

FAREHAM

BOROUGH COUNCIL

Planning for the Future Consultation
Ministry of Housing, Communities and Local
Government
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Sent by email only to:
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Director of Planning and
Regeneration

Contact: Gayle Wootton

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Date: 29 October 2020

Dear Sir/Madam

Planning for the Future White Paper consultation response

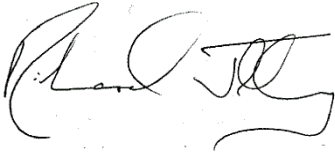
Please see enclosed the response from Fareham Borough Council (the Council) to the Planning for the Future White Paper consultation. This response has been prepared by Officers and considered by our Executive committee and is presented in Annex 1.

Attempts have been made to structure the response around the specific consultation questions but given the far-reaching and inter-linking nature of the proposals this has not always been possible. Some of the questions have not attracted a response reflecting that they appear to have been written for members of the public to respond, and not Local Planning Authorities.

On the whole, the Council welcomes the efforts to streamline the planning system and create opportunities for better engagement with residents and businesses. The White Paper considers many approaches and sets out a good number of proposals, and alternative proposals, that require detailed consideration. The necessary detail to understand the implications and consequences of the proposals is not within the White Paper and as such we expect there to be many more consultations with Local Planning Authorities to ensure that collectively central and local government get the new system right to benefit our communities.

There is no doubt that the proposals will require significant resourcing within our planning teams to ensure that the aspirations of the White Paper are carried through. We look forward to working with central government to ensure that this Council is well-placed and ready to embed the changes in the planning system as soon as they are brought in. However, there will need to be clarity and support from the Government in order for this transition to work well.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Richard Jolley', written in a cursive style.

Richard Jolley
Director of Planning and Regeneration

Encl. Annex 1.

Annex 1.

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

Work on Fareham's new Local Plan began in 2015 and has involved three public consultations on proposals which have significantly shifted due to the introduction of a new NPPF, and changing national policy, in particular, the introduction, and proposed review, of a standard methodology. These shifting sands have undoubtedly delayed the process of producing a new Local Plan for the Borough despite the Council's best efforts and have generated a large degree of uncertainty for residents and the business community in Fareham.

The reason that this context is important is that while the Council supports the intent to simplifying Local Plans, it is not necessarily the content of the plans that is the most confusing but the Plans' relationship to national policy and guidance. For example, whether housing sites are included or not relates directly to the level of housing need generated by the standard methodology, and the need to review local designations such as landscape designations is also a by-product of housing need.

The Council can see the attraction of classifying land in the three categories, but as with most things, the detail will bring challenges. For example, it is easy to see how some of Fareham's oldest settlements with Conservation Areas, Listed Buildings and set within a locally important landscape would be classified as an area to 'protect'. However, this message will need to be carefully conveyed to the Boroughs residents who may misunderstand this term to mean no development will be allowed. This means that there will be an increased need for considered engagement with residents, businesses and other interested parties in the Borough in determining which category is applied to a particular area. This is particularly true for any growth areas with the automatic granting of outline planning permission.

The Borough of Fareham is one without some of the national constraints listed in the description of this proposal so we would strongly support the ability of the Council to include 'locally defined areas' such as Strategic Gaps and Areas of Special Landscape Quality as protected areas.

Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

The Council is supportive in principle of proposals which remove the need for generic development management proposals to be included within Local Plans.

The majority of planning applications received are for smaller scale schemes and householder proposals. If the National Planning Policy Framework is going to become the primary source of policies for Development Management, there will need to be mechanisms in place to clearly signpost the relevant national policies for proponents of small scale schemes.

Q7. 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?

The Council welcomes the overall thrust to streamline the process of plan preparation but in a way that allows the Council to robustly defend the choices it has made, particularly in relation to the scale and location of housing.

Two of the current tests of soundness are justified and effective; these are helpful terms to use in our engagement with the development industry as well as the public, and are relied

upon during the plan-making process to ensure the proposals we put forward are based in evidence. The concerns with a term such as 'sustainable development' is that it means different things to different people, despite the Brundtland definition, and to many people means nothing. The current tests are easy to explain to those wishing to engage with the plan-preparation process and we would suggest that they remain used in some form.

The Council has concerns that some aspects of the current tests will be lost under the proposal. For instance, the sustainable development test appears to remove the need to conduct a formal Strategic Environmental Assessment (SEA) of the Local Plan required under UK Regulations¹. There are no details in the proposed changes as to how the simplified process will provide the same level of protection.

Q7b. How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The Council wishes to express concern at the proposed abolition of the Duty to Co-operate by highlighting the successful partnership working through the Partnership for South Hampshire (PfSH). This partnership was established in 2003 and for the past seventeen years has been an important vehicle in addressing strategic cross-boundary issues, for example on the Solent Recreation Mitigation Strategy in relation to compliance with the Habitats Regulations. While the Duty to Cooperate has been challenged in several recent Local Plan examinations, through the working of such a well-established Partnership such as PfSH, it provides a framework for discussion on all cross-boundary issues, many of which are environmental and will only become more important in coming years with requirements such as biodiversity net gain and those coming through the Environment Bill. Importantly, the Duty to Co-operate provides an evidence base for discussions to take place on the issue of unmet housing need, an issue not addressed at all within the White Paper. The Council recognises that suggestions are sought on a replacement mechanism for cross-boundary discussions but strongly suggests that the level of evidence that Councils would need to provide to support any decision on cross-boundary matters is clarified as proposals develop.

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

As alluded to in the answer to Q1, the new Local Plan for Fareham has been delayed once on the back of the 'Planning for the right homes in the right places' consultation in 2017 and the introduction of a new standard methodology for calculating housing need. The current standard methodology then warranted two further consultations in 2019 and 2020 on how the Council could address the higher housing numbers and had reached a significantly advanced phase in developing a Regulation 19 consultation document. The Council believes that it is one of three Local Planning Authorities in England where the proposed new standard methodology is proposing a lower housing need figure having developed the plan to such an advanced stage.

The Council is determined not to delay the plan-making process unnecessarily, the proposed new housing need is 22 per cent lower than the current figure and therefore presents an opportunity to prepare a plan on a more appropriate, and up-to-date, level of housing need for the Borough. There has also been a strong emphasis on continuing the preparation of Local Plans in a recent newsletter from the Government's Chief Planner. Some might say not to take this opportunity would be irresponsible. However, while we are progressing with our Local Plan Regulation 19 consultation, we need to wait until the Planning Practice Guidance and any associated transition arrangements are known before

¹ The Environmental Assessment of Plans and Programmes Regulations 2004

the Council prepares the plan for submission. The suggestion in this White Paper of a further iteration of the methodology taking into account constraints just compounds this uncertainty.

Therefore, it is of vital importance that the Council emphasises how the uncertainty over the standard methodology will affect the preparation of Fareham's new Local Plan, and how, more generally, the need to amend a standard methodology for calculating housing need only introduced in 2018 is providing no greater clarity than the previous process of locally derived need figures.

Q9a. Do you agree that there should be automatic outline permission for areas for substantial development (*Growth areas*) with faster routes for detailed consent?

The Council supports the requirement for masterplans and design codes to be included in the Local Plans. Fareham's Local Plans have a long history on this endeavour with indicative masterplans on strategic sites included in Local Plan consultation documents with the objective of steering subsequent planning applications. The link to the automatic granting of planning permission is welcomed as a means to ensure that masterplanning activities are not undermined by the submission of a planning application at odds with some or all masterplanning principles.

The Council would like to point out that alongside masterplans, comprehensive infrastructure plans, IDPs or the like, would need to be produced to bring clarity over infrastructure contributions to deliver the masterplans and design codes. Work to develop masterplans, design codes and infrastructure plans takes time and a significant resource from Local Planning Authorities as well as statutory consultee bodies such as the Local Highway Authority, as well as costs to site promoters and developers. From this Council's own experience at Welborne Garden Village, the plan-making process took three years to clearly establish planning policy and infrastructure requirements for a development of this scale. Therefore, the time and resources required to comply with this proposal cannot be under-estimated. If this work is not done well, problems will linger for these sites in the planning system.

Q9b. Do you agree with our proposals above for the consent arrangements for *Renewal and Protected areas*?

Areas within the Borough which might be classified as 'Renewal' in future are extensive in area and markedly different in age and character. Against this backdrop it is difficult to understand on the basis of the detail currently provided, how an automatic consent route or a faster planning application process could operate. In order to properly balance the Council's resources, to reduce potential delays to development and to provide certainty to the community, automatic consent routes or faster planning application processes, ideally would need to be designed to cover large areas. As currently set out in the consultation paper, this Council is not sure in respect of the proposals for Renewal Areas.

The Council agrees with the proposals in respect of Protected Areas.

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

The Council agrees with the proposals to make greater use of digital technology, streamlining the information which must be submitted and standardising how planning information is presented to the community. The Council does not agree with the proposals for penalties when decisions are not made within current statutory time limits.

The culture of this Council is make development proposals acceptable wherever possible to enable it to grant planning permission. It approaches application proposals with the mindset of if the scheme isn't presently acceptable can it be made acceptable. It also

endeavours to deal with a planning application once (i.e. to seek amendments) rather than refusing it and requiring an applicant to go through the system a second time. The Council operates a full pre-application planning advice service covering all types of proposals.

The Council believes that the most straightforward applications should be determined within the 8 week period and it endeavours to do this. Sometimes amendments are sought to make an unacceptable scheme acceptable and the Council agrees extensions with applicants to achieve this.

The Borough is bounded by a number of European Designated Sites (Special Protection Areas and Special Areas of Conservation) and legal agreements are required in connection with virtually all applications for residential development to mitigate the impacts upon these European Sites. To deal with all matters relating to the planning applications and to complete the legal agreement within the 8-week target is exceptionally challenging.

For users of the current planning system, the 13 week period is not considered long enough to deal with many major planning applications. This is a view which from experience is commonly held by applicants, agents and other planning professionals outside local authorities. It is difficult to be certain at this stage as to how many of changes set out in the consultation paper would need to be implemented before the 13 week target becomes more realistic. Forcing decisions to be taken within 13 weeks is likely to result in a substantial increase in the number of refusals. As well as unnecessarily increasing costs for applicants and Councils, this would substantially increase the burden upon the Planning Inspectorate which has struggled to make timely decisions for a long period of time. This in turn will cause further delays in bringing forward sustainable development, which local authorities may well have granted planning permission for if it had not been for an absolute deadline.

It is not reasonable either that planning application fees should be refunded automatically if the application is not determined within the time limits or if the applicant is successful at appeal. Planning application fees are used by the Council to deliver its development management service. At present the planning application fees only partly cover the cost of dealing with planning applications. The application fees are used principally to pay towards LPA staff time, and consultant fees where specialist planning advice needs to be bought in.

Many planning decisions require a number of planning issues to be balanced before arriving at a decision. A Planning Inspector may arrive at a different decision than the LPA because they have applied different weight to planning matters than the local planning authority- this scenario would not suggest the LPA was wrong or slapdash in its decision making. Alternatively, an application may be refused solely because an applicant failed to complete a Section 106 within the timescale. By the time of the appeal the applicant may well be able to present a completed Section 106.

Whilst the Council does not support the principle of application fees being refunded if appeals are allowed, if the Government wishes to continue exploring this approach it should be linked to the tests of unreasonable behaviour/ be proportionate.

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

The Council already embraces technology and provides interactive maps for both planning applications and Local Plans on its website. The Council welcomes the proposals to improve the accessibility of Local Plans, including making them web-based, but urges the government to remember the fact that for some people and sections of the community, paper copies of documents will always be valued.

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

The Council welcomes the intention to reduce the length of time normally taken to produce Local Plans, but strongly challenges the assumption that effective engagement can take place on such important and emotive topics such as housing and environmental protection within only eighteen months. While at first glance this may seem a significant amount of time, when considering the additional requirements of Local Plans to include an established set of rules to guide all development and to include masterplans and design codes for strategic sites, this is insufficient time, particularly as it is within this same time period that technical evidence would need to be commissioned and undertaken. There is a risk therefore that proposals would be ill-thought out before being put in the public domain and therefore ill-supported at the point the Local Plan is submitted for examination, increasing the risk of challenge.

In addition, the Council wishes to highlight the additional costs to plan-making authorities associated with the proposals for strengthened, upfront planning in Local Plans. The identified options of setting out parameters of good design and beauty through the use of masterplans, design codes and other pattern book approaches could work, and provide definitive requirements, but these can be time consuming to produce and be subject to protracted negotiations with developers (or local communities) and are often generalised and open to interpretation to provide flexibility for the developer.

The extent to which development must be wholly compliant with a code and whether the code is subject to appeal and future variation, will also impact on the potential delivery time.

Q13a. Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Not sure. Further information is required to provide clarity as to their future role as part of the planning system. Neighbourhood Plans in England have delivered new homes in some Local Planning Authorities on top of the housing requirement in a Local Plan. However, this is not the case across all authorities. Neighbourhood Plans can take resources and time from planning policy departments to deliver their Local Plans when the result is often less than positive, for example because the Neighbourhood Plan does not deliver housing, does not meet the basic conditions at examination or fails at referendum.

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

Development that has been granted permission is generally of a good standard. Often, major schemes are let down by the design of streets, driven by a lack of designing streets for people as public spaces where car movement does not always have priority, and the requirements for the adoption of roads and for asset management of the local Highway Authority.

Major schemes are also constrained by the lack of investment in public transport generally to ensure convenient, price-competitive and well-connected non-car transport systems to link people and places.

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

Sustainability should include all the themes mentioned in the White Paper and others such as the restoration and enhancement of biodiversity, natural flood management measures, improved water quality, reuse and recycling of resources within new buildings and increased levels of renewable energy production.

A holistic approach across all environmental and socio-economic aspects is required to ensure sustainability is at the heart of development.

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

These proposals are to be welcomed, subject to the precise detail on the expectations for the development of guidance. It is important that design codes are not just broad references to height or materials. To deliver quality places, they must also consider plot density, spaciousness, detailing, transport networks, streets and spaces, green infrastructure etc. Design codes will only be successful if the development is in the right location in the first instance, design at a strategic, settlement wide basis therefore is critical.

Q18. 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?

Not sure. Such an approach could potentially be beneficial, so long as there is a focus on effective delivery through:

- Creating confidence for decision makers and appeal process;
- Establishing a mandatory national / local highway design code for residential and town centre locations;
- Demonstrating cost and wider social effectiveness of 'raised' standards;
- Raising profile and standards for housebuilders;
- There is little to be gained by yet more guidance or chief officer roles that are figureheads and strategy developers.

This delivery focus, in preference to more design guidance, is particularly important in light of the National Design Guidance published in October 2019.

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

Yes – it is important for government to lead by example, demonstrating the manifestation of its aspirations on the ground for all to see. Associated costs should be identified to enable comparisons with market developments.

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

No. There appears to be confusion between 'beauty' and other critically important elements of good design, such as internal and external space dimensions, landscape, sustainability (both spatially and physical). It should not be the case that the external appearance of a proposal ensures a fast track through decision making, if those other elements do not meet required standards. As is currently the case, good design, in all its facets, ensures a quick decision. Delay is most often a result of poor-quality development proposals that require considerable time and resources to negotiate improvements to a satisfactory and policy compliant level.

Q21. When new development happens in your area, what is your priority for what comes with it?

All of the policy areas listed in this question are a priority. In particular, the provision of affordable housing is a key priority for the Council. Transport, schools and health provision is a key priority to residents of the Borough.

Q22a. 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?

There is limited detail in the Housing White Paper to fully understand the implications that the proposals may have for the Council. The proposal to merge S106 and CIL is critically dependent on how the levy rates are set and how local viability and development values are taken into account. A worked example should be provided to demonstrate the contributions from a housing-led scheme to enable a meaningful comparison to be undertaken with example of the obligations secured through the current S106/CIL system.

While it welcomes the move to simplify the existing arrangements, the Council must stress the importance of local control on the collection of contributions and the expenditure. In particular, the Council wishes to express strong concern over the reliance on national rates linked to the point at which planning permission is granted.

To collect contributions at the point of occupation (as opposed to phased from commencement) would present a significant challenge to the provision of infrastructure when and where it is needed. This reflects the time taken to plan, procure and implement the necessary investment in infrastructure and the desire to avoid residents of both new and existing homes being faced with an infrastructure deficit during this time.

CIL payments cover only a fraction of the cost of the total infrastructure required and the Government should not rely on developer contributions to cover the costs of local infrastructure to support housing growth. The proposed Levy would need to deliver at least equivalent if not more funding for infrastructure than the existing system. One key concern for the Council is the delivery of Affordable Housing through the infrastructure Levy and these concerns are set out in the Council's response to Q.24A. More on-site affordable housing provision is welcomed, but there is a concern that a flat-rate approach and doing away with s106 may leave deficits in infrastructure funding. In addition, S106 agreements are used not only for securing funding, but for in-kind provision and land transfers and it is not clear how these would be achieved under the proposed changes.

Furthermore, the Council is concerned about the lack of clarification in terms of how community facilities and infrastructure would be secured on larger development/housing schemes.

Q22b. Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

The Infrastructure Levy should be set locally to reflect local requirements and circumstances. Allowing for local variation maximises the potential gain from development in more viable areas. For instance, if levy rates are set nationally and at a high rate this could end up driving developers away from areas that need regeneration such as town centres. Infrastructure requirements for Local Planning Authorities will vary significantly. It is unclear how a nationally set rate would capture these variations and ensure that an authority will be able to deliver growth alongside the required infrastructure.

It is essential that any uplift in land value is captured. For instance, the uplift in land value of undeveloped greenfield land is particularly large and this should be captured and available to support the necessary supporting infrastructure for a development scheme.

The Council is concerned that a nationally set rate would not allow for the appropriate capturing of the uplift to land values resulting from planning permission.

Overall a methodology used to calculate rates would need to allow sufficient flexibility to recognise the extensive variations across the Borough and between Local Planning Authorities.

Q22c. 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?

Significant amounts of time can lapse between the granting of permission and the completion of any development, and value of development can vary significantly even within a Borough, all increasing the risk to the public sector and the delivery of infrastructure on the ground.

The Levy should aim to capture the maximum amount of uplift in land value possible than the existing CIL if that is what is implied, whilst also maintaining the viability of development. If this is not the case, the range of requirements already in place under CIL/S106 and the additional of commitments to more infrastructure and climate change mitigation will not be achievable.

There is concern that infrastructure will not be adequately funded or delivered in time through the proposed new system. Local Plan policy may need to be made more precise for development allocations in order to secure infrastructure delivery within an appropriate timescale. The advantage of existing system is that section 106 is linked to particular triggers so timely provision of infrastructure as and when required.

The detail provided in the White paper around the proposed Infrastructure Levy is unclear. However, housing markets around England vary considerably. Any land value captured through the new Levy should be reflective of land values in the Borough and be proportional to enhanced value secured through planning permissions.

Q22d. Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

The upfront provision of infrastructure is often vital. For example, if the value of the development goes down the local planning authority could be responsible for repaying a debt that they are unable to afford. Therefore, the finance side of the Levy needs to be balanced against the need to provide infrastructure ahead of completions/occupations in some circumstances for the development to proceed. Furthermore, there will be greater pressure on monitoring in the local planning authority to collect contributions in a timely manner, which will require additional resources.

In addition, where infrastructure is required cross-boundary, further guidance would be required as to how as to how would this work practically where two or more authorities are involved, particularly with the proposal to remove the duty to co-operate.

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

Yes. A number of schemes have come through this route in the Borough whereby no contributions have been applied, this includes the non-collection of CIL and securing of affordable housing contributions. These developments will create an increased pressure on infrastructure, and it is important that such schemes should contribute towards this. A change of use, particularly to housing has an impact on infrastructure, particularly cumulatively, which currently cannot be mitigated financially.

Q24a. 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. Meeting affordable housing needs remains a key priority for the Council to ensure integrated and inclusive communities. The proposed changes should secure more affordable housing provision. The starting point for affordable housing should always be on site provision. It is vital that financial contributions made through the proposed Infrastructure Levy are not seen as a convenient way of avoiding having to provide new affordable homes on site. There have been no issues in terms of securing on site affordable housing and at a higher level in the Borough. Off-site affordable housing provision will often add further delays to the delivery of affordable housing and will not meet the NPPF requirements of ensuring a mixed community.

There is also uncertainty around levy rates and a real concern as to the extent to which rented (affordable or social rent) homes will be delivered or pushed aside by other infrastructure demands. There also needs to be greater detail on the role of Registered Providers in the process and how affordable housing can be managed in perpetuity in the absence of a S106 agreement if this is to be combined into a new Infrastructure Levy.

Furthermore, Local Planning Authorities should have the means to specify the forms and tenures of on-site provision based on the Borough's affordable housing need. Schemes integrating a range of types, tenures and affordability of housing are more likely to meet the national requirements of supporting strong and inclusive communities and lead to higher quality design.

Q24b. 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?

Not sure. Further details are required in order to understand how the proposed Infrastructure Levy will work in relation to affordable housing and particularly on this matter to make a balanced assessment. Potentially this could depend on how an individual authority manages its housing stock and therefore a range of options should be available. In addition, the value of an 'in-kind' payment will vary between Local Planning Authorities.

It is important that developers do not have incentives to pay the Levy to support the delivery of affordable housing off site.

Q24c If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

Yes. MHCLG should consult further with Local Planning Authorities as to what these risks are and how these can be mitigated.

Mitigation would be required against Local Authority overpayment risk in order to avoid claims by developers being made. In addition, the 'in-kind' value of affordable housing would need to be managed at the same geographic (i.e. local) level as the proposed Levy.

Q24d. If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Yes. In order to ensure that requirements are met for national and local policy in respect of affordable housing, steps will be required to secure quality of Affordable Housing and ensure there is an appropriate distribution and mix of Affordable Housing on-site on a development scheme.

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

Yes. Further clarity and transparency are required on how the infrastructure can be spent by Local Authorities.

Currently, Council CIL spending priorities are identified through the CIL Regulation 123 list and the proposed changes to the Infrastructure Levy do not provide clarification as to the proposed format of spending priorities. It should be within the remit of the LPA to decide what is on the spending list and what priority it is given.

A link is required between the spending priorities and the Local Plan/IDP to ensure that the infrastructure that is essential is being delivered first and foremost.

Furthermore, without seeing further details on the proposals in the White Paper there is real risk that all funding could be directed towards affordable housing and no other necessary infrastructure being provided, or on the flip side the level of affordable housing being delivered could be reduced in many areas.

Q25a. If yes, should an affordable housing 'ring-fence' be developed?

Further clarity should be provided. It is imperative that the approach towards affordable housing should be on-site delivery first. It is vital that the funding for affordable housing is ring-fenced to ensure that this is not reduced if it is to be delivered through the Infrastructure Levy and can be secured in the long term.

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

The Council is concerned that the proposed changes to affordable housing (particularly increasing the threshold to 40-50 dwellings and delivery of Affordable Housing through a revised Infrastructure Levy) will mean that affordable housing delivery suffers. This would potentially have an impact on younger people in the 'age' protected characteristic.

Delivering change proposals – planning application fees (proposal 23)

This Council welcomes the Government's objective to ensure planning application fees cover the full costs of processing the applications but suggests that an ability to set fees at a local level would support the intention. In addition to this planning application fees are not revised on an annual basis with there often being many years between increases. The Council's encourages any increase to be implemented on an annual basis.

A nationally set fixed application fee means that any abnormal planning application costs with arise during determination of planning proposals (for example the requirement for extensive viability work, detailed landscape assessment work) have to be borne by the Council. Provisions should be made for the Council to recover any abnormal costs, where it results in the cost of processing the planning application exceeding the planning application fee paid.

Delivery change - enforcement (proposal 24)

The Council welcomes the strengthening of existing enforcement powers and the sanctions available. One area that will need to be urgently addressed by the Government is the time it takes for the Council to secure compliance when it pursues formal action.

With the exception of the most extreme/harmful breaches, the main tools for addressing breaches are planning enforcement notices and breach of condition notices. Once served there is a period of time before they come into effect, there is a right of appeal on planning

enforcement notices and non-compliance with breach of condition notices need to be pursued through the Courts. Both approaches mean that it can take a lengthy period of time to resolve planning breaches through existing formal approaches.