

Email response to be sent to planningforthefuture@communities.gov.uk

PLANNING FOR THE FUTURE WHITE PAPER (AUGUST 2020), MINISTRY OF HOUSING, COMMUNITIES & LOCAL GOVERNMENT

RESPONSE FROM WILTSHIRE COUNCIL, 29TH OCTOBER 2020

Submitted by Sam Fox, Director of Economic Development & Planning, Wiltshire Council

Summary

The consultation proposals, if implemented, would have significant implications for Wiltshire Council, Wiltshire and its local communities. A summary of Wiltshire Council's response is set out below, with a detailed response to the questions following.

This response comprises Wiltshire Council's considered view on the proposals, having been discussed at a briefing session for all elected members on 2nd October 2020; at Full Council on 20th October 2020, and agreed at a meeting of political group leaders on 28th October 2020. The submission reflects the views expressed at these forums, and it also incorporates the views of a range of specialist technical teams within Wiltshire Council. It has been agreed between the Cabinet Member for Spatial Planning, Investment and Development Management (Toby Sturgis); the Deputy Leader, Richard Clewer; the Leader, Philip Whitehead; and the Director of Economic Development & Planning, Sam Fox.

Wiltshire Council recognises the need to reform the current planning system, and the proposals in the White Paper are a welcome step forward in delivering this change. Any such changes must however also reflect the importance of maintaining, and where possible enhancing, the importance of local democratic decision making in the planning system. They must also reflect this Council's commitment to carbon neutrality by 2030.

Wiltshire Council supports the Government's aim of speeding up the delivery of appropriate and locally needed development whilst enhancing design quality.

Whilst Wiltshire Council welcome some of the proposals in the consultation, we have serious concerns about others, particularly as they relate to: proposals around zoning, to any attempts to move away from CIL levels being set locally, or diminishing community and public engagement in the planning process, any reduction in the status of and respect for Neighbourhood Plans, and any failure to recognise the need to ensure that Enforcement Officers have the powers and

resources they need to do their important jobs. There are other areas where further details will need to be forthcoming in order to fully evaluate their effectiveness.

The need for housing also seems a high priority in the White Paper. Whilst this is key, The White Paper contains little mention of how planning should align with local industrial strategies and how these in turn will impact on demand for housing and infrastructure.

Consultation Questions & Wiltshire Council Response

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

Council Response: Wiltshire Council has no comment on this.

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

Council Response: Yes, we are the planning authority.

Question 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?*

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 range and type of media that people now access. Residents who are not digitally literate should not be disadvantaged

Question 4. *What are your top three priorities for planning in your local area?*

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?*

Council Response: No. Whilst the simplification of Local Plans to ensure brevity and clarity is welcomed, as by simplifying the content of plans, this could allow focus on identifying areas for development and protection. However, 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 approve 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. It would also need exceptions to allow for appropriate development in sensitive areas, such as mineral extraction, or in the centre of towns and cities which may be Conservation Areas.

The White Paper contains very little information on how the historic environment is going to be protected within the three 'zones' approach. The current planning system (guided by the NPPF) works well in protecting the 90% of archaeological sites which are not designated and often found during the early stages of the planning process. The proposals lack the necessary details on how the measures proposed will avoid harm to historic environment, particularly undesignated buried archaeological remains.

Within the proposed zoning system safeguards for archaeology and the historic environment needs to be built in at both the strategic area allocation stage, and at the level of individual development proposals. The proposed new system must have provisions in place for appropriate assessment and evaluation of heritage assets and which can inform development management decision making prior to determination.

At the moment the definition of strategic housing sites provides a version of a zonal system. Our experience is that sometimes developers are not keen to develop those identified sites in a timely manner, particularly where they are less financially attractive than other green field sites. As a result, by delaying the delivery of 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 within reasonable timescales. 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 land bank 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.

Paragraph 2.10 of the White Paper states: *'In Growth areas, we would want to allow sub-areas to be created specifically for self and custom-build homes and community-led housing developments'*.

We would note that creating specific areas for Community Led Housing needs to ensure that the community is able to decide where the housing is located.

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?*

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.

It is essential that development management policies include the opportunity to negotiate the detail of affordable housing at a local level in terms of unit size (i.e. number of bedrooms), tenure type and accessibility. Delivery of affordable housing is not just about the number of homes delivered, but also needs to ensure that delivery meets current demonstrable need.

The move away from repeating development management policies will also make Local Plans much more user friendly, as well as making the decision-making process more transparent as the system becomes rule-based, rather than discretionary based.

Question 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?*

Council Response: Yes.

The proposal to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact is a positive step. This will mean less focus on the way in which Council's reach decisions on their plan of how they

compared options and instead allow more concentration on assessing the economic, social and environmental impact of area-based proposals.

However, the need for robust environmental assessment cannot be avoided. Poor quality assessments will produce ill-conceived plans. There is no detail in the White Paper as to how the simplified process will continue to evaluate the likely significant effect of the plan on the environment and determine how adverse effects may be mitigated or where beneficial effects may be enhanced. Given the proposals in the White Paper to grant automatic outline planning permission in some cases, the strategic assessment of a Local Plan will be even more fundamental with the potential for less robust assessment at the development stage. Streamlining the local plan process must not be at the expense of adverse impacts on the environment.

By removing the current sustainability appraisal process, and replacing it with a simplified test of sustainable development, this must robustly help Councils deliver carbon neutrality (in the case of Wiltshire Council we have made a commitment to seek to make the Council to be carbon neutral by 2030).

Any new test of assessing environmental impact needs to safeguard environmental protection being a cornerstone of the plan-making stage. The suggestion of a consolidated test also raises the question of how Environmental Impact Assessment (EIA) would work under these proposals. In fact, it is far from clear whether EIAs would be possible under the new system, since there would be automatic outline permission and planning applications would not be required in growth zones.

EIA and SEA are conducted at two very different stages of the plan making process and there is already a lot of efficiency in the way SEA (at the plan making stages) informs EIA (at the planning application stage). The two assessments cannot be consolidated as such and SEA was legislated as an additional process across Europe (and elsewhere around the world) for this very reason.

It is therefore hoped that a replacement for the current Sustainability Appraisal system does not enable plan-makers and developers to avoid proper assessment and consideration of environmental and climate change impacts, as it currently required by SEA and EIA legislation.

With regards SEA; to do anything other than comply with the SEA directive (as is currently done) would be inconsistent with the Government's commitment to upholding environmental standards after 1st January 2021

<https://www.gov.uk/guidance/upholding-environmental-standards-from-1-january-2021>

Question 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 neighbouring 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.

An example of co-operative, cross-boundary working well across local planning authorities is the Partnership for Urban South Hampshire (PUSH) and this model should be looked at in appraising different options for the duty to co-operate.

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

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. 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.

A standard method for establishing housing requirements will mean less focus at examinations getting entrenched in discussing housing numbers, which will make the process more streamlined. This would enable planners to concentrate on place making rather than numbers.

Question 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?*

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. High affordability ratios in rural areas may not indicate a shortage of supply.

Similarly, increasing availability of land may not improve affordability, housebuilders are likely to benchmark their required return from a site against local prices to retain the existing absorption rate in the local market. House prices do not operate as a standard commodity as they typically require availability of finance to acquire. This introduces the lenders underwriting criteria (salary) and their required return from the loan into the equation. This controls the number of consumers in the market and hence demand.

Areas with the greatest affordability constraints are not necessarily the most sustainable locations to develop. Conversely, places with fewer 'affordability' issues may benefit from inward investment and development but be neglected under such a method.

Question 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?*

Council Response:- The Council is not sure. 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. It will also require better tools and financial resources to get effective public engagement up front.

However, if automatic outline permission for Growth Areas is conferred by the adoption of the Local Plan, it will be necessary to consider how the detail of the affordable housing contribution (including unit size mix, tenure mix, standards and adapted units) can be agreed at an early opportunity. This is usually agreed at outline stage to give certainty to the both the local authority and the developer.

The proposed "permission in principle" approach is potentially harmful to the historic environment. It is imperative that automatic outline permissions in growth areas will still include requirements for site-based archaeological evaluation undertaken pre-determination. Specialist historic environment advisors, with access to Historic Environment Records, in local planning authorities must retain oversight over this consent process.

Furthermore, complex technical matters will need resolving within a condensed timescale under the new proposals with organisations such as Natural England, Historic England and the Highways Agency. Therefore, there is an issue not only about the level of resources that will be required by local planning authorities to implement these proposals, but also the resources of outside agencies so that they are able to respond and engage in a timely manner in line with the new Local Plan process timelines.

The White Paper's shorter plan period of 10 years minimum under Proposal 4 could also potentially discourage site promoters and funding bodies to invest in big regeneration sites. Allowing broad locations for future growth beyond a 10 year period which would become a Growth allocation when the Local Plan is reviewed would potentially give promoters and funding bodies the confidence to continue to invest in a project, although this would need to be balanced against what the requirements would be to identify such areas in the Local Plan and resource implications for the Local Planning Authority.

In terms of the routes for detailed consent, Local Development Orders can be a positive planning tool that creates a more certain planning environment and therefore makes investment more attractive. In Wiltshire, the LDO process is potentially one way of supporting the Porton Down Science Campus to help deliver the consolidation and optimisation of PHE and DSTL activity. A Local Development Order here would ensure agility to changing future business requirements with minimal planning intervention. This would help deliver the

recommendation of the Life Sciences Industrial Strategy for government to support the growth of life sciences clusters and to attract foreign direct investment into Porton and surrounding area, focussing on maximising commercial prospects of the Defence and Security sectors R&D.

However, LDOs are also resource intensive and careful consideration will be needed to ensure that Local Planning Authorities have the resources and skills to prepare them. Upfront investment is required, and the financial cost of bringing forward an LDO needs consideration. LDOs would still need to comply with other relevant legislation, such as Environmental Impact Assessment, whatever form this takes in the future under the new proposals. A robust evidence base is required and specialist support would be needed to inform the design and development of the LDO e.g. consultants for site investigation and analysis, EIAs, advice from specialist agencies such as EA, HE. Effective engagement with all relevant stakeholders is necessary and monitoring officers would be needed to monitor the impact of LDOs over time.

With reference to Community involvement paragraph 2.36 states that *“We will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved.”*

There is no detail on how this will be secured, by making sure the process is fully inclusive and democratic. Frontloading community involvement at the plan-led stage is commendable but actually getting people, from a variety of groups, to engage will require investment, technology and time. A huge cultural shift would be required so that local communities understand that under the proposed new process, the opportunity to comment on the principle of proposals would no longer be available further down the planning process, as the Local Plan would already have established permission in principle.

Question 9(b). *Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?*

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. It is in our view essential that the role of local development management is retained for planning applications in Protected Areas, including consultation with communities and with Parish/Town Councils as statutory consultees

Question 9(c). *Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?*

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?

Council Response: No. Whilst we support timely decision making, and 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.

The technical evidence required to underpin sound decision making on technical matters (such as drainage, transport analysis etc.) will still need to be available.

Deemed planning permission and refunds of fees would not introduce quality into decision making. It is noted that delays are often due to applicants not providing necessary information in a timely manner, and decisions which are recommended to the Secretary of State by the Planning Inspectorate are not always received in a timely manner.

Greater standardisation of technical supporting information would be advantageous, as would clearer and more consistent planning conditions using as a base standard national conditions.

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

Council Response: Yes. We think this is an excellent idea and should be implemented. However, we need to ensure there is no digital divide from those unable to engage so easily with digital solutions

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

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.

As part of the 'good design' agenda, the White Paper proposes that any areas designated as 'Growth' areas are supported by a masterplan and site-specific

code in order to secure outline permission under the Local Plan. While the masterplan concept would reduce uncertainty for those bringing forward development in a Growth area, achieving this level of detail alongside more front-loaded community involvement, within a shorter local plan process, will be a huge challenge, unless Local Planning authorities are provided with the necessary resources, both financial and in terms of skills.

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

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 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, including urgently addressing the current anomaly regarding the weight given to those over two years old in decision making.

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.

Question 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?*

Council Response: Yes. We strongly agree that assigned sites should be built out at a sensible rate after their approval. There is currently 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

Question 15. *What do you think about the design of new development that has happened recently in your area?*

Council Response:-There has been too much poor design, particularly when it comes to larger developments in Wiltshire. The current planning system has not made it easy to address this. 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 centred on Active, Connected communities.
- Better interrelationship between properties on a development.
- Suitable provision of community friendly open spaces.
- Houses and other developments should be designed to be more sustainable, with higher standards of energy efficiency.

Question 16. *Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?*

Council Response:-There is no one priority for sustainability as it is so all-encompassing. Whilst Wiltshire Council has committed to seek to achieve carbon neutrality by 2030, the planning system will be a key driver in helping us to deliver this. We believe that the energy efficiency of new buildings is critical, 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?*

Council Response:- Yes. We strongly support the idea of design guides and codes. These need however to reflect local distinctiveness 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.

By making design a central consideration for all new development proposals in Growth or Renewal areas, this will incentivise developers to bring forward development that is of a high standard. Codes for sites would also allow substantial development to come forward at the same time.

The proposal that design guides and codes should only be given weight in the planning process if it can be demonstrated that community input has been secured is vital, particularly as the White Paper also proposes to streamline consultation periods during the local plan period and designating Growth areas for outline permission will mean that local involvement on a planning application on an application specific basis will be removed. Proper local engagement will reduce local opposition and promote a more pro-development environment.

It would be helpful to have a pragmatic approach to design coding and levels of sustainable for the provision of new schools, due to the costs associated with these. A balance will need to be achieved in design coding. Having to achieve beautiful public buildings such as school buildings will cost more and may not add to the functionality and suitability for schools. Sustainable buildings also cost more money, a national study by Faithful & Gould found the following in relation to BREEAM and school buildings:

SCORE	BREEAM RATING	COST
40	Good	Little or no extra cost
55	Very Good	£19/m ² additional cost
70+	Excellent	May cost an extra £60/m ²

Whilst we generally achieve BREEAM Very Good, the uplift to achieve Excellent or net zero buildings would be huge. For new schools this would significantly increase the share of Levy that would be needed.

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?*

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?*

Council Response: Yes. This is supported.

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

Council Response: Broadly yes. In principle this is supported. However, the concept of “beauty” is very subjective and the methodology for assessing beauty will need better definition. Will the NPPF specifically define what is meant by “beauty”?

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.

The emphasis on “beauty” also appears to bypass other policy objectives; quality design is more than just about appearance of a development. Other policy objectives must also be addressed, such as better health and well-being and the environmental performance of buildings. The design of buildings requires a fully integrated approach across a wide range of technical disciplines.

For example, the recently expanded permitted development rights, whilst attempting to rejuvenate flagging high streets, have resulted in sub-standard residential conversion because homes can be created without any control by the local planning authority as to minimum room sizes. It is not acceptable that while permitted development will require prior approval for “design” and “external appearance” it will not for the size of the rooms in the building.

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?*

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.

Question 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?*

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.

S106s currently provides a mechanism to secure the detail of affordable housing provision including tenure, unit size (i.e. bedroom numbers), accessibility standards, clustering and location of units, trigger points for delivery, nomination rights, lease requirements and Mortgagee in Possession clauses. Therefore, if affordable housing is included within a consolidated levy it would need to ensure these components of affordable housing delivery are secured.

If such proposals are taken forward, it is essential that land, together with all necessary infrastructure, for affordable housing, education, Public Open Space (POS), cycle/pedestrian routes etc are provided prior to commencement of development to the appropriate authority free of charge, so such facilities can be provided for both the existing and proposed community at an early stage in the development.

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. Furthermore, it is also not clear how a nationally prescribed levy would work in a rural setting where land values vary markedly. More detail in this regard would be welcomed.

The proposal for a minimum value-based threshold seems to suggest that this would be assessed through a Viability Appraisal rather than being pegged to a set increase over EUV. If that is a correct interpretation, then surely the S106 Viability Appraisal mechanism would still be in place with all the attached uncertainty that it brings, especially if it can be revisited if revenues/costs change over time, which the proposals are meant to be addressing. This equally applies to the notion that the levy should be applied to either the development land value or assessment of sales values so there would still be negotiations between the LPA and developers akin to S106 Viability Appraisals. The current system of applying a fixed amount to the

Gross Internal Area of the development is simple and transparent and should be retained. It should be indexed annually to the rise in new home sale prices. To ensure that indexation is not abused, it will be necessary to address developers' business model of keeping the price down in return for 'upgrade' payments, which also can impact on the level of Stamp Duty.

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.

If the new Levy is not payable on sites below a minimum threshold, it would be difficult to secure sufficient funds for additional infrastructure in areas where we see lots of small developments rather than larger ones. The cumulative impact of small sites can still be significant. Might this also encourage developers to split land into smaller parcels?

Question 22(b). *Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set 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 city will place strain on schooling which will be expensive but would have a limited impact 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.

Question 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?*

Council Response: the Council considers that as a minimum the Levy should result in an increase in value if a single levy is introduced. We would however want to make sure that the level set locally did not cause viability issues which prevent sustainable development from taking place.

Question 22(d). *Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?*

Council Response: Yes. This is an excellent idea. However, the Government should ensure that developers cannot escape the responsibility of paying the levy in full.

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

Council Response: Yes. Where development has taken place that creates new housing units without the need for planning permission, this does not currently enable local planning authorities to adequately secure infrastructure provision from the development. For example, where the value of a converted office to residential scheme provides a significant uplift in value, this uplift should be captured to ensure infrastructure improvements in the locality can be provided.

We are also concerned about the exemption for self-building. These new dwellings do create needs for infrastructure improvements. 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.

Question 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?*

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.

In a plan-making sense, the local planning authority needs to be certain that the delivery of affordable housing to meet local need is not compromised by any new levy system, particularly as the cost of such delivery needs to be factored in up-front through a viability assessment.

Since April 2015, the number of households on Wiltshire Council's Housing Register has more than doubled to 2,826 in March 2020. Help to Buy South's Register for shared ownership properties shows an increase in demand from 1,481 households in October 2016 to 2,086 households in April 2019. This increase in need has arisen despite the delivery of 2,811 Affordable Homes in Wiltshire from April 2015 to March 2020. There is therefore a sustained and on-going need for Affordable Housing in Wiltshire.

Question 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?*

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.

It is essential that local authorities are able to negotiate Affordable Housing that reflects current local need as this will affect the ability of developers to find a Registered Provider to take the units. This option would also give scope for the Local Authority to negotiate taking on-site or adjacent land in lieu of on-site units which could facilitate the delivery of specialist types of housing where there was a demonstrable need.

Question 24(c). *If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?*

Council Response:- Yes

Question 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?*

Council Response: Yes. If an in-kind delivery approach is taken, it will be important to ensure that there is a mechanism to secure all of the elements of affordable housing provision that are currently secured through S106 Agreements. This includes tenure type, unit size (i.e. bedroom numbers, accessibility standards, clustering and location of units, trigger points for delivery, nomination rights, lease requirements and Mortgagee in Possession clauses).

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

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.

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

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.

An affordable housing 'ring fence' should be developed to ensure that affordable housing provision doesn't fall below current levels. There is a sustained an on-going need for affordable housing in Wiltshire. Despite the delivery of 2,811 Affordable Homes from April 2015 to March 2020 Since April 2015, the number

of households on Wiltshire Council's Housing Register has more than doubled to 2,826 in March 2020 and Help to Buy South's Register for shared ownership properties also shows an increase in demand.

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.