There may be unintended consequences such as mapping every single back garden in the “Protection Areas” which could have potentially significant resourcing implications for local planning authorities and could significantly extend local plan examinations as the minutiae of garden boundaries are debated to little value.

**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.]

### **Plymouth City Council Response to Question 9(c)**

**No.**

New settlements are not nationally significant in the same way as vital infrastructure projects are, where there are often limited options for how that infrastructure can be delivered and where it benefits a much wider area than the local authority or even the region. Local Plans remain the best

place in which to bring forward new settlement proposals. Indeed to suggest that the new style Local Plans are incapable of considering these new settlement proposals would suggest that the real objective here is to further centralise control in decision-making. That works against the stated aims the White Paper itself sets out.

Nationally Significant Infrastructure Projects regime processes would introduce a top down approach to large scale site allocations and would have little or no regard to the local context and changeable circumstances that are currently well understood by local planning authorities. This could lead to poor site allocations that are not understood or supported by local communities and could undermine the delivery of other well planned housing sites within local planning authority development pipeline. Often proposals for new large settlements can be controversial, local communities need to be engaged and matters need to be dealt with sensitively, in an inclusive manner rather than new allocations being thrust upon communities by a national government office.

### **PROPOSAL 6: DECISION-MAKING SHOULD BE FASTER AND MORE CERTAIN, WITH FIRM DEADLINES, AND MAKE GREATER USE OF DIGITAL TECHNOLOGY**

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

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

#### **Plymouth City Council Response to Question 10**

**No, we do not agree with all of the proposals. Plymouth City Council objects to Proposal 6.**

Whilst the modernisation of procedures could potentially be welcomed, the thrust of the reforms is to place speed of decision-making above achieving sustainable planning outcomes for local communities. Furthermore, many of the suggested improvements could more easily be introduced under the current planning system.

We strongly oppose the White Paper's proposals to apply sanctions on the local planning authority if mandatory time periods are not met, with planning fees having to be returned and consent automatically granted. There are no parallel sanctions on developers or agents for gaming the system as they currently do. The proposals are therefore biased against local authorities.

In the absence of specific details as to how the new proposed planning system is to be funded, a positive engagement with local planning authorities is required as to how planning must be better resourced; otherwise the reforms will be doomed to failure from the outset. We therefore welcome the commitment set out in the White Paper that "For the Spending Review, the government will prepare a specific, investable proposal for modernising planning systems in local government". We would suggest that the government does this with the direct input of the Royal Town Planning Institute.

In relation to each of the specific proposals we comment as follows.

- **"The Greater digitisation of the application process"** - we support the principle of digitally-enabled end to end process and a more streamlined validation system is welcomed so that the applicant provides the right information at the outset. Our experience is that too much officer time is wasted by going back and forth to the applicant asking for relevant information. We suggest further developments could take place with improvements to the Planning Portal to enable validation to be streamlined and consistent. We also suggest that a local planning authority has the automatic right to refuse to register an application without the nationally submitted validation requirements and the right to appeal by virtue of S78 of the

Town and Country Planning Act 1990 against the registration and validation of a planning application is revoked. We further suggest that for every day after the submission of an incomplete application that a fixed penalty set at an appropriate level to deter non-compliance is chargeable to the applicant by the local planning authority.

We also support in principle a standardised planning statement of no more than 25 pages for minor applications and 50 pages for major developments. We suggest that the Planning Advisory Service is commissioned to prepare this on behalf of central government through a Local Authority Task Force comprising a representative small group of local planning authorities. Plymouth City Council would be prepared to assist in such a process if this receives support from government. We welcome the commitment in paragraph 2.39 for the government to prepare a “specific, investable proposal for modernising planning systems in local government” as part of the Spending Review.

- **“Data Rich Application Registers”** – we support in principle a more standardised case management system. At present there are a wide range of software systems that local planning authorities can use that rarely meet the full requirements necessary for all types of planning applications. If all local planning authorities were working from a standardised software platform it would help both professionals and the local communities to access the planning information wherever they are in the country.
- **“Data sets that underpin the planning system”** – we welcome shorter and more standardised applications. However local planning authorities need to be properly resourced to introduce this standardised end to end process and this must be owned by all concerned in the development process which includes statutory consultees and the Planning Inspectorate. Also the local planning authorities must be supported by the Planning Inspectorate in not validating applications that do not provide the necessary information to assess a planning application. In our experience an applicant will try to persuade the local planning authority to validate applications that do not have the correct information to enable a decision to be made and this both elongates the process unnecessarily and creates unnecessary additional work for the planning officer. This also causes unnecessary confusion for local people.
- **“A digital template for planning notices”** - we support in principle the concept of a digital template provided this can be shown to be consistent with the Public Sector Equality Duty. Many residents, particularly in deprived communities, do not have access to digital information and a community must be able to access and comment on a planning proposal and not just be dependent on access to digital media.
- **“Greater standardisation of technical supporting information”** - we support the principle of standardised information but remain to be convinced that the White Paper’s approach to design coding will itself simplify and speed up the system. Planning officer time is often wasted on interpreting data that is provided in a wide range of formats. If the information is standardised the checking of this information will become easier. However this must be robustly enforced and if applicants vary from the standardised format local planning authorities should be supported in rejecting non standardised information. There must be credible sanctions that local planning authorities can impose on applicants without recourse to obfuscation on their part by convoluted other procedures or appeals, for this to be at all meaningful and have the desired effect sought by the White Paper. We would again suggest that the Planning Advisory Service is commissioned to produce the national data sets and standards in conjunction with a Task Force largely comprising of representative local planning authorities. Plymouth City Council would be prepared to assist in this process if this suggestion is supported by government.
- **“Clearer and more consistent planning conditions”** - a nationally set list of standard conditions is supported in principle as that would assist the workload of planning case officers and provide more certainty to applicants. However, there must be flexibility to impose bespoke conditions that are appropriate to the circumstances. Many conditions cannot be standardised and therefore local planning authorities should be given the flexibility to adapt

conditions if these can be justified. The White Paper is unclear on this point and any government response should make it clear if there will be opportunities for bespoke conditions – and if there is not then the logical progression is that many potentially acceptable planning applications which could have been approved with an appropriately worded bespoke planning condition will be refused. In order to further streamline the process the government should revoke the requirements to agree conditions with applicants as that will be largely unnecessary if these are nationally set. The government should also more significantly constrain the right of appeal against planning conditions because, again, if they are nationally set, the need to clog up the appeals process with planning condition appeals should be completely unnecessary.

In addition we have the following observations:

- **Delegation of detailed planning decisions to Planning Officers** - we strongly oppose this as this is a matter for the constitutions of individual authorities and for the elected councillors of an area not for central government to impose nationally. The referral for a Planning Committee decision is a key pillar of democracy in England. Where there is a public interest issue then it is appropriate that the matter is considered under open public scrutiny by elected Members of the Council. This does not mean just the largest planning applications but also where there is a finely balanced judgement to be made or probity issues where it is more appropriate for elected councillors to make a decision. The Committee process is far more disciplined across the country generally than it used to be and in Plymouth only approximately 2% of decisions are made by the Planning Committee because the Committee only wants to consider the most contentious matters. There may well be a case to challenge those Planning Committees that have not got a high percentage of delegations but generally speaking the Planning Committee is a very important demonstration of local democracy in action and should not be undermined further.
- **Time limits to determine planning applications** - in our experience the majority of extensions of time have been asked for by the applicant who has provided either insufficient information for the case officer to make a decision or wishes to negotiate rather than have their application refused. If this is made more difficult, then the applicant will be required to provide this information upfront or engage in pre application discussions to avoid a risk of refusal. However the extension of time does have its uses as there are sometimes very genuine reasons for allowing an application to go over time to avoid an unnecessary refusal and therefore a costly appeal. We accept that the extension of time process has to be collaborative and believe that mechanisms should be formalised to allow applicants and local planning authorities to agree milestones that are bespoke to the requirements of the site and the issues under consideration.
- **Automatic return of planning application fees at appeal** - we strongly object to this suggestion and see it as having a completely disproportionate impact on local authority resourcing. It will drive different behaviours by both applicants and local planning authorities which will undermine the objectives of the White Paper. This is a very blunt tool that infers that it is always the local planning authority's fault that a planning application goes over time. The White Paper advances no evidence to support such a contention. Furthermore, the suggestion that all relevant planning considerations can be resolved through local plans and design guides is completely fanciful. The development world is far too complex for that. If this is imposed local planning authorities will simply refuse a planning applications within the set period and challenge the applicant on timescales at appeal. This would not be helpful for either the applicant or the local planning authority and will likely result in a defensive approach from both sides rather than one off collaboration.
- **Automatic planning consents** - we strongly disagree with the suggestion of automatic consent is granted if there is not a timely determination. The reasons for there not being a

timely determination is many and varied and is often at the instigation of the applicant themselves. It is fundamentally wrong to cause a community to have to live with an unsatisfactory development for a completely arbitrary short term administrative reason! This would be contrary to their human rights and presumably also contrary to other legal frameworks (e.g. in relation to the climate emergency). This proposal would be likely to increase the possibility of local planning authority and community judicial reviews in relations to the provisions of the 1998 Human Rights Act.

## **A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS**

### **PROPOSAL 7: LOCAL PLANS SHOULD BE VISUAL AND MAP-BASED, STANDARDISED, BASED ON THE LATEST DIGITAL TECHNOLOGY, AND SUPPORTED BY A NEW TEMPLATE.**

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

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

#### **Plymouth City Councils Response to Question 11**

**Yes. Plymouth City Council supports Proposal 7 in principle.**

However, we would add that the detail around this proposal which is not yet available will be important, and those who are digitally excluded need to be provided for, so there will need to be ways to use non digital methods too. Our local community groups have made it clear they share these views and they seek further assurance that digital platforms for planning services will encourage and facilitate greater community participation rather than lead to exclusion in the future.

Additionally, the proposal raises questions about how the additional resource required to roll out media based plans and platforms can be supported. The government needs to support such improvements on a nation-wide basis with adequate financial support. Without this the implementation of such planning upgrades will inevitably be piecemeal. Adequate support and financing of local authorities to enable the up-grading of IT systems and capacity will also be essential if this ambition is to be achieved.

Web-based maps accessible from all devices can only improve the openness and transparency of planning generally and in relation to efficient, effective and innovative consultation exercises. However, as we know from other government IT procurements, only if functioning software can be operationalised ahead of the requirements of primary legislation will this be effective. Local planning authorities cannot be expected to comply with legislation for which the technology is simply not in place.

Whilst local plans can be more map-based, there will still need to be some form of accompanying text that can be easily referenced.

## **A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS**

### **PROPOSAL 8: LOCAL AUTHORITIES AND THE PLANNING INSPECTORATE WILL BE REQUIRED THROUGH LEGISLATION TO MEET A STATUTORY TIMETABLE FOR KEY STAGES OF THE PROCESS, AND WE WILL CONSIDER WHAT SANCTIONS THERE WOULD BE FOR THOSE WHO FAIL TO DO SO.**

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

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

#### **Plymouth City Councils Response to Question 12**

##### **No. Plymouth City Council objects to Proposal 8.**

Whilst we support the concept of quicker local plans, we cannot see how mandating a 30 month maximum local plan timetable can be achieved without streamlining the process and considerable reliance on the Planning Inspectorate to play their part in achieving this. It is essential that opportunities for community involvement are properly enshrined into the proposed new style local plans. Any reduction in engagement would itself be contrary to what the White Paper's stated objective of front-loaded community engagement in local plan preparation. Local planning authorities already receive thousands of representations on local plans which have to be registered, analysed and catalogued for further consideration by the Planning Inspector in due course. Whilst the promised additional investment in technology might help address this issue we are concerned that the length of time that this practically takes has not been properly assessed by government through a detailed Activity-Based Costing or End-to End Review process. We suggest the Planning Advisory Service, working with the Royal Town Planning Institute, are commissioned to undertake this work before any new system is introduced.

We are also concerned that the proposals to have these new style local plans in place by the end of the current Parliament (May 2024) will create a resourcing log-jam for the Planning Inspectorate.

The White Paper purports to advance a system of additional front-loaded community engagement, but as drafted the proposals remove community engagement opportunities. This is demonstrated by the proposed process, which has two stages at which the community are involved – Stage 1, where there is a call for ideas, areas and sites, and Stage 3, after the plan has been submitted. This means that there is no stage at which the local planning authority publishes a draft plan and is then able to respond to the consultation, because at this point the plan has already been submitted. Opportunities for the public to make their voices heard are proposed to be removed at the planning application stage, due ostensibly to the front-loading of involvement at the plan-making stage – yet, in actual fact, opportunities for involvement are also proposed to be removed at plan-making stage. Far from being a continuation of the plan-led system, it would appear that these proposals, when sat alongside the Proposal 4 actually undermine the role of local plans in the system.

Paragraph 2.47 of the White Paper states that the average time taken from plan publication to adoption rose from 450 days in 2009 to 815 days in 2019. There is a very clear reason for this. The government ditched the flexible local development framework process and introduced the National Planning Policy Framework and its misused tests of soundness. Under the LDF system Plymouth managed to adopt eight Development Plan Documents in just three years, with its Core Strategy moving from Regulation 18 to adoption in just 25 months. In the era of the National Planning Policy

Framework the evidence base requirements for plans were massively ratcheted upwards, and local planning authorities and planning inspectors became highly risk averse to the ever-present risk of legal challenge.

Unless the new local plan system addresses these kinds of issues, as well as ensuring the adequate resourcing of local planning authorities and the planning inspectorate, a 30-month process for an entire local plan process will be extremely challenging and the system set up to fail from day one.

Having said this, we are supportive of quicker local plans and have demonstrated an ability to move quickly even with a highly complex joint local plan. Plymouth City Council, South Hams District Council and West Devon Borough Council signed a collaboration agreement to undertake a joint local plan in May 2016 and 35 months later we had an adopted plan. It took 20 months from submission of the plan to PINS to receipt of the inspector's final report (all of this period was outside of the control of the local planning authorities) – i.e. 57% of the overall time for plan preparation!

In respect of the detailed proposals:

- In relation to proposed Stage 1, we are concerned that the call for sites is undertaken after the wider vision and strategy has been developed and not as a first stage in isolation from establishing this wider place-making context. The call for sites needs to have a clear context. This context is the overall need for development in a particular area, the vision a local planning authority and its communities has for that area, and a sustainable distribution strategy. Ideally this would be done as a stage before the call for sites, although potentially it could run concurrently with a call for sites stage.
- In relation to Stage 2 should allow for additional time (say 18 months) for those authorities undertaking joint local plans given the need to get political agreement across multiple councils. We think the benefits of doing a joint local plan outweigh any potential need to provide this extra time and this should be factored in to the government's proposals.
- In relation to Stage 3, local planning authorities should be afforded the opportunity to inform the Planning Inspector about any changes they would support to the plan in light of representations received.
- In relation to Stage 4, this is a radical change to the examination process that proposes a more limited process of scrutiny, binding changes and a far more concise report. Such changes are required in order to achieve a 9 months target (this stage took 20 months for our JLP!). More detail is required about on what basis alternative zones, sites and annotations are considered by PINS, how they will speed up their processes and use virtual examinations. It appears that there is no role for modifications which will speed up the process but reduces engagement opportunities and the opportunity for local planning authorities to suggest alternatives and respond to consultation. If there are going to be potential sanctions against local planning authorities for failing to meet their targets the same must apply to PINS, perhaps even with refunds to the local planning authorities for their costs on a ratcheted scale, depending on the length of the delay.
- Given that the inspector can make binding changes to the plan it is unclear whether a plan can be found unsound and it so what affect this has on the overall approach set out, especially given the intention for local plans to impact the consents regime.
- In relation to Stage 5 we support this.
- Comment should be made on whether the 6 week legal challenge period remains and what would happen in the event that JR granted and legal challenge successful.
- Comment should be made on how PINS will be able to resource its role given the concertina effect of multiple Local Plans all working to the same 30 month timetable.

Paragraph 2.50 The transition period referenced in paragraph 2.50 is not really a transition period at all. It is a deadline for plan preparation. There is a lot of work for local planning authorities to do in

order to get ready before the starting gun is fired and it seems as though the proposals include no real transition period.

In relation to Paragraph 2.51, please see our comments on Proposal 4. The five-year review will be meaningless if every time the national figures are updated a plan can be considered out of date. There needs to be some resilience built into the new system to prevent chaos caused by ever shifting sands.

No detail is provided on monitoring and review and how new evidence and changing context and issues will affect the plan, nor on the plan-monitor-manage cycle of local planning.

No details are provided into the changes proposed to make the production of a more proportionate evidence base consistent with the concept of a mandatory local plan timetable. This could also have potential implications in relation to undertaking surveys to support local plan production.

**In respect of the alternative proposals**, set out in paragraphs 2.53 and 2.54, we strongly object to the removal or modification of the automatic right for local people to be heard at an examination. These alternative proposals are completely at odds with the White Paper's stated aim of increasing democratic engagement in the planning system, and specifically the claim that this is front-loading and enhancing that engagement.

**If the proposal proceeds, we would advocate that:**

- The first stage of the Local Plan process be amended to include the need for the local planning authority to identify its vision for the area and consult on the level of need it is seeking to meet and options for its spatial distribution.
- An extra 6 months is provided for stage 2 where a Joint Local Plan is being prepared.
- Stage 3 makes explicit that local planning authorities are able to make recommendations to planning inspectors on modifications to the plan after the plan is submitted for public comment.

**PROPOSAL 9: NEIGHBOURHOOD PLANS SHOULD BE RETAINED AS AN IMPORTANT MEANS OF COMMUNITY INPUT, AND WE WILL SUPPORT COMMUNITIES TO MAKE BETTER USE OF DIGITAL TOOLS**

**I3(a).** Do you agree that Neighbourhood Plans should be retained in the reformed planning system?  
[Yes / No / Not sure. Please provide supporting statement.]

**Plymouth City Councils Response to Question I3**

**Yes. Plymouth City Council supports Proposal 9 in principle.**

The status of neighbourhood plans and its relationship with the proposed hybrid zonal approach set out in the Planning White Paper is unclear because of the absence of detail.

Neighbourhood plans and neighbourhood planning as a whole should be retained in the reformed planning system. However, it is unclear whether the reforms hinted at within the White Paper will help improve the effectiveness of neighbourhood plans.

A key question to ask is what does success look like for both the community groups pursuing neighbourhood planning and for the local authority who provide the support? Is it about having a 'made' neighbourhood plan at the end or is it about something less tangible? Can success be measured by how engaged and pro-active a group becomes by going through the process itself for example?

Neighbourhood plans in their current form can be a really good and useful tool for local communities, they can mobilise groups and bring them together under a common remit, they can set a clear vision

for an area, allocate sites for development, protect green space and also identify key infrastructure needs, but when there is nothing to address and it is not clear what a group wants a neighbourhood plan to do (or they want it to do too much or something it can't), it does question whether neighbourhood plans are the right tool for everyone.

In Plymouth this is becoming increasingly clear as we have an up to date local plan which meets our housing needs in full, a hierarchy of green space protection and a recently adopted Supplementary Planning Document which provides guidance for all the development management policies. What more can a neighbourhood plan add to this and will the work be worth it? And what more will a Neighbourhood Plan be able to add when there is a new style Local Plan with the zones identified and the scope for generic development management policies severely curtailed. This will be an increasingly important question going forward as the White Paper suggests that the scope of what neighbourhood plans can do may be reduced further.

From working with neighbourhood forums in Plymouth, what we've found is that one of the most positive outcomes is that becoming a forum is a really good way to give communities a louder voice at the table and to bring a group together under a common banner for a common purpose. As a neighbourhood forum a group can become statutory consultees for all planning applications and from experience, neighbourhood forums engage with us more proactively when we're writing our own planning documents. They become more engaged at key stages of consultation which allows them to raise concerns at an earlier stage in a more considered way. This can become particularly powerful as our local planning documents can help shape their neighbourhood plan and work programme going forward. If they can address their concerns in our local plan, that's less work for them and us.

In discussions with our existing neighbourhood forums, it became abundantly clear that the lack of detail in the White Paper about how neighbourhood plans will work in the future is causing nervousness and concern. At present, neighbourhood forums consider themselves to have 'golden opportunities' to work with the local planning authority and they have reported to us that a great deal can be achieved when we work together. For some people, neighbourhood forums are relied upon as they provide a safe platform where matters can be raised and reported as a collective local response, which often gives individuals the confidence to express their views.

Whilst we do believe neighbourhood plans (and neighbourhood planning) should be retained in some form, we do question if there are better ways of engaging with our local communities and whether neighbourhood plans is right for everyone.

**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?

### **Plymouth City Council Response to Question 13(b)**

Resources, funding and support will be necessary in order to promote digitalisation with Neighbourhood Forums. The potential role of local planning authorities, with appropriate funding provision, in supporting neighbourhoods in this aspect of neighbourhood plan making should be considered. There will still need to be consultation on design to ensure that everybody in the community has been able to participate. In light of the Planning White Paper's view that "the cost of operating the planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer" the Government should consider a funding mechanism for how landowners within a designated Neighbourhood Forum area are required to pay to support the preparation of a Neighbourhood Plan and its on-going implementation.

## **SPEEDING UP THE DELIVERY OF DEVELOPMENT**

### **PROPOSAL 10: A STRONGER EMPHASIS ON BUILD OUT THROUGH PLANNING**

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

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

#### **Plymouth City Council Response to Question 14**

##### **Yes. Plymouth City Council supports Proposal 10 in principle.**

We support action on build out rates as this is an issue which is undermining the UK economy and confidence in the planning system. However, we can see nothing in these proposals that breaks the relationship between slow delivery and 'low absorption rates'. Furthermore, the White Paper has failed to consider the evidence of the Barker, Lyons and Letwin Reviews on this issue. Instead it blames housing under-delivery on the planning system instead of the very developers who are not implementing consents for housing they have already been given.

The White Paper provides no evidence that the existing planning system holds up the building of new homes, rather the dominant position of the major house builders working to shareholder imperatives has resulted in slower build out of sites whilst offering less consumer choice. Without justification, planning is seen as the problem, inhibiting the unfettered approach of the market. The Local Government Association estimate that nationally there are over 1 million homes consented which have not been built. As at April 2020, there were 4,183 dwellings with planning permission yet to commence construction. In the last 5 years, 98% of major planning applications were determined within the statutory time period in Plymouth, and 99% of these were approved. It is not planning that is the problem and the failure of the White Paper to address the complex barriers to delivering housing, tackle the vested interests of the major house builders, and listen to its own commissioned evidence from the Letwin Review on build out rates is deeply concerning.

We support splitting sites to encourage faster build through diversity of different housing providers and housing products, targeting different customers, e.g. custom build, older person's live/work units etc. There is no point in splitting a site to provide similar market housing on each as if developers are competing for the same market this will not accelerate build out. Developers will only build at a rate that maintains their profit.

We raise a broader question about phasing of delivery of major developments given the proposal elsewhere in the White Paper to abolish Section 106 provisions. There need to be alternative mechanisms put in place to manage the proper phasing of developments.

##### **If the proposal proceeds, we would advocate that:**

- New and meaningful tools are made available to local planning authorities to address the issue of low build out rates, whether that be "use it or lose it powers", a new role for Completion Notices or some other form of tax of planning disincentives to drive build out rates.

## **PILLAR TWO – PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES**

**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]

### **Plymouth City Council Response to Question 15**

#### **Other.**

The scope of the question appears to be largely focused on housing development, which the White Plan appears focussed on to the exclusion of design considerations in relation to other land uses. It is difficult to generalise about the design of development in Plymouth in this manner. Quality differs between developments. In Plymouth we consider some good quality development has been secured through our proactive, positive planning approach and because we retained an in-house urban design capacity in the face of significant budget pressures between 2010 and 2020. We have also taken a proactive approach to the use of Design Review Panels. However the reality is other developments could best be described as “wallpaper architecture” in that they meet – just – the policy requirements of local plans but are not so poor as to merit refusal given the current design guidance within the National Planning Policy Framework. If the Government are serious about design quality then they must provide explicit and unequivocal support to local planning authorities to refuse poorer quality developments that do little to enhance the built environment. The current phraseology of the National Planning Policy Framework and the National Planning Guidance mitigates strongly against this and we would suggest that the Government works with local planning authorities to redraft the design sections contained in these documents.

Some of the poorest development that has taken place has arisen from the use of the more recent Permitted Development Rights.

**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]

### **Plymouth City Council Response to Question 16**

Our sustainability priorities are to deliver the actions set out in our Corporate Carbon Reduction Plan and Climate Emergency Action Plan which respond to our Climate Emergency Declaration in March 2019. We have seen no evidence to suggest that sustainability is at the heart of the White Paper proposals at all. The framing of the question appears to be deliberately designed to elicit responses in relation to the few things listed that can be delivered, but without an understanding of the wider sustainability and climate emergency measures needed at a strategic level that will achieve genuine sustainability. The items listed are the bare minimum of operational actions that can be undertaken to address sustainability issues and cannot be divorced from wider more strategic actions needed internationally, nationally and locally. The focus seems to be on speedy decisions, increasing the delivery of housing and architectural design. The White Paper has missed a once-in-a-generation

opportunity to put sustainability and the climate emergency right at the heart of the planning agenda and this view is shared by a number of Plymouth's local community groups.

## **CREATING FRAMEWORKS FOR QUALITY**

### **PROPOSAL 11: TO MAKE DESIGN EXPECTATIONS MORE VISUAL AND PREDICTABLE, WE WILL EXPECT DESIGN GUIDANCE AND CODES TO BE PREPARED LOCALLY WITH COMMUNITY INVOLVEMENT, AND ENSURE THAT CODES ARE MORE BINDING ON DECISIONS ABOUT DEVELOPMENT.**

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

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

#### **Plymouth City Council Response to Question 17**

##### **No. Plymouth City Council objects to Proposal 11.**

Whilst we support the use of design guides and codes – they already exist within the current planning system – we consider that the proposals as drafted are an attempt to remove local democratic control from determining planning applications, substituting instead design codes that would in reality have limited democratic involvement. It is of note that local community groups in Plymouth also share these concerns and have stated that mandatory design codes would be inflexible and not suited to local circumstances. The increased use of coding is highly dependent on sufficient resources and skills being available. This will need to be addressed within the resourcing and skills strategy referred to elsewhere in the White Paper. The assumption that resources currently directed to development management can be reallocated to design guides is flawed, as there will still be a significant number of planning applications made in the “Protected Areas”.

The White Paper also proposes that design guides should only be given weight where it can be demonstrated that local input has been secured. In the absence of this, the default is that nationally prepared codes will prevail, which again is effective the centralisation of policy making at a very granular level that and, to be frank, should be nothing to do with central government.

We are also concerned that in less affluent areas this could lead to poorer design outcomes where residents tend to be less well engaged with the planning process because they have more pressing issues to deal with.

Community engagement in local design guides and codes is clearly important, however local planning authorities will need the tools, skills and resources to deliver this, and few are in a place to take on such a responsibility proactively at the current time. Our local community groups also share our concerns over resourcing and specifically recognise that local planning authorities need more support and investment to facilitate the valued time, information and advice that officers provide to communities.

We consider that the National Model Design Code (paragraph 3.6) should incorporate a natural capital approach and promote multi-functional opportunities for green infrastructure as part of the design codes.

We are concerned that the White Paper has a too limited view of design and that beauty as a concept is very subjective. We are also concerned about the many references to ‘popular’ as popular design doesn't necessarily mean good design. While homes might be popular due to low prices, location,

easy access to amenity spaces etc., they might not be of good design standard (as is the case with the homes of some volume house builders). We need to address far more than just architectural quality and conservation, we need to create sustainable places with a vibrant mix of uses well located and well connected in order to ensure sustainable patterns of development and increased opportunities for sustainable travel. Furthermore, design guides and codes should include ambitious environmental requirements in order to deliver sustainable development; this to include net biodiversity gain, environmental protection and enhancement.

Strategic spatial planning has a key role to play here and it is important that the planning system is not reduced to being simply about speed of decision and good architectural design. That will not deliver beautiful and sustainable places and it will not respond to the challenge of the climate emergency.

The proposal states, among other things, that the locally produced design codes should be more binding. Clarification is needed on what is meant by the term 'more'. This could imply a referendum is required on a code, or it could simply mean that the local planning authority produces a statement (a "statement of community involvement" perhaps) (which is not subject to other processes of challenge except judicial review) confirming basic consultation arrangements have been met and therefore conferring immediate statutory status on the code for decision-making purposes.

**PROPOSAL 12: TO SUPPORT THE TRANSITION TO A PLANNING SYSTEM WHICH IS MORE VISUAL AND ROOTED IN LOCAL PREFERENCES AND CHARACTER, WE WILL SET UP A BODY TO SUPPORT THE DELIVERY OF PROVABLY LOCALLY-POPULAR DESIGN CODES, AND PROPOSE THAT EACH AUTHORITY SHOULD HAVE A CHIEF OFFICER FOR DESIGN AND PLACE-MAKING.**

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

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

**Plymouth City Council Response to Question 18**

**Yes. Plymouth City Council supports Proposal 12 in principle.**

The question unhelpfully splices two different White Paper proposals together. The recognition of the need for support and resources for local planning authorities is helpful although a better solution may be the encouragement and funding of regional and local design panels to provide support for local planning authorities.

We would support the re-establishment of a new body like the former Commission for Architecture and the Built Environment provided that its remit was clearly about strategic overview and quality control for design panels rather than interference with the day to day work of local planning authorities. Such an agency would need to add value through expertise and support and not be a further impediment to effective local planning. The specific remit of such a body would need to be defined further with regard to how it is to interface with local planning authorities before we could comment further.

As to the second question, we support the creation of a statutory Local Authority Chief Planner as the Royal Town Planning Institute have been advocating for many years. We consider the proposed "chief officer for design and place-making" should be part of that role and should be clearly defined first and foremost as a coordination role. Anything less will create confusion and not provide the clear leadership that the White Paper is seeking to achieve. Additionally, this is important also to

reflect the realities of the current local government funding position, as the statutory creation of an additional chief officer role would create inevitable funding pressures unless the post was going to be fully funded through the Rate Support Grant rather than through time-limited Section 31 new burdens funding. If this is not the case it is unreasonable for the White Paper to assume that local authorities should reallocate resources to other priorities such as design or enforcement from other statutory planning and other functions.

The recognition of the need for support and resources for local planning authorities is helpful and essential to deliver this aspiration. A key element of this should be low-carbon development and energy efficiency (alongside any drive to improve the 'appearance' of development). Notwithstanding the retention of qualified urban design officer posts in Plymouth, despite earlier budget cuts to planning functions, not all local authorities have access to these skills and so careful detailed consideration needs to be given to how every local planning authority can have access to the necessary urban design skills to ensure that the desired aims of the White Paper are not implemented in a piecemeal manner across England.

We suggest that the government works with the Royal Town Planning Institute to draft the necessary legislative provisions to give effect to this proposal and to consider the resourcing options in more detail.

We welcome the commitment made in paragraph 3.12 to bring forward proposals for "improving the resourcing of planning departments more broadly". Plymouth City Council would be prepared to assist the government on exploring ideas for resourcing planning functions sustainably if the proposals in the White Paper are taken forward.

**In respect of alternative proposals**, we consider that a local or regional approach may be better than creating a new expensive national body that could add to the bureaucracy of the planning system. The City Council has a long track record of utilising Design Review Panels and its own in-house urban design expertise to ensure that design considerations are an integral part of the planning process.

It will also be important in any proposals to consider the environmental element in final proposals, to ensure that there is no disconnect between development, design, terrestrial environments and marine planning environments.

**PROPOSAL 13: TO FURTHER EMBED NATIONAL LEADERSHIP ON DELIVERING BETTER PLACES, WE WILL CONSIDER HOW HOMES ENGLAND'S STRATEGIC OBJECTIVES CAN GIVE GREATER EMPHASIS TO DELIVERING BEAUTIFUL PLACES.**

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

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

**Plymouth City Council Response to Question 19**

**Yes. Plymouth City Council supports Proposal 13.**

We support the modification of Homes England's strategic objectives to put greater emphasis on design. However this must not be at the expense of providing policy levels affordable housing in the areas they are working. We also consider that there could be a better alignment of Homes England's Strategic Housing Infrastructure Fund with the housing allocations of adopted local plans to ensure that the design objectives set out in site policies are realised by closer collaborative working. We believe such a place-based alignment would help achieve the improvements in housing design and

quality that the White Paper rightly seeks. Plymouth City Council would be prepared to work with the government and Homes England to pilot such an approach if the government takes this proposal forward.

As a new strategic objective for Homes England would need to be backed up with further land opportunities, funding, innovation and learning, including supporting Modern Methods of Construction, there is a real opportunity to showcase good practice and deliver the cultural change the White Paper is seeking. The key will be to make it replicable, not just a series of one-offs.

We consider Homes England could do more in its leadership role, working with local planning authorities, to celebrate design success by promoting better design, net zero homes, and homes designed to higher space standards. We also consider that more could be done by Homes England to support local planning authorities in relation to technical and delivery support, utilising and promoting design quality assessment tools to ensure the delivery of high-quality schemes.

We welcome the commitment made in paragraph 3.15 to support capacity for Homes England in the forthcoming Spending Review in relation to design resources, which also need to be matched with a similar commitment to local government in light of the 2017 research by the Urban Design Group Place Alliance which found that nearly half of the 201 Local Planning Authorities surveyed had no urban design expertise.

## **A FAST-TRACK FOR BEAUTY**

### **PROPOSAL 14: WE INTEND TO INTRODUCE A FAST-TRACK FOR BEAUTY THROUGH CHANGES TO NATIONAL POLICY AND LEGISLATION, TO INCENTIVISE AND ACCELERATE HIGH QUALITY DEVELOPMENT WHICH REFLECTS LOCAL CHARACTER AND PREFERENCES.**

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

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

#### **Plymouth City Council Response to Question 20**

##### **No. Plymouth City Council objects to Proposal 14.**

The concept of a fast-track for beauty is a flawed concept which will simply provide developers with a route to by-pass the proper consideration of their development proposals and further limit democratic and community engagement. This concept is being completely ignored in permitted development, which is being increasingly expanded by the Government. This contradiction needs to be addressed. We are concerned that enabling popular and replicable forms of development by giving it the benefit of permitted development rights will reduce quality with no reference to local design issues.

We have significant concerns regarding the deregulatory nature of these proposals, especially concerning the use of permitted development rights and “pattern book” approaches. A “fast track for beauty” should rely on the local authority having confidence in the design proposal for a site creating a genuinely sustainable outcome rather than the speed at which an application is determined. The planning system should be efficient but it should also support due diligence in assessing development proposals which, once approved, will impact on local communities for decades to come. We also strongly question the focus on beauty over delivering net zero carbon schemes.

If the White Paper truly aspires to relieve pressure on planning authorities when assessing proposals, we suggest establishing minimum requirements for all proposals, especially those nominated for “fast tracking”. This should not relate necessarily to the size of the site. These minimum requirements for details, even in very early stages, are potentially the easiest way to provide greater certainty and to avoid schemes being value engineered throughout the planning and construction process.

We agree with the suggested changes to the National Planning Policy Framework and the master planning requirements. Masterplans made by planning authorities (as opposed to a private applicant) will have the advantage of considering the bigger picture. Understanding the connections between different areas and developments will create a more legible and sustainable urban environment. Local community groups in Plymouth have also made it clear they want greater involvement in the preparation of masterplans going forward.

## **EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT**

### **PROPOSAL 15: WE INTEND TO AMEND THE NATIONAL PLANNING POLICY FRAMEWORK TO ENSURE THAT IT TARGETS THOSE AREAS WHERE A REFORMED PLANNING SYSTEM CAN MOST EFFECTIVELY PLAY A ROLE IN MITIGATING AND ADAPTING TO CLIMATE CHANGE AND MAXIMISING ENVIRONMENTAL BENEFITS.**

#### **Plymouth City Council Response**

##### **Plymouth City Council strongly objects to Proposal 15.**

Whereas the high level proposal is supported, the narrative suggests a woefully inadequate understanding of the role that planning can play in addressing the climate emergency. It is about far more than views, public access, renewable energy and woodland. The whole pattern of development (e.g. its layout, orientation, mix of uses, infrastructure, the whole process of construction (e.g. materials and their sourcing, construction waste management, new build versus retrofitting, zero carbon development, future adaptability), the overall approach to transport and other infrastructure, any many other factors must be provided for in the new system. Climate adaptation measures will need to be integrated into all new communities going forward as well as being retrofitted into our existing urban fabric. The planning system is the best mechanism for enabling these required changes.

There is evidence from recent flooding events that new development managed through the role of Lead Local Flood Authorities in the current National Planning Policy Framework, has been effective in reducing flood risk to and arising from new development and ensuring that predicted climate change impacts are effectively mitigated. There is a risk that amendments to the National Planning Policy Framework could lead to a reduction in the current climate change standards of protection, with an associated increased risk of flooding to both new development and existing infrastructure.

Additionally, given that so much of our existing development contributes significantly to carbon emissions, we would encourage the incorporation into the new planning system of a specific carbon hierarchy which supports all new developments to meet a net zero carbon requirement. The hierarchy could set out the order of principles to be incorporated into a development to reduce the carbon emission to a minimum with a levy being applied to offset any residual emissions that cannot be designed out of the development. Local offsetting mechanisms could also be driven through the planning system.

The White Paper proposes a significant expansion of Permitted Development Rights with the roll out of "popular and replicable" forms of development, using a pattern book approach. There is a danger that this could not deliver the local distinctiveness that the White Paper seeks, but instead creating a form of standardisation of development across England. As such it is likely to actively work against achieving 'beautiful' development. Such a proposal will also hugely benefit the large house builders that already dominate the market, who will tailor their standard products to these national pattern books and roll them out at scale across the country. The proposal that local areas can define elements such as materials might help achieve some level of local distinctiveness (where there are locally-distinctive materials in the first place), but this is superficial.

We are also generally concerned that Permitted Development Rights are being proposed to be further expanded even within the context of a planning system with much reduced local oversight. Surely a new system should be in place of expanded permitted development rights, not alongside it? If the system is designed properly, and a well thought out zoning system is introduced, there should be no need for further deregulation via permitted development.

We support the introduction of trees within the street scene, not least to help with the cooling of urban environments, the role they can play in water management and the well-being benefits they deliver for communities. Delivering trees within the urban form is more complicated than in green field locations with technical issues in relation to utilities within footpaths and roads. If this were to become a requirement centrally, a funding mechanism would need to be identified to support the development of very different street scenes than we have currently and the retrofitting of large areas of existing urban fabric. This approach of integrating nature into the urban form has significant benefits but it has associated costs and without addressing the technical and funding requirements of this approach the government may well prejudice its own objective to roll out 5G broadband.

A focus solely on trees also misses the significant opportunity to integrate other beneficial measures into the street scene including Sustainable Urban Drainage systems, heat networks and places for active recreation and travel. Rather than focussing purely on trees we would suggest that any change to the planning system actually strengthens requirements particularly in urban areas to deliver a 'greening' approach to all areas of street scene. This would ensure the street scene and urban parks and green spaces can support places to be safe, health and resilient in the face of future climate change challenges as well as current health, social and economic challenges.

**PROPOSAL 16: WE INTEND TO DESIGN A QUICKER, SIMPLER FRAMEWORK FOR ASSESSING ENVIRONMENTAL IMPACTS AND ENHANCEMENT OPPORTUNITIES, THAT SPEEDS UP THE PROCESS WHILE PROTECTING AND ENHANCING THE MOST VALUABLE AND IMPORTANT HABITATS AND SPECIES IN ENGLAND.**

**Plymouth City Council Response to Proposal 16**

**Plymouth City Council strongly objects to Proposal 16.**

Any new planning system must properly consider the environmental impacts arising from developments and the processes of assessment must be thorough for decisions to command public confidence and lead to scheme improvements. There is an insinuation that environmental regulations and assessment processes are delaying development unduly. The White Paper does not advance any substantive evidence to substantiate what appears to be the overriding philosophy of deregulation rather than ensuring the new planning system will genuinely have the tools and methods of assessment to provide the necessary safeguards that will enable the environment to deliver services vital to people.

It is essential that the services the environment delivers are fully understood and any impact on the environment that will negatively impact on its ability to deliver those services is thoroughly

investigated, understood and mitigated/compensated through the development processes. The assessment process, if completed properly, will always result in a better scheme, which has a more joined up design. The process drives for example the alignment of water management, biodiversity net gain, landscape enhancement and active travel. In our experience the only time this assessment process ‘delays’ a planning resolution is where applicants have not integrated assessments into the design process so both are completed simultaneously but instead have tried to complete it as a tick box exercise at the end. It is the case that Sustainability Appraisals, Environmental Impact Assessments and Habitat Regulation Assessments do result in improvements to developments and most importantly communities that end up moving into these places. The services the environment can deliver to support future communities are vital. If there are any changes to the planning system in relation to the assessment regime it should be a more stringent requirement to integrate the assessment process with the design of developments at the very earliest stage. This will ensure there are no delays to the progress of schemes and result in better communities for the future.

It is unclear how the government’s stated commitment to retain and enhance environmental protection measures as set out in the Environment Bill are consistent with this proposal. Moreover, the Environment Bill emerging commitment for Local Nature Recovery Strategies and mandating biodiversity net gain are to be supported but seem to be undermined by the proposals for the new planning system. Biodiversity net gain is excluded from major infrastructure developments which are the types of development that would most likely lead to significant environmental damage.

Environmental systems should be deemed an essential part of our national infrastructure and recognised and valued for this role in the planning system. The maintenance of services vital to people need to be managed as a system it is therefore not just the ‘most valuable and important habitats’ that need to be protected and enhanced through the planning system but the integrity of natural systems. It is because of this that there is such value in integrated environmental assessments as the system of the whole can be assessed, impacts reduced and where necessary mitigated and/or compensated. The breakdown of natural systems and their ability to deliver vital services is leading to many of the issues we are currently facing but could also provide the most practical and deliverable solutions. It is therefore vital that rather than trying to amend an assessment process that is not broken and enables the growth of healthy and resilient communities any changes to the planning system should focus on how these natural systems can be enhanced in all developments and the future planning of places.

## **PROPOSAL 17: CONSERVING AND ENHANCING OUR HISTORIC BUILDINGS AND AREAS IN THE 21ST CENTURY.**

### **Plymouth City Council Response to Proposal 17**

#### **Plymouth City Council objects to Proposal 17.**

Whilst we support the need to allow for adaptation of historic buildings in response to the climate emergency, we are unclear whether the government proposes to revoke or amend the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires any decision-maker to give, as the Court of Appeal has determined, "considerable importance and weight" to the desirability of preserving the settings of listed buildings ; not just the same weight as other material planning considerations. This lack of clarity and allowing for what the White Paper refers to as “sympathetic changes” leads to confusion as to the intentions of the White Paper in relation to the future status of listed buildings (and indeed conservation areas when related to the proposed zonal approach advocated for “Protected Areas”).

We oppose the suggestion in the White Paper that “suitably experienced architectural specialists can have earned autonomy from routine listed building consents”. This effectively privatises the

determination of some listed building consent applications and removes those applications from local planning authority scrutiny.

In Plymouth, local community groups have made it known they value the important role of Historic Environment Officers and specifically, they consider it necessary to increase the resource allocated to these roles to help support and strengthen the existing service they provide.

**PROPOSAL 18: TO COMPLEMENT OUR PLANNING REFORMS, WE WILL FACILITATE AMBITIOUS IMPROVEMENTS IN THE ENERGY EFFICIENCY STANDARDS FOR BUILDINGS TO HELP DELIVER OUR WORLD-LEADING COMMITMENT TO NET-ZERO BY 2050.**

**Plymouth City Council Response to Proposal 18**

**Plymouth City Council objects to Proposal 18.**

The proposals totally miss the opportunity to place the climate emergency and the energy efficiency of new homes and buildings centre stage. Rather the changes seem to be driven mainly by desire for speed and improving the appearance of buildings, as well as supporting private developers through the removal of requirements to provide community benefits.

If there is one issue more than any that should justify a complete reform of the planning system it is surely the climate emergency, and the opportunity to link many of the proposals that are about simplifying and speeding development up to net zero developments. However there is a lack ambition other than a Future Homes Standard as a first step towards zero carbon new homes by 2050. We understand that proposed Government arrangements are to be introduced this Autumn that will introduce transitional measures from 2020 to reduce emissions by 31% as a first step towards the Future Homes Standard of 75-80% lower emissions ('zero carbon ready') which remains by 2025 and net zero emissions by 2050. No mention is made of how delivery, monitoring and enforcement will be financed. Government will need to provide subsidies until economies of scale reduce costs.

Additionally, we strongly urge the government to bring forward its net zero target from 2050 to 2030. The pace of change is too slow and we need to be delivering energy efficient net zero development much sooner if we have any chance of this country playing its part in limiting climate change to safe levels. By committing to a faster rate of change and integrating a net zero requirement by 2030 in the planning system (with milestone reductions at key year) this will not only align with the climate change agenda it will also be a stimulus to new economic activity as the sector responds to the new requirements. This would encourage new enterprise, product design and diversification of trades. The planning system is a very useful mechanism that could not only be used to deliver vital carbon reduction and climate change adaptation measures but due to the surety it can provide the market it would encourage economic activity at a time of great need. We would therefore strongly recommend a review of the net zero target and requires its delivery by 2030 to be integrated into the new planning proposals.

## **PILLAR THREE – PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES**

**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]

### **Plymouth City Council Response to Question 21**

**Other.**

All of the above consideration are of course priorities, as well as many others, so the point of the question is unclear.

## **A CONSOLIDATED INFRASTRUCTURE LEVY**

**PROPOSAL 19: THE COMMUNITY INFRASTRUCTURE LEVY SHOULD BE REFORMED TO BE CHARGED AS A FIXED PROPORTION OF THE DEVELOPMENT VALUE ABOVE A THRESHOLD, WITH A MANDATORY NATIONALLY-SET RATE OR RATES AND THE CURRENT SYSTEM OF PLANNING OBLIGATIONS ABOLISHED.**

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

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

### **Plymouth City Council Response to Question 22(a)**

**No. Plymouth City Council objects to Proposal 19.**

Although there are undoubtedly opportunities to streamline existing CIL and Section 106 processes, often gamed by developers and agents, this proposal is going to disadvantage lower value areas, lead to lower contributions for infrastructure overall and actually reduce the funding for affordable housing through the planning system. Whilst we consider the existing CIL and Section 106 processes flawed they should not be replaced until it is clear how a new system is going to capture a greater uplift in the value of land for community benefits.

We can see potentially significant benefits from replacing the current CIL and Section 106 regimes with a consolidated Infrastructure Levy, we are concerned by a “one-size fits all approach. We could only support proposal new system that genuinely increases infrastructure contributions and affordable housing delivery for all areas. We are concerned that the Infrastructure Levy as proposed is designed to operate in London and the South East rather than be truly universal: unless of course the government proposes to re-distribute some funding from high value areas to low value areas to

support Infrastructure set out in Infrastructure Delivery Plans. There are far too many unanswered questions about this at present and we think it might be an unworkable idea altogether.

For example, the proposed calculation does not consider the wide variation in site specific acquisition and enabling costs, for example land value, demolition and remediation. Such an omission of half of the contributing factors to a scheme's viability will inevitably mean a combination of the following outcomes: 1. Large numbers of sites (especially in urban areas) will become unviable; 2. The delivery of housing will be slowed; 3. The rates will be set so low that they do not deliver infrastructure to at least current levels; 4. Planning gain from the increase in land values upon planning consent will not be captured on sites that can afford it, particularly on strategic greenfield sites.

Additionally, we have very substantial concerns that the proposal will lead to an increase in regional disparities as it could deliver much higher levy contributions to high value locations such as London and the South East. The value based minimum threshold may mean that for many parts of the country they get virtually no levy.

We have highlighted some potentially significant implications for local planning authorities below:

- The proposal breaks the direct link between an individual development and the specific infrastructure provision it makes to mitigate its own impacts. This can only be accommodated without causing significant harm to sustainability if the amount of funding coming forward is sufficient and available at the right time to meet the overall cumulative impacts of development generally. This will be difficult to achieve if the levy is only calculated and received at development completion stage. The proposal needs to be much clearer on how the Infrastructure Levy will actually operate to ensure that local planning authorities get the funds they need at the right time to ensure development is delivered in a sustainable way.
- Unless restrictions of borrowing under Regulation 60 of the Community Infrastructure Levy Regulations 2010 (as amended) are lifted, local planning authorities will be even more severely restricted in securing the delivery of the infrastructure needed, potentially resulting in adverse social, economic and environmental impacts until that infrastructure funding materialises.
- Due to lack of detail at this stage it is not clear from the proposals what the impact of the proposed changes will be on the resources and skills that will be required in a Local Planning Authority in order to introduce and administer the new Levy, which could be substantial. For example, even though the levy is set nationally, it is not on a per square metre basis – it is on development value. This is likely to be related directly to sales values and so might very well not require an 'assessment' from a qualified person. However there is presumably still a requirement to calculate the value of the infrastructure and/or affordable housing being offered in order to reduce the Levy charge. The proposals are not clear about how that would work. The current CIL Regulations have a similar provision at the moment in relation to infrastructure.
- Things that s106 agreements would previously have required the development to do will need to be provided for in different ways. For example, s106 agreements don't just secure contributions to infrastructure, they also affect how development is delivered, phasing, use mix, community engagement in management of open spaces etc. If the intention of the White Paper is for planning no longer to influence these things, then we have very strong objections to the abolition of s106s. However, if the intention is to legalise the use of planning conditions to cover such things, and such conditions have real teeth, then we can see a way forward.
- Without the use of s106 to secure on-site Affordable Housing delivery by the developer it is unclear how the new system will ensure on-site Affordable Housing. Again, could the planning conditions regime be expanded to cover this need?
- How would we secure off-site works necessary to mitigate the development's impacts if not through Section 106? Again, would the scope of planning conditions be extended to enable them to cover off-site requirements?

- How would impacts on European Sites be addressed in the new regime? - e.g. in Plymouth's case, managing recreational impacts on the designated marine sites. It is crucial that contributions are secured if we are to manage the vitally important estuaries and seas of our coast. We currently do this by having a single approach, agreed across the five relevant local authorities, and delivered through a combination of S106/CIL/unilateral agreements. It is vital that funding remains somehow as without this the marine environment will degrade.

In respect of when the levy is charged:

- At what point would the final value of the development be identified? Some major developments will take 20 years to deliver and potentially game the system to avoid paying the charge altogether. There should be a clear phasing built into payments linked to when parts of the development are actually completed.
- How much of the development would need to be occupied to trigger the levy? If it is the entire development, then the levy may never be triggered.
- We are unclear what is being proposed that could be "area-specific rates" and what flexibility could be given to local planning authorities. Would this be in relation to setting the threshold above which payments would apply?

We do however support the application of a levy across all Use Classes.

**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]

### **Plymouth City Council Response to Question 22(b)**

#### **Locally.**

A single rate set nationally would take no account of viability differences across the UK and would not have the required detail to consider issues such as high existing use values or remediation and abnormal costs. The White Paper advances no credible analysis as to why central government should take over the setting of CIL rates. It therefore appears to simply be another proposal that is centralising planning powers.

Furthermore, the Threshold should be set at zero, locally, or at a value that works for the lowest value areas. A single threshold set nationally (or on an area basis with too high a scale) would risk not taking into account the value differences across the UK and could mean that low value areas would not collect sufficient contributions towards infrastructure. As a result the threshold should be varied by area.

The proposals further demonstrate a lack of clarity about what level of granularity is being proposed in relation to "area-specific rates" and there is no evidence provided about what the need, result or implications of an area-specific rate would be. Setting rates can only make sense if it is done on a local basis with the benefit of local knowledge and circumstances.

**If the proposal proceeds with rates set at a national or area based level, we would advocate that:**

- Funds are collected and distributed nationally, so that the funds can be distributed fairly without penalising lower value areas.
- Funds could then be distributed to councils on a per dwelling start / per square metre start basis, overcoming in-equitability of the current proposals.

- Any such scheme would also have to provide for some further redistribution at a local level to allow for cross boundary impacts (e.g. to ensure that development in one local authority area doesn't create an unfair financial burden on a neighbouring councils which might experience the greatest financial pressure on services and infrastructure as a result of that development).
- Decisions about how to spend the levy would be made locally, perhaps with a requirement to set spending plans out in infrastructure plan which could be part of new style local plan.

If a redistribution model was adopted, then we could support a national or area-specific rate to accommodate more detailed viability issues. However, issues such as high existing use value or remediation and other abnormal costs on redevelopment and regeneration sites must be considered somehow in the proposals.

**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.]

### **Plymouth City Council Response to Question 22(c)**

#### **More value.**

The current system rarely delivers sufficient funds to address all of the infrastructure effects of development, and when combined with those developments that are exempt from CIL or the provision of affordable housing, there is clearly a need to maximise the funding available. The levy should be set at sufficient level to enable not just direct impacts but cumulative impacts of growth to be addressed. As a nation we have experienced decades of under-investment in infrastructure and development should meet its fair cost of this burden.

However, we also strongly contend that the levy should just relate to infrastructure costs and should not also cover Affordable Housing or financing of general council services. Unless this is the case, development will continue to be delivered without addressing its cumulative impacts and that will lead to unsustainable development. Instead, Affordable Housing should have bespoke provisions in the new planning system; it is an entirely different planning objective and should not be mixed up with infrastructure needed to make development sustainable.

**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.]

### **Plymouth City Council Response to Question 22 (d)**

#### **Yes.**

We strongly support the ability for councils to borrow against future levy. Regulation 60 of the Community Infrastructure Levy Regulations 2010 (as amended) has unnecessarily limited the ability of local planning authorities to strategically plan for infrastructure to positively drive growth and has been a major obstacle to getting infrastructure completed ahead of planned growth. Greater flexibility for local authorities to utilise innovative financial tools to help to deliver infrastructure is welcomed.

**PROPOSAL 20: THE SCOPE OF THE INFRASTRUCTURE LEVY COULD BE EXTENDED TO CAPTURE CHANGES OF USE THROUGH PERMITTED DEVELOPMENT RIGHTS**

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

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

**Plymouth City Council Response to Question 23**

**Yes. Plymouth City Council supports Proposal 20.**

We consider this essential – these uses have impacts and should contribute. What mechanism is proposed so that the collection body knows the development has occurred?

However, this alone does not make permitted development acceptable to the community. Permitted development must also meet minimum design and environmental standards as any other development does. We welcome maintaining the exemption for self and custom build from the Levy.

**PROPOSAL 21: THE REFORMED INFRASTRUCTURE LEVY SHOULD DELIVER AFFORDABLE HOUSING PROVISION**

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

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

**Plymouth City Council Response to Question 24(a)**

**Yes, we agree with the specific suggestion in the question. Plymouth City Council strongly objects to Proposal 21.**

It is self-evident that a reformed planning system should continue to maximise the amount of affordable housing it is delivering to meet the 145,000 national shortfall in social and affordable housing. . This figure is widely used and comes from research commissioned by the National Housing Federation and Crisis from Heriot-Watt University, which identified a need for 340,000 homes each year to 2031 of which 145,000 “must be affordable homes”.

However, we strongly disagree with the delivery of Affordable Housing through the levy. To include Affordable Housing as part of an Infrastructure Levy suggests that Affordable Housing is infrastructure needed to mitigate the impacts of growth and development. It isn't; it is a fundamental requirement of society in its own right which should have its own bespoke provisions.

One of the major problems of the current planning system is that it forces local planning authorities to choose between mitigating the impacts of development on infrastructure and the delivery of Affordable Housing, because there is insufficient value in development to deliver both – especially in lower value areas. The costs associated with Affordable Housing delivery could mean that any in-kind delivery, the value of which is taken off the Infrastructure Levy, could leave little if nothing available for mitigating the infrastructure impacts of development.

This is a false choice. Both need to be provided for. If planning reform is about addressing problems with the current planning system, it needs to address this one as a priority. The housing crisis in this country is not a general housing crisis, it is an Affordable Housing crisis. Planning alone cannot deliver the affordable homes required and so the government needs to act specifically on this issue, and not so much on an arbitrary 300,000 homes a year target. In any case, it is unclear how the proposal to include Affordable Housing in the Infrastructure Levy could work in practice. What powers would a local planning authority have to require provision on-site rather than merely a commuted off site sum? The language used in paragraph 4.22 on incentive to deliver onsite suggests no actual power and that this is a matter for negotiation. Will this be any more benefit than the current s106 arrangements that are a negotiation? The majority of developers would not provide any affordable housing were it not a pre-requisite for securing planning permission and it is likely that the developer would choose to pay the Infrastructure Levy to offset an equivalent amount through on-site affordable housing delivery. This could lead to the creation of mono-tenure developments contrary to planning policy objectives to deliver sustainable mixed and balanced communities.

Overall these proposals seem confusing, add uncertainty to local communities and to achieve what the government is seeking may require complex legal provisions which may be difficult to implement and have unforeseen consequences.

The key issue here is that affordable housing needs to be properly funded by government, and we would advocate that funding programmes should be aligned to Local Plan allocations,

**In respect of alternative proposals**, we feel that the alternative option identified may have more scope than the main proposal, but this would work best if there was a bespoke approach to affordable housing separate from the Infrastructure Levy. Indeed, it could perhaps be a separate Affordable Housing levy that would supplement national funding programmes. Should there be a bespoke Affordable housing levy, this could be collected nationally and distributed to councils fairly on the basis of local Affordable Housing need. Councils could then spend this on purchasing land / units in consented schemes (the right to do this to be provided for in the legislation for schemes over a certain size threshold), or on direct delivery or grants to Registered Social Landlords. Council spend plans could be set out in a housing delivery plan.

If the Government does implement the alternative option, local planning authorities should be able to negotiate the location and tenure of the affordable housing units to meet local housing need and to prevent creation of large clusters or 'ghettos' of mono-tenure affordable housing as would inevitably be the case if left to developers' discretion.

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

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

### **Plymouth City Council Response to Question 24(b)**

**No.**

We do not support delivering affordable housing through the Infrastructure Levy as set out in our answer to Question 24(a). We set out an alternative idea in answer to that question. Once the levy is paid and, potentially a site sold, it is difficult to see what enforcement mechanisms there would be to ensure that the affordable housing remains affordable in perpetuity without a legal agreement in place. It is important to ensure that affordable housing is provided on site and that targets are maintained or increased, and standards of affordable are not compromised.

**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.]

**Plymouth City Council Response to Question 24(c)**

**No.**

Local planning authorities should not be required to repay Infrastructure Levy overpayments to developers should the final value of the development be insufficient to cover the value secured through in-kind affordable contributions. It is also important to ensure that there is adequate time given for the levy to be spent.

**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.]

**Plymouth City Council Response to Question 24(d)**

**Yes.**

Removal of the Section 106 agreement mechanism, and therefore any oversight of affordable housing quality through the planning application process, necessitates the need for other measures to ensure that the affordable housing provided reflects the overall quality of the development. It would also remove the mechanism by which local planning authorities control occupancy and management of affordable private rent properties. In the absence of any detail within the White Paper, it is not possible to identify all the additional steps required. Local planning authorities still need to be able to ensure that affordable housing 'ghettos' are not created and that the quality of design reflects that of the rest of the scheme.

**PROPOSAL 22: MORE FREEDOM COULD BE GIVEN TO LOCAL AUTHORITIES OVER HOW THEY SPEND THE INFRASTRUCTURE LEVY**

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

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

**Plymouth City Council Response to Question 25**

**No. Plymouth City Council objects to Proposal 22.**

Whilst superficially attractive to local authorities who have been subject to significant financial constraint since 2010, and who are now dealing with the unprecedented budget impacts arising from COVID-19, this proposal is contrary to the concept of the planning system determining planning applications in the public interest.

We consider it a dangerous step to break the link between funding infrastructure and projects to ensure development is more sustainable and using the levy to fund services generally to help reduce council tax.

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

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

**Plymouth City Council Response to Question 25(a)**

**No.**

We do not support an affordable housing ring fence which would not work at a national level. We believe that the inclusion of affordable housing as part of the Infrastructure Levy is entirely the wrong approach as a matter of principle.

As set out above affordable housing should be addressed separately. However, in all mechanisms it is important that protection is given to affordable housing because it provides certainty that it will be delivered.

**DELIVERING CHANGE**

**PROPOSAL 23: AS WE DEVELOP OUR FINAL PROPOSALS FOR THIS NEW PLANNING SYSTEM, WE WILL DEVELOP A COMPREHENSIVE RESOURCES AND SKILLS STRATEGY FOR THE PLANNING SECTOR TO SUPPORT THE IMPLEMENTATION OF OUR REFORMS. IN DOING SO, WE PROPOSE THIS STRATEGY WILL BE DEVELOPED INCLUDING THE FOLLOWING KEY ELEMENTS:**

- **THE COST OF THE NEW PLANNING SYSTEM SHOULD BE PRINCIPALLY FUNDED BY THE BENEFICIARIES OF PLANNING GAIN**
- **PLANNING FEES SHOULD CONTINUE TO BE SET ON A NATIONAL BASIS**
- **IF A NEW APPROACH TO DEVELOPMENT CONTRIBUTIONS IS IMPLEMENTED, A SMALL PROPORTION OF THE INCOME SHOULD BE EARMARKED TO LOCAL PLANNING AUTHORITIES TO COVER THEIR OVERALL COSTS**
- **REFORM SHOULD BE ACCOMPANIED BY A DEEP DIVE REGULATORY REVIEW**
- **SOME LOCAL PLANNING ACTIVITIES SHOULD STILL BE FUNDED THROUGH GENERAL TAXATION**
- **LOCAL PLANNING AUTHORITIES SHOULD BE SUBJECT TO A NEW PERFORMANCE FRAMEWORK**
- **THE PLANNING INSPECTORATE AND STATUTORY CONSULTANTS SHOULD BECOME MORE SELF-FINANCING**
- **WORKFORCE PLANNING AND SKILLS DEVELOPMENT SHOULD BE PRINCIPALLY FOR THE LOCAL GOVERNMENT SECTOR TO LEAD ON**
- **REFORM SHOULD BE ACCOMPANIED BY A SIGNIFICANT ENHANCEMENT IN DIGITAL AND GEOSPATIAL CAPABILITY AND CAPACITY**
- **DEVELOP A RESOURCES AND SKILLS FRAMEWORK**
- **ENABLE A THRIVING PROPTech SECTOR**

## **Plymouth City Council Response to Proposal 23**

### **Plymouth City Council supports Proposal 23 in principle.**

Whilst we fully support the full and proper resourcing of the planning system, we are disappointed that no credible funding model has been presented as part of the White Paper itself, and that this is left to a later stage. We are particularly disappointed at the statement that planning application fees should be set nationally. No clear rationale is set out as to why this conclusion has been reached in the face of overwhelming evidence from the Local Government Association and the Royal Town Planning Institute as to why fees should be decentralised.

In relation to the specific suggestions set out we comment as follows:

- **“The cost of the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than national or local taxpayers”** – All of society benefits from the planning process, it is not just landowners and developers. However, we would agree that landowners and developers are major beneficiaries when land use allocations are made on their sites and planning permissions granted, and should contribute to the costs of the process accordingly.
- **“Planning fees should continue to be set on a national basis and cover at least the full cost processing the application type based on clear national benchmarking”** – We disagree. We consider that these should be set at a local rather than a national level as previously proposed by the Conservative Government. This would allow Local Planning Authorities to set a fee based on the actual costs of delivering a Planning service and would have the flexibility to incentivise developments where there is a particular need in the local area. For example in Plymouth, which is focused on growth and proactive delivery of its Joint Local Plan, agreement could be reached with developers to have a combined pre application and planning application fee to encourage developers to work with the Local Planning Authority and work in partnership. Some excellent work has already taken place between the Planning Advisory Service (PAS) and local authorities such as Plymouth City Council to establish a well thought out and reasonable basis for local fee setting. Most recently this was in 2017 with the Productivity and Resource Review
- **“If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs”** – Given that the levy is paid on implementation of the development we would need to see more details about how this will work without leaving local planning authorities with a funding gap until the levy kicks in. However the principle is supported as it would be in developers’ interests to have a well-resourced and efficient planning service that could save significant development costs through both the speed and quality of decisions.
- **“Reform should be accompanied by a deep dive regulatory review”** – We would support publication of consolidated planning regulations so that everything is in one place. The planning system in recent years has become fragmented and confusing with a series of different planning consent processes that has made the Planning system extremely difficult for users of the Planning system to understand the process of gaining development consent. The White Paper is in danger of creating yet more layers of bureaucracy to an already confusing regulatory process and so a consolidation would be welcomed providing it provides greater clarity for users of the planning system.
- **“Some local planning activities should still be funded through general taxation”** – This is philosophically appropriate given the wider societal benefits of planning. The planning system is in place for the benefit of the whole of society and it is a core value of planning. If

there becomes a perception that planning can be “bought” by those who have the money or influence to determine outcomes then the planning system has failed.

- **“Local planning authorities should be subject to a new performance framework”** – It depends on the nature of the framework. Local planning authorities should only be held accountable for matters in their direct control, something the Housing Delivery Test fails to achieve. A new performance framework should be based on quality outcomes rather than purely based on statistical performance against an arbitrarily defined administrative measure of time. In the past this was attempted with a specific Best Value Performance Indicator for quality of planning services. The current system of planning applications performance is fundamentally flawed as it is based on speed rather than outcomes. The Planning Advisory Service has undertaken research on qualitative performance frameworks and has used experience from practitioners, who understand the realities of delivering a planning system locally. We consider that the expertise within the Planning Advisory Service should be utilised to design a new performance framework, alongside representatives from local government. Plymouth City Council would be prepared to work with the Planning Advisory Service and government to help design such a framework.
- **“The Planning Inspectorate and statutory consultees should become more self-financing”** – We disagree with this, these should be publicly funded organisations, but streamlined so that they operate at a more strategic level rather diving into the detail of the planning process. There are issues of efficiency and quality of decision making with some of these public organisations but it is essential that an objective, unbiased set of consultees exist to inform the planning process and as they serve the community as a whole they should be funded through public finance to ensure that their impartiality remains intact at all costs.
- **“Workforce planning and skills development, including training, should be principally for the local government sector to lead on”** – We agree with this and Plymouth City Council would be prepared to work with the Royal Town Planning Institute who have undertaken work around planning skills and competencies.
- **“Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity”** – We agree with this, but in designing any new system it is important to directly address issues from digitally excluded communities and stakeholders.
- **“Develop a Resourcing and Skills Framework”** – We welcome the commitment to prepare a comprehensive resources and skills strategy for the planning sector. These resources must recognise historic under resourcing of planning functions and ensure that the planning system can operate effectively.
- **“Enable a thriving PropTech Sector”** – In the absence of specific proposals we do not agree with this until its remit is clarified. Concentrating information power with private companies of sensitive planning data could lead to issues of probity and bias. The role of local planning authorities needs to be more clearly defined.

We do note that there are many proposals that seek to offer concessions (such as in the case of permission in principle), that go against the resourcing principles set out in this section of the consultation. Such decisions, now and in the future, should be made in with full reference to the proper resourcing of planning functions.

While welcoming the principle of these matters, the system for the implementation of additional funding from development contributions for planning functions must not create variances between local authorities based on the affluence of the area and should instead be based upon the comparable workloads of the authorities.

## **STRONGER ENFORCEMENT**

### **PROPOSAL 24: WE WILL SEEK TO STRENGTHEN ENFORCEMENT POWERS AND SANCTIONS**

#### **Plymouth City Council Response to Proposal 24**

##### **Plymouth City Council supports Proposal 24 in principle.**

We of course support strengthening enforcement powers and real sanctions that act as an incentive for developers to bring forward developments in accordance with the provisions of the local plan and built in accordance with the planning permissions approved: however we are wholly unconvinced that there is a real intention to do this. There have been numerous promises by successive governments to bolster enforcement powers in a meaningful way following numerous reviews over many, many years. The weakness and slowness of the planning powers available to local planning authorities is one of the main causes of frustration for elected councillors and local communities in the planning system. Local people are often aghast that the local planning authority can only take limited action, that enforcement and other planning notices are the subject of appeals, which deliberately delay compliance with obvious breaches of planning control, and that the sanctions are miniscule. The absence of any detail in support of this proposal indicates suggests there is no real commitment to act to give local planning authorities much improved powers and tools to secure the certainty the White Paper says it is seeking to achieve.

In relation to the government's stated commitment to implement its response to the consultation on unauthorised development and encampments, we welcome the offer to provide additional support to local authorities by providing some best practice guidance and the proposed extensions to police enforcement powers. However the consultation response is light on support for local authorities and guidance for securing Temporary Stopping Places, and this is where the greatest need is for Plymouth as well as neighbouring local authorities.

The Government must see through its commitment to make sufficient funding available to local authorities to support planning enforcement through the next round of the Planning Delivery Fund, helping local authorities deal with unauthorised development.

In relation to the statement that the government will consider what more can be done in case where the Environment Agency's flood risk advice on planning applications is not followed, we would simply highlight that Plymouth City Council takes this advice very seriously and there has been no instance in at least the last five years where the local planning authority has gone against this advice.

##### **If the proposal proceeds, we would advocate:**

- An automatic fee paid by the landowner where a breach of planning control is verified by the local planning authority to support investigative work.
- The creation of "Community Planning Investigators" to assist the local planning authority in taking a more proactive approach to alleged breaches of planning control. Harsher penalties for retrospective planning applications, including punitive planning fees (to help resource more proactive enforcement).
- Limitations to be imposed on applicants' ability to appeal / claim costs including the removal of "Ground A".
- Simplified ability to prosecute / secure proceeds of crime, to deal with repeat offenders.

**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?

**Plymouth City Council Response to Question 26**

The Planning White Paper was not published with an Equalities Impact Assessment and any proposals the government response to the consultation proposes to take forward should do so. The suite of proposals set out in the White Paper are very wide-ranging and therefore the potential impacts on groups with protected characteristics could potentially be significant. Unfortunately, in the absence of detail the precise impact of the proposals may only become apparent when further operational details emerge.

It is possible that the proposed “growth area” and “renewal area” zones may be concentrated on less affluent areas and that the proposed “protection zone” may relate to more affluent areas that are already subject to policy designations. Given the deregulatory nature of how consent is likely to be secured with the “growth areas” and “renewal areas” compared to the “protected areas”, this is likely to effectively mean that less affluent people will have less influence over future planning decisions affecting their communities and neighbourhoods.

The move to greater digitisation within the planning system could potentially disadvantage older age groups, but conversely advantage younger people who historically tend to be underrepresented in planning consultations. The proposed approach to digitisation could significantly impact on poorer communities who may have less access to technology in order to participate fully in the front-loaded new style local plan consultations that are proposed.

The proposal to set development management policies at national level could have effects on people with disabilities. The joint local plan contains specific policy interventions in relation to people with disabilities and specific policy requirements in relation to accessible and wheelchair housing which could be lost in the new system. The joint local plan also contains area-specific policies, such as those for purpose built student accommodation and houses in multiple occupation which are based on local evidence of likely need. National development management policies may well result in less accessible and wheelchair housing being provided, and the loss of area-specific policies that have been responsive to very local policy considerations.

We would also ask whether an equality impact assessment of the White Paper has been undertaken. This would be a key tool for assessing the impacts of the proposals on people with protected characteristics.