AGENDA SUPPLEMENT (2)

Meeting: **Council**

Place: **Online Meeting**

Date: **Tuesday 20 October 2020**

Time: **10.30 am**

The Agenda for the above meeting was published on _12 October 2020_**. Additional documents are now available and are attached to this Agenda Supplement.**

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

---

9   **Consultation on 'Planning for the Future' - Government White Paper** _(Pages 3 - 14)_

    Motion in relation to consultation

DATE OF PUBLICATION: 20 October 2020

This page is intentionally left blank

I now move a response to the questions set out in the White Paper '' Planning for the Future'' to provide guidance for the preparation of this Council's response to be prepared by the Director of Economic Development and Planning in consultation with The Leader and the Cabinet Member for Spatial Planning, Investment and Development Management. This response has taken into account the views of members, who attended the Members Briefing on 2nd October and the people attending the Future Of Neighbourhood Plans meeting on the 9th October. Do I have a seconder for the motion? The final response will be backed by evidence where appropriate as in the response to the consultation on changes to planning policy and regulations submitted 1st October.

There is still uncertainty on the proposed Changes to the Standard Method for Housing needs Assessment and the Secretary of State, Robert Jenrick and to help everyone has stated there is more work to be done on the numbers. (SOS speaking to former chief planning officer Steve Quartermain). Also please remember this is the response for the whole of Wiltshire and many of your local issues can only be dealt with in the detail when the legislation is considered by MPs. To day we need to focus on the questions and anyone wishing to move an amendment please indicate which question they are speaking to.

Questions

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

   Council Response:- No answer

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

   [Yes / No]

   2(a). If no, why not?

   [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

   Council Response:- Yes, we are the planning authority.

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]

   Council Response:- We would greatly welcome an improvement in the way planning could be accessed automatically, digitally and spatially. It needs to be brought up to date in a way that relates to the sorts of media that people

now access. Residents who are not digitally literate should not be disadvantaged

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]

Council Response:-

The development of active, connected communities with appropriate infrastructure with good numbers of integrated affordable housing.

Better enforceable standards of design, place shaping and master planning.

The development of new housing that is energy efficient in its fabric and zero carbon to run with on site renewable energy generation to help address the local grid issues faced in the South West.

Question

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

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

Council Response:- No. We feel that the creation of three relatively arbitrary zones is far too simplistic for the complexities of planning in a large rural area. The zonal system seems much more suited for large urban areas and may well work there but we feel extremely strongly that they are not appropriate for rural areas. Planning in villages in particular can be complex and it is not uncommon for us to approved development through planning committees that do not meet local plan rules but are strongly supported by the community and fill a specific need.

Simple blanket rules will always end up creating circumstances where there need to be exceptions and the more simplistic the rules or zones, the more problems there will be with exceptions. It is possible that a local version of a zonal system could be delivered but it would need to be less restrictive than the proposals in the white paper and would probably need to have more than 3 zones and would need to be developed on a local basis.

At the moment the definition of strategic housing sites provides a version of a zone system. The problem we find is that developers are not keen to actually develop those identified sites, particularly where they are less financially attractive than other green field sites. As a result by delaying those sites they are able to manipulate the 5 year land supply and to bring other sites forward. A zonal system will not prevent this from happening and the same stress will exist in the proposed new system.

If the aim is to increase housing delivery in an area like Wiltshire what we need is an ability to force developers to develop allocated strategic sites. A mechanism to allow a local development company to take complete control of the development of sites after a certain point if development is not continuing with a mechanism for the land owner to still get value for the site would provide an excellent incentive to get developers to proceed with allocated sites and not to sit on them.

We think that the idea of using an interactive web based approach to enable residents to clearly understand planning in different areas is a good one.

Question

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.]

Council Response:- Broadly yes. We think that the idea of having simplified national policies around development management is good. These however should be a set of minimum standards which may need more specific local context.

Questions

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.]

Council Response:- Yes. This is a good idea and we support it.

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

Council Response:- The duty to co-operate as it stands can be used by a council which is not keen on development because of local political issues to push that development onto neighboring authorities. This should not be allowed to occur and on that basis the removal of a formal duty to co-operate is very welcome. There are however some issues, particularly around infrastructure and environmental issues where authorities should still be forced to co-operate to prevent the actions of one authority causing significant harm to another.

Questions

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.]

Council Response:- No. We accept the need to assign housing targets to each development area however there are always going to be specific local requirements that make a simplistic mathematical model difficult to work (just look at the A-level grading model). What we as an authority need is a consistent housing target for a specific period of time that is not constantly being updated. Please tell us how many houses we need to build and let us get on with ensuring they are delivered.

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.]

Council Response:- No, not in isolation. While these are important indicators of quantity of development, in rural areas sustainability and protected landscapes are also critical issues which must be considered.

Questions

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

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

Council Response:- Yes. While we don't agree with the zonal system, the principle that an allocated strategic housing site should be given automatic outline permission is a good one. It does however require a good place shaping/design guide to be in place which any permission would have to conform to.

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.]

Council Response:- Broadly no. The provision of blanket permissions in renewal areas is extremely difficult as there will always be exceptions and arguments in the way in which they are interpreted. For example the definition of infill and backfill can be complex and would be made impossible by this sort of blunt tool. There should be broad policies to be adhered to, not blanket approvals.

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.]

Council Response:- Yes. They would need to be driven by circumstances. The fact that this is proposed in the consultation demonstrates the problem with the simplistic zonal system being proposed.

Question

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

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

Council Response:- No. While in many cases fast decision make is good, there will always be cases where local issues are complex and in those cases, good decision making through a local planning committee provides far greater acceptance in a community than imposition from above.

Question

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

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

Council Response:- Yes. We think this is an excellent idea and should be implemented.

Question

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.]

Council Response:- No. While we agree that local plans should be developed as quickly as possible, the complexity of developing a plan for an area the size of Wiltshire and the need to consult with a wide and diverse group of communities makes a 30 month timescale unrealistic. It would require a very short period of 12 months for most of the development of policy and sites. That would require a huge officer resource which would have to be recruited and made familiar with a very large county area. They would then not be needed after a relatively short period placing an unreasonable strain on the council.

Questions

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

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

Council Response:- Yes. However if we move to the zonal system suggested (which Wiltshire Council does not agree with) then neighbourhood plans will either

need to be an exception to the process or will need to be developed in conjunction with the local plan and running for the same length of time placing an even greater strain on the development of a local plan. The importance of neighbourhood plans to particularly rural communities is a key argument against the introduction of the zonal system.

We are concerned that greater clarity needs to be given to communities in the guidance about what Neighbourhood Plans can and can't influence.

The process of updating Neighbourhood Plans should be simplified or they should be extended to run over a longer time span, in line with the local plan. The current situation where neighbourhood plans are being made increasing less valid over time and requiring frequent updating with all the effort that entails it not functional. Neighbourhood plans need to be linked more directly into the duration of the local plan.

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?

Council Response:- With a great degree of caution. While neighbourhood plans could have important local input on design, if they are able to override local plan design then that will not simplify but complicate planning.

Having neighbourhood plans linked into digital planning tools makes a great deal of sense.

Question

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.]

Council Response:- Yes. We strongly agree that assigned sites should be built out at a sensible rate after their approval. The problem here is that there is no incentive for developers to build out when house prices continue to appreciate and so they can generate greater future returns by sitting on development sites and waiting. There needs to be a system where if development does not occur it is possible for local authorities or government to force it to occur, perhaps through a local development company.

Pillar 2: planning for beautiful and sustainable places

Questions

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]

Council Response:- There has been too much poor design, particularly when it comes to larger developments in Wiltshire. There have also been too many developments which are poorly designed when it comes to fitting into and relating with existing housing and infrastructure. In our view it is critical that larger developments are designed with key principles in mind: Connectivity with surrounding communities. Reduced reliance on car transport. More local renewable energy generation. Health and Wellbeing centered on Active, Connected communities. Better interrelationship between properties on a development. Suitable provision of community friendly open spaces. Etc.

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]

Council Response:- There is no one priority for sustainability. We believe that the energy efficiency of new buildings is really important combined with local renewable energy generation easing strain on the South West's electricity grid. More green and blue infrastructure is critical to enhance both wildlife diversity and people's wellbeing. Open spaces that are used by the community and not just small parts of it are important as well. We want to see less reliance on cars but that needs managing with the need to have cars in a large rural area with limited public transport.

Question

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

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

Council Response:- Yes. We strongly support the idea of design guides and codes. These need however to have local flavour to them and be able to serve the areas in which they are being used. The design guide that would apply in London cannot be the same as a guide which would be used in rural Wiltshire.

Question

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

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

Council Response:- Broadly yes. We support a body to support design and place making. When it comes to a role in local authorities we agree that such a role is

useful but would suggest that it does not need to be a stand alone role and could be merged with other planning roles.

Question

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

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

Council Response:- Yes. This is a good idea.

Question

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

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

Council Response:- Broadly yes. On paper this looks to be a good idea however we are concerned that if it were to become a box ticking exercise for developers who then implemented the minimum possible to comply then that would undermine the purpose of the proposal. It would need to define specific standards which would have to be delivered by developers, not then negotiated away in viability debates.

Pillar 3: planning for infrastructure and connected places

Question

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]

Council Response:- Priorities can vary across an area as large as Wiltshire. In many areas affordable housing is critical, in others health infrastructure may need to take a higher priority for example. A centralized approach is not helpful here, local flexibility to deliver the needs of communities where development is happening is most important.

Questions

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.]

Council Response:- Yes. The idea of a single levy makes sense however it would depend on how that could then be spent. If section 106 and affordable housing were rolled up in a single levy there is a risk of local pressure to provide popular improvements preventing there being enough funding for other critical infrastructure. It would depend on how the controls over expenditure of the levy were set.

We do not agree with the idea of having a fixed proportion of development value above a set threshold only. All new housing will place strain on existing infrastructure and all new housing should contribute towards resolving that strain, not just developments over a certain financial threshold.

We would like to see clarity on which tier of local government would access the funding. Issues like affordable housing and school provision are strategic and need to be addressed by a more strategic authority. If too much money was delegated to Parish Councils from the levy this could seriously impact on strategic provision.

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]

Council Response:- Locally. Housing market viability varies across the country as do the needs and demands caused by new housing. For example new housing in a large city will place strain on schooling which will be expensive but limited strain on roads. The same development on the edge of a town in a rural area will place a potentially slightly lower strain on schools (which may be cheaper to provide) but a much higher strain on highways and limited health infrastructure.

SET LOCALLY

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.]

Council Response:- We would welcome an increase in value if the levy comes in. We would however want to make sure that the level set locally did not cause viability issues which prevented development.

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.]

Council Response:- Yes. This is an excellent idea.

Question

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.]

Council Response:- Not sure. We would want to understand the evidence of the impact that this would have on people who are looking to improve their own house as a family grows or circumstances change to avoid having to move.

We are also concerned about the exemption for self building. Whilst we would agree that an exemption should exist for people who are building their own house to live in as their home, builders also use the self build exemptions to build properties that they intend to sell as soon as they are completed and move on to build another. This needs to be addressed in legislation

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.]

Council Response:- Yes. We are also keen to ensure that affordable housing is provided in rural areas and that there should be a contribution from all sizes of rural development where developers benefit from higher house prices.

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.]

Council Response:- Yes. We believe this is a complicated area. Developers are increasingly delivering lower quality affordable housing and it is becoming harder to find registered providers who will accept them in some cases. We very much support the option of developers being required to offer land on development sites in lieu of affordable housing to a Council Housing Revenue Account or Housing Association who could then develop it themselves to a better standard or allow the developer to build on the site if they could demonstrate the delivery of a high standard of development.

Council Response:-
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.]

Council Response:- Yes

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.]

Council Response:- Not sure

Question

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

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

Council Response:- Yes. We would welcome the ability to focus our infrastructure funding on the specific needs that are being created by new development. Central control here does not help address local issues. Some areas however such as affordable housing should be mandated.

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

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

Council Response:- Yes. The provision of affordable housing, particularly in rural areas with very high house prices is essential for the development and function of our smaller communities. Affordable housing contributions must be ringfenced for affordable housing.

Question

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?

Council Response:- The increased digitalisation of planning proposed in the consultation would need to address issues of groups who have more limited access to high speed internet connections, potentially the travelling community. It also needs to make sure that older people who are less likely to be digitally literate and those with other literacy problems can still access material.

This page is intentionally left blank