

DARTFORD BOROUGH COUNCIL, OCTOBER 2020 – FORMAL RESPONSE TO ‘PLANNING FOR THE FUTURE’ CONSULTATION

Question	Response
Pillar 1 - Planning for Development	
1. What three words do you associate most with the planning system in England?	Flexible, democratic, plan-led.
2. Do you get involved with planning decisions in your local area?	Dartford BC is the Local Planning Authority, yes.
2(a). If no, why not?	N/A
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? <i>[Social media / Online news / Newspaper / By post / Other – please specify]</i>	N/A
4. What are your top three priorities for planning in your local area? <i>[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]</i>	<ol style="list-style-type: none"> 1. More/ better infrastructure, to support the large scale of housing that has already been delivered 2. Supporting the local economy 3. Building homes that local people of all ages and circumstances can access – that is, a range of tenure types to suit different needs
A NEW APPROACH TO PLAN-MAKING	
Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – <i>Growth</i> areas suitable for substantial development, <i>Renewal</i> areas suitable for development, and areas that are Protected.	

<p>5. Do you agree that Local Plans should be simplified in line with our proposals? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>No.</p> <p>It is accepted that the current local plan process has become too complicated and sometimes takes too long to carry out. This has not been helped by constant changes to the system over the past 15 years. Local Plan processes can be simplified (as we set out under later questions) however it is not clear that the land classification approach will be effective.</p> <p>A major mandatory change in approach is unlikely to offer shorter terms benefits of simplification. Moreover it is clear that the classifications are expected to lead to even more 'routes to consent' for developers i.e types of planning applications, all in addition to the existing ones which have grown substantially in recent years. This means even more complexity and legal provisions and procedures which the public will find hard to understand. For local planning authorities the operation of the system at the planning application stage will be more complex and will provide for less self-funding than the current system.</p> <p>There are specific concerns over how the classifications would operate in practice. Each of the three areas would require considerable work and resources in order to define character sub-areas within them, in order to develop acceptable uses, the parameters for development etc in each of them. Additional specialised resource to develop specific masterplans, design codes and guidelines.</p> <p>Identifying all land in one of these three categories will in some circumstances become very complicated. Including all land in categories is unlikely to be flexible; and there is particular concern over places such as urban Conservation Areas, or historic town centres more widely, which may contain a complex mosaic of places that will include buildings for preservation, but are otherwise naturally sustainable locations for development. Can these be both for Protection and for Growth/Renewal? It is also unclear how the process will ensure that needs for all types of development are met. The consultation focuses mainly on meeting housing needs, with little mention of other types of development.</p> <p>Even without any detail of how the approach would operate, it is apparent that the system would generate new complexities, such as disagreements over whether or not a proposal complied with the provisions of the land classification for the site – resulting in confusion and disputes later in the process. The period of transition to the new system will introduce uncertainty which might delay and potentially undermine investment decisions. Research by the RTPi suggest that a move away from discretionary planning towards systems found in other parts of the world result in the need for frequent changes, which the Council considers does not provide the relative simplicity and clarity of time sought by both developers and local communities. There must be a clear system/juncture for simple partial reviews.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? *[Yes / No / Not sure. Please provide supporting statement.]*

The Council agree that some broad high level development management policies could be set out at high level, such as regard to heritage assets, safe and accessible design etc. Change, including potentially through the alternative options, should be appropriately explored.

Repetition of national policy locally should not occur, however there is a need for complementary policies in Local Plans for some topics not fully addressed in the NPPF where clarity is needed. For example in Dartford there is need to set out the approach for safe and sustainable development, in the context where much of the land in the urban area marketed for redevelopment is contaminated gassing landfill; and where it is logical when Dartford has a good housing land supply on non-contaminated sites for these to be given preference in the short and medium term. The Council also consider that technical requirements could be taken out of planning policy and should be assessed through Building Regulations.

Dartford is proud its 2017 Development Management Plan is short and focussed, with all non-strategic provisions picked up in just 25 policies. However, the level of policy in this respect could still be reduced further.

The Council are concerned that should the range of local issues across the country that need to be covered are scaled up to a national level, this is likely to result in lengthy and unworkable national policy. Alternatively, the risk is that a streamlined national policy fails to address local issues and low quality and possible unsafe development occurs across the country.

The Council would encourage the government to be decisive and ambitious in setting out more technical construction standards on a mandatory basis through Building Control standards. It should move forward from having nationally described technical standards that do not apply in some areas. This would assist in reducing the need for local policy coverage of essentially technical construction matters that do not vary considerably locally eg minimum space policy or e-vehicle charging provisions. This is obvious and effective streamlining and simplification of regulation. It can occur alongside Design Code SPDs to reduce DM content in Local Plans.

With regard to the aspiration that all development management policies and code requirements are machine readable, the Council supports this principle but is concerned about the level of skilled resource that will be required upfront to achieve this and the subsequent costs to the local authority.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.	
7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? <i>[Yes / No / Not sure. Please provide supporting statement.]</i>	<p>Yes. The tests of soundness need streamlining, and in principle it is agreed the ultimate test of planning is achieving sustainable development. However it is noted that there is no clear approach outlined to what the test would actually be. The Sustainability Appraisal seeks to make this assessment, however it is agreed that simplification and standardisation could be increased with clear guidance. Further consultation should take place on the more detailed proposals for the new test.</p> <p>The Council considers it useful that a proportionate but genuine consideration is given to alternative strategies for achieving local sustainable development is beneficial in the evolution of Local Plans, for instance consulting with the public on alternative development distribution options; i.e. options assessment should be retained.</p> <p>The alternative approach outlined is not considered mutually exclusive – it essential for sustainable development that plans are freed from the burden of focusing heavily on “deliverability”. As Plans are longer-term strategies for change, and are intended to tackle and unlock current constraints, an undue focus on current developer positions and profitability is fundamentally unhelpful. “Pie in the sky” unduly aspirational/unrealistic Plans should not be supported; the test should be achievement on the balance of probabilities within the Plan period and under the sustained influence of plan policies, not the narrow focus of proving current “deliverability”.</p>
7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?	<p>The removal of the time-consuming, legalistic, inherently and highly bureaucratic, ineffective, opaque and counter-productive Duty to Cooperate would be welcome.</p> <p>An alternative approach would be based around streamlined, bottom-up, cross boundary (at least at the sub-regional scale or greater) output-focussed requirements, with guidelines allowing planning officers to come together and concentrate on taking forward key sizeable development and infrastructure matters. . The MHCLG has already requested progress across different regions in order to take forward the London Plan and should provide additional resource and clear guidance in this respect.</p>
Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.	
8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?	The Council fundamentally disagrees with a standard approach which is based on affordability of an area. The Council has demonstrated in its response to the consultation on Changes to the Current Planning System that at the local authority level, there is no relationship between the delivery of homes and affordability. In Dartford

<p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Council's case, house price increase have been the highest in Kent despite also having one of the highest delivery rates in the country as a proportion of households (2.3% per annum, as compared to a national average of 1.2%) The alternative approach recognising opportunities and constraints is preferable given its local focus. For sustainable development to be planned for sensitively, housing needs should be identified discussed and tested/ agreed locally, but with appropriate national co-ordination and oversight. It should be based on locally sourced evidence of not just housing need, but all needs within a local authority area including, but not limited to, infrastructure, jobs and open space.</p> <p>It is proposed that 1.25% of the existing housing stock is an appropriate figure to be applied, not as a baseline to which further affordability factors are added, but as a final figure. This will achieve the government's objective by resulting in a total figure of around 330,000 homes a year. As proposed in the White Paper (para 2.25), this standard method of distribution should then be locally adjusted taking into account the constraints and opportunities in an area.</p> <p>There is lack of information and no detail to overcome the Council's fundamental concerns that a suitable methodology will arise. For any consultation on a top-down binding housing requirement for local planning authorities, proper detail must be available. This includes a robust justification for the national housing target driving the figures. The White Paper does not appear to recognise the inefficiency of top-down planning that continues to overheat growth in the southeast of the country and ignore the growth potential elsewhere.</p> <p>Covered above</p> <p>Aside from these principles, there is concern that the factors indicated in paragraph 2.25 are not exhaustive, and some that are included as misguided. There is no clear justification, for example, for adding in an extra 'buffer' due to market reasons such as the failure of the market to translate permissions to completions or a nominal "choice" factor. The Council is particularly concerned that whilst it is recognised there could be "allowance" for non-residential development, this is given cursory recognition and it fails to cite the obvious example of the transport, community and green infrastructure necessary alongside housing for sustainable development. Moreover no indication is given to the weighting to be given to these disparate matters. How will Local Planning Authorities and communities be engaged and be able to influence this process?</p>
<p>8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?</p>	<p>No. The government's definition of affordability is too narrow if it continues to only focus on incomes and house prices. This ignores the large proportion of people who rent housing, the cost of houses in terms of mortgages availability and interest rates, affordable tenure housing provision and so on. It is unsuitable to base stipulations for development levels on this basis.</p>

<i>[Yes / No / Not sure. Please provide supporting statement.]</i>	We support the extent of existing urban areas as an appropriate indicator, which would need to be adjusted for various constraint factors such as flooding and contamination. There are further factors that are of relevance the government should incorporate including infrastructure capacity and Green Belt land.
Proposal 5: Areas identified as <i>Growth</i> areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.	
<p>9(a). Do you agree that there should be automatic outline permission for areas for substantial development (<i>Growth</i> areas) with faster routes for detailed consent? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>No. There is substantial concern over the loss of local democracy from proposals. Granting outline permission through identification of an area in a Local Plan, is not considered workable in practice, particularly given proposals to reduce the number of stages at which the public have an opportunity for input to Local Plans. Expecting Plans to directly unlock large sites and to accurately define substantial developments as proposed and grant consent, will require very regular amendments to Plans; with the prospect of continual revisions creating confusion and delay not predictability (with multiple large proposals coming forward for different proposals at different points). This approach is unlikely to assist small-medium sized developers, and it has not been shown that the approach overall will increase housing supply or assist with public engagement.</p> <p>For instance, what happens when there is disagreement over whether a proposal in a Growth Area qualifies for automatic permission?</p> <p>In relation to Growth Areas being given automatic outline permission. This is likely to require significant up-front work at the Local Plan stage, including site survey work and technical assessments which would normally be submitted at the outline application stage, demonstrating that the land is suitable for development and establishing the capacity of the site for development. Given the reduction in timescales for bringing forward Local Plans we have concerns about how this can be achieved without significant additional resourcing. It appears to be suggested that alternatively, site promoters and landowners would carry out this work up front to submit alongside proposals for the site to be designated a growth area. This is likely to disadvantage the smaller house builders. It is also unlikely to work in an area which is in multi-ownership, and is unclear what action the Council can take if these studies are not submitted, as the land is likely to need to be identified to meet housing delivery targets. There would also be concerns about the impartiality of these assessments. It would then still fall on the Council to carry out the necessary assessment and masterplans in order to determine the capacity of the site for development.</p>

	<p>This will result in resource implications not only for the local planning authority but also the statutory consultees who would have to provide up-front detailed technical advice on a large number of sites at the same time, at the plan-making stage, the equivalent of dealing with a large number of major outline planning applications concurrently. The compressed timescale for providing this advice, with a number of Local Plans most likely also coming forward concurrently, would make resource management for statutory consultees an insurmountable challenge. Inadequate quality of statutory consultee responses resulting from work overload at key stages will undermine the robustness of Local Plans and put in question the sustainability of development.</p>
<p>9(b). Do you agree with our proposals above for the consent arrangements for <i>Renewal</i> and <i>Protected</i> areas? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>No. There is a lack of clarity over key aspects of how this will operate. Practical details are absent from the White Paper. The system has grown in complexity with various additional types of development consent introduced. The proposal is to introduce various new kinds of potential planning permission when it is not clear these further options are supported by developers.</p> <p>This will also lead to a significant level of upfront work by local planning authorities, which is unlikely to be supported by developers in the case of renewal areas. Parameters for each sub-area will need to be defined, there will need to be considerable detailed consultation of individual communities and a considerable amount of design expertise will be required to produce local codes and design guides. The proposal for community consultation to largely take part at the plan-making stage, instead of the planning application stage, means that additional time and staff resource will need to be factored in to enable meaningful consultation. This is inconsistent with the shortened plan-making period proposed.</p> <p>The Council also has concerns that the shortened timescale for producing a local plan together with a number of local authorities going through the process at the same time will result in a shortage of design professionals with the appropriate skills willing to work with the public sector. There should be upskilling being undertaken now to plan for this.</p>
<p>9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>No. There is a logic If development proposals are genuinely national or have substantial cross boundary impacts (this will depend on what qualified as a genuine new “settlement”). Then, the principle of national-level consideration, with full local consultation, has merit. However this case is undermined by the weak current policy basis to apply for proposals of this kind as NSIPs –there is insufficient national policy statements providing clarity on new settlements, and it is not certain Local Plans (where applicable to proposals) would have sufficient force. The NSIP examination process does not allow detailed examination of some of the design details and implementation details of large new settlements which ensures their successful delivery.</p>

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

10. Do you agree with our proposals to make decision-making faster and more certain?
[Yes / No / Not sure. Please provide supporting statement.]

The Council supports in-principle the increased digitisation but is concerned about the resource implications, including the cost to the local authority but also whether there are adequate skills to deliver this.

The high workloads currently undertaken by development management planners and administrative staff would not enable sufficient time to adjust to changes and certainly will not allow sufficient time for extensive training without some impact on the service and the determination of planning permissions. These changes will result in extra workload for already stretched services, at a time where faster decision-making is being sought. The outcome could well be a slow-down in the short to medium term.

In the absence of clear commitment for funding to Local Authorities to achieve this digital transformation and ensure staff have the right skills to deliver it the Council cannot support this.

In order to speed up the processes and reduce the amount of information required with a planning application some of the technical considerations, such as contaminated land assessment, flood risk, sustainable drainage, could be dealt directly by the statutory consultees beforehand. It is suggested that the developer pays an appropriate fee for the consideration of their issues by the relevant consultees. This will help resource the consultees better enabling them to provide certification which can be submitted with a planning application. Much time is spent on planning applications with regard to these matters and they are still issues that have to be considered at prior approval.

The Council delegated approximately 90% of its decisions to officers in the year 2019/20 and delegated powers already exist to deal with the detailed design of developments when the principle has been established.

The Council objects to the return of the planning fee if the application has not been determined within the statutory timescale. Delays in determination often result from inadequate information being submitted by an applicant or awaiting for issues with consultees to be resolved (see above for suggestion to minimise this). It is likely that the unintended consequence of the return of the fee will be that Local Planning Authorities will simply refuse the planning application to avoid returning the fee. This will remove the ability of the planning authority to improve the application proposal through negotiation, as Dartford Council seeks to do in terms of design and landscaping during the determination period.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.	
11. Do you agree with our proposals for accessible, web-based Local Plans? <i>[Yes / No / Not sure. Please provide supporting statement.]</i>	<p>No – in the absence of clear commitment for funding to Local Authorities to achieve this digital transformation and ensure staff have the right skills to deliver it and a suitable transition period.</p> <p>Whilst the Council agrees that the proposals should improve engagement with younger groups in the community, there are concerns that it could also be a barrier to engagement, particularly with older members of the community, and those who do not have access to smart phones/ computers etc.</p> <p>Finally, whilst we support the standardisation of local plans, it is important that they continue to remain locally distinctive as not all areas in the country are the same and many have very different challenges.</p>
Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.	
12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? <i>[Yes / No / Not sure. Please provide supporting statement.]</i>	<p>No. From experience, this would appear to be insufficient time to prepare a robust plan, particularly given the additional requirements for front-loading of assessment of individual sites and meaningful public engagement.</p> <p>We agree there is scope for streamlining the assessments and legal requirements required to get a Local Plan in place (for example, the Examination process, Duty to Cooperate, statutory assessments and the scale of the evidence base).</p> <p>The proposals as currently put forward do not provide sufficient time to undertake all the key stages required to produce a local plan in a robust manner with meaningful public engagement, and risks the quality and soundness of the Plan. There needs to be sufficient scope for Member involvement in the Plan making, involvement of infrastructure providers etc, detailed design input and preparation of details and to account for local input to the decision-making process.</p> <p>A key challenge arising from the proposed approach will be how to engage people on plans when there is no proposal before them to envisage and comment on. In general, the public struggle to engage with the early ‘high level’ broad ideas and outline of strategy that are always the starting point of robust plan making. Meaningful consultation occurs at a stage where there is some clarity and a degree of certainty over key aspects to which the public can consider. The proposal is to put this key point at the stage when formal comments are made after the plan has been published. This means the outcomes of the main public participation are considered by the Planning Inspector, alongside the final assessment of the plan’s legal compliance and against the pivotal tests. It</p>

	<p>is considered undemocratic and unresponsive for the Inspectorate to lead the principle response to public comments, when the Plan should have ownership by the Council and local community.</p> <p>It is not considered the technological options for more interactive/ visual public consultation, overcome the disadvantages from cutting public consultation periods or Council oversight in Plan making and decisions on sites.</p> <p>With a 30 month timescale for Plan production government would need to ensure that Local Authorities have sufficient resources.</p>
Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools	
<p>13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes. In theory more local input to the system is beneficial; however opportunities to refine and simplify the current system should be explored.</p>
<p>13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?</p>	<p>This should be done without enforcing disruptive radical restructuring of neighbourhood planning.</p>
SPEEDING UP THE DELIVERY OF DEVELOPMENT	
Proposal 10: A stronger emphasis on build out through planning	
<p>14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes. Greater variety and differentiation in the build out of large housing sites should be made more enforceable, using local SHMA studies and with clear national policy consistent with the findings of the Letwin Review.</p>
Pillar Two – Planning for beautiful and sustainable places	
<p>15. What do you think about the design of new development that has happened recently in your area?</p>	<p>The Council seeks to achieve a high standard of design in new development that provides useable and attractive places for people to live, work and spend their leisure time.</p>

<i>[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]</i>	The pressure to deliver housing has, however, in some cases in the past few years led to development which does not meet the high standards of design and quality of environment that the Council would aspire to. More recently, increased build costs for developers have resulted in further standardisation of building types, detailing, windows etc and less money spent on the public realm as well as the need to increase densities on site reducing the amount of space given over to landscaping and public realm.
16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? <i>[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]</i>	The Council has a strong objective within its adopted Local Plan to deliver sustainable development in locations well-served by new and existing services, facilities and public transport in order encourage less reliance on cars. A good quality attractive quality walking and cycling environment is also key to the success of this objective.
CREATING FRAMEWORKS FOR QUALITY	
Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.	
17. Do you agree with our proposals for improving the production and use of design guides and codes? <i>[Yes / No / Not sure. Please provide supporting statement.]</i>	The Council agrees with the principle of design guides and codes and considers that if produced in a way that takes account of the local characteristics they can be a valuable tool in guiding the new development to reach high standard design qualities. However, there is a risk that they can prevent good quality innovative design that can create a step change in the quality of the area. Additionally, the Council has significant concerns about the costs of funding such works and the ability to engage the appropriate skills to prepare these resources and engage with the local community. There is a shortage of such skills in the public sector. This will be exacerbated by all local authorities simultaneously seeking to recruit to these same skills.
Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.	
18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?	Yes the Council agrees there should be national support for design coding but do not understand how a centralised body will fund the resources required. The Council is also concerned that there is a limited resource of design skills and that there will need to be training in this sector. The Council welcomes the increased emphasis on good quality design and the creation of attractive places and a chief officer for design and place-making could ensure this is on the agenda for the Council. But it would

<i>[Yes / No / Not sure. Please provide supporting statement.]</i>	depend what role this officer had and the skills of the post holder as to the effectiveness of it. The Council has doubts that there are sufficient skills available for each Council to be able appoint a chief officer with design skills.
Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.	
19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? <i>[Yes / No / Not sure. Please provide supporting statement.]</i>	Yes
A FAST-TRACK FOR BEAUTY	
Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.	
20. Do you agree with our proposals for implementing a fast-track for beauty? <i>[Yes / No / Not sure. Please provide supporting statement.]</i>	<p>No. The Council does not agree with the introduction of further permitted development rights. If prior approval is still required by the Council this is effectively a planning application, a two tie system is confusing to applicants and the public. There is no evidence that development provided through permitted development rights is better quality than development granted planning permission, in fact the opposite as the development usually has reduced amenity space and spaces standards and impacts on the adjacent neighbours. The Council has a regular and significant amount of complaints to planning enforcement from neighbours who consider they are impacted by permitted development which they have not had the ability to comment on and which the Council have been unable influence in terms of design.</p> <p>The Council support the emphasis in national guidance of the need to comply with local design codes but the development and preparation of local codes and consultation on these with the local community will be a significant resource for the Council which cannot currently be met.</p> <p>With regard to Masterplans and Design guides for growth areas the Council has already raised concern above about the lack of resources to undertake this skilled work and the significant cost this is likely to be on the Council to engage these skills.</p> <p>With regard to both it is unlikely that the local community will have time to engage on the detail of design codes and will not consider it a priority until such time as they are directly impacted by development.</p>
Pillar Three – Planning for infrastructure and connected places	

<p>21. When new development happens in your area, what is your priority for what comes with it?</p> <p><i>[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]</i></p>	<p>More/better infrastructure</p>
<p>A CONSOLIDATED INFRASTRUCTURE LEVY</p>	
<p>Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.</p>	
<p>22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?</p> <p><i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>No, on present evidence there is insufficient information provided to give confidence that another disruptive shift to - an approach requiring extensive new legislation and guidance – is warranted, given the impact of further change on local authorities, the public, infrastructure service providers and the development industry. The identified alternative option with a more localised optional approach is preferred.</p> <p>However capturing a greater uplift in land value is necessary to fully mitigate the impact of new development; and to ensure improved infrastructure delivery in parallel with development. The commitment to securing: “<i>more revenue than under the current system of developer contributions and deliver at least as much – if not more – on-site affordable housing as at present</i>” is very welcomed, however it is unclear if the proposals would achieve that vital objective.</p> <p>It is agreed that refinements, particularly simplifying the existing CIL regime, and having fewer exemptions for applying CIL than at present, could be beneficial. The proposals that a new levy will capture some of the considerable value created though the government’s permitted development policy is welcome. However as found with CIL, legislation needs extensive consultation on specific proposals, deliberation by experts across sectors, and then full road testing on a trial basis.</p> <p>The Council has concerns that the new Infrastructure levy will be paid on occupation. This will create a lag in the receipt of funds and therefore does not allow the timely delivery of infrastructure to meet the needs of occupiers. The forward funding of such infrastructure creates increased risk for the Council, particularly where as a district</p>

	<p>authority the Council is not providing the services for which the Infrastructure Levy is primarily intended to fund. This adds to the complexity of managing the process for the Council.</p> <p>In addition there would be a resource implication as each development would require essentially a viability audit by the Council to ensure that the applicable rate is correct and to agree the Infrastructure Levy amount. It also fails to provide certainty for the developer. The current CIL provides a fixed rate plus indexation so it is clear what costs the developer will have with regard to this.</p> <p>Enforcement of non-payment could be very difficult, delaying people moving into a new home is very emotive and it would not be proportionate for the Council to prevent people moving into their new home when the enforcement is against the developer. This could lead to significant resource implications for the Council and bad press which will be seen to contradict the objective of delivery new homes more quickly. There needs to be additional, easy to impose, sanctions to ensure payment of the Levy.</p> <p>It does not appear the abolition, as opposed to scaling down or replacement, of on-site legal provisions are justified. S106 provides flexibility. Section 106 agreements are not just financial, but also used to control the management of land, delivery of off-site direct mitigation and not simply to collect contributions from developers. They are a very important tool in ensuring that development can be permitted but with the controls necessary.</p> <p>There is also a risk that arrangements to mitigate the overall impact of development on wider environmental issues (that may not be fully felt locally), or where there are other sustainable development infrastructure priorities that are longer-term will not be effectively replaced.</p>
<p>22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? <i>[Nationally at a single rate / Nationally at an area-specific rate / Locally]</i></p>	<p>Locally – because the tool of a Standard percentage rate of development value is a blunt instrument: hugely so if required to operate with a nationally set percentage.</p> <p>There will be a highly difficult decision to reconcile all this variation and end up with either a lowish rate, yielding little for infrastructure – which will be further reduced as some developments will fall under the threshold (which also has to be determined). Or alternatively, a higher rate that allows exceptions but that then re-introduces some negotiation.</p>

<p>22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? <i>[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]</i></p>	<p>More value, but with local sensitivity to guard against genuine viability issues often arising. Under the existing CIL levy regime, which was originally designed only to provide a limited ‘top-up’ to core infrastructure funding streams, and is not set as a level proportionate to infrastructure needs, infrastructure provision in Dartford has lagged behind the pace of housing delivery. This has seriously impacted on quality of life or all residents in the Borough, and affected their health and wellbeing, and promotes unsustainable travel patterns and overwhelmed public services, whilst residents wait for new healthcare, schools and transport facilities to be completed. Meanwhile, the existing system has helped generate supernormal profits for large house builders from development with limited infrastructure. The payment of the Infrastructure Levy on occupation is likely to intensify this lag as funding will not be available when development comes forward.</p>
<p>22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes, in principle this flexibility is supported. However this is not a golden bullet for speedy infrastructure delivery and may not be able to be widely utilised. Service providers, often not the LPA, need help support to ensure prompt delivery. This creates a complex administrative burden on the Council to manage this inflow and outflow of money which will need to be resourced.</p> <p>Borrowing is not a sustainable funding solution. Whilst the ability to forward-fund necessary infrastructure has the potential to secure the delivery of infrastructure in advance of the development coming forward, the financial risk arising from slower than expected delivery or sites not coming forward at all is passed to the Local Authority. Compounding this, the proposal that the trigger for payment by the landowner is moved back from commencement to occupation of the development is unwelcome in increasing risk further.</p>
<p>Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights</p>	
<p>23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes, new homes and development generate infrastructure needs however they were permitted, and accommodation created through PD must make an equal contribution. New residents will have the same requirements of community infrastructure whether or not their new house was subject to planning permission or permitted development rights.</p>
<p>Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision</p>	
<p>24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as</p>	<p>Yes, and this should not be solely measured in terms of the total number of units the government regard as “affordable housing”. Future provision must include ensuring this is made up of at least as much rented tenure accommodation as presently. The ability of people in need to access accommodation now classed as “affordable housing” by government varies hugely depending on whether or not the specific tenure i.e. if it is a house for</p>

<p>much on-site affordable provision, as at present? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>purchase on the open market with some discount on the asking price, through to genuinely affordable social rented accommodation.</p> <p>Whilst delivery issues are discussed there remains a lack of clarity about how affordable housing will be secured without S106, especially in a volatile market.</p>
<p>24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>We prefer that current system is retained, with a % of affordable housing sought, in addition to a Levy. It seems to over-complicate the system and is likely to result in more delay to the housing sites being delivered as these issues are resolved.</p>
<p>24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Were the in-kind delivery approach adopted, if the value secured through in-kind units is nominally greater than the final levy liability, then the developer should have no right to reclaim as these are not actual overpayments.</p>
<p>24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes</p>
<p>Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy</p>	
<p>25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes in general this principle is supported but the link to addressing growth pressures should be maintained. There should be clear but sufficiently flexible guidance, so that public and developers are given confidence that money from developer levies is spent on infrastructure and affordable housing.</p>
<p>25(a). If yes, should an affordable housing 'ring-fence' be developed? <i>[Yes / No / Not sure. Please provide supporting statement.]</i></p>	<p>Yes this is supported in order to ensure local objectives and the Local Plan are delivered; subject to further consultation and trialling of this would work in practice.</p>
<p>EQUALITIES IMPACTS</p>	

<p>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?</p>	<p>There are concerns as set in the response in relation to the impact on certain groups in society due to proposed changes to public consultation, infrastructure and affordable housing delivery. However the response has flagged up sensitivities and the scope to change and improve the high level proposals – legislation and guidance for implementation of specific proposals will require close consideration, and (it is assumed) further consultation, including those with protected characteristics.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------