

ANNEX A - COTSWOLD DISTRICT COUNCIL RESPONSE TO PLANNING FOR THE FUTURE WHITE PAPER CONSULTATION

Q1 What three words do you associate most with the planning system in England?

This is not a serious question for the LPA. The council should not respond other than perhaps to comment that this is the sort of pseudo-survey generated by marketing people who know what they want the outcome to be.

In common with most self-selecting surveys, it is guaranteed to only attract answers from the disgruntled. People who've got their planning consents without any need to appeal etc will not bother to answer. So the responses will be skewed and be of little value as evidence - they are very unlikely to tell anyone what's good about the current planning system.

Q2 Do you get involved with planning decisions in your local area?

Recommend no response.

[Yes / No]

Recommend no response – not a question for the LPA.

2(a). If no, why not?

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

Recommend no response – not a question for the LPA

Q3 Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

[Social media / Online news / Newspaper / By post / Other – please specify]

A question for the public and not the LPA. The Council will of course be very interested to see the responses.

Q4 What are your top three priorities for planning in your local area?

~~[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]~~

Similar to question 1 in terms of its inherent bias towards those with a specific interest or an axe to grind. A marketing pseudo-survey. Recommend no response other than perhaps to make the point about the flawed nature of it as evidence. The reality is that this is entirely context and/or perspective dependant. All these points and many more besides are priorities for the Council.

Pillar One – Planning for development

Proposal 1: The role of land use plans should be simplified.

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

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

There are some good ideas in Proposal 1 that Cotswold District Council supports and there are others that we believe require further consideration.

We agree that growth areas should exclude areas of flood risk (as well as other important constraints), unless any risk can be fully mitigated. We also agree that local authorities should continue to resist inappropriate development of residential gardens in renewal areas.

We agree that more stringent development controls are necessary in protected areas to secure sustainability. Furthermore, we agree that it would be beneficial to have a standardised national policy map identifying all national and local policy designations. Consideration should be given to which designations should and should not be included on this map - for example, it would be extremely difficult for local authorities to map garden land and maintain this dataset.

Regarding the more stringent development controls proposed for areas of Protection, more detail is needed to specify what kind of development would be allowed in these areas. It is unclear whether the proposed controls will be more or less stringent than those currently in force. We support the idea that if there is justification to identify land as being an area for Protection (e.g. within an AONB), then these special areas should have more protection. In particular, these areas should not be subject to the presumption in favour of sustainable development if, for example, the Housing Delivery Test score is not sufficiently high.

We note that identifying land for Growth is similar to the existing situation where sites are identified and allocated in Local Plans. Being granted outline approval provides a similar level of certainty to having a site allocated in a Local Plan. We are concerned, however, that the identification of Growth

areas in development plans will still require much supporting evidence to certify that development in these areas is sustainable (e.g. archaeological assessments, biodiversity assessments, etc.). This would normally be adduced by applicants and assessed at the planning application stage. Proposal 1 would shift this burden onto local authorities, which would have significant associated time and resource implications.

Regarding allowing sub-areas within Growth areas to be created specifically for self- and custom-build homes, and community-led housing developments, powers should be provided to local authorities to make such designations in circumstances where the landowner is seeking a more profitable land use. It is desirable to avoid a situation where the Council is willing to designate sub-areas for custom-build homes and community-led housing developments but is unable to do so due to the unavailability of sites.

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

Q6 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.]

Wherever possible, the Council would welcome reducing layers of policy to add clarity, certainty and simplification of the development management process. The Council is unsure, however, whether sufficient detail could be provided in national policy to address local characteristics and challenge in interpretation.

It seems to make sense for some policies to be the same across the country, for example policies on protected species or listed buildings. But this could lead to a loss of nuance - for example a biodiversity policy that highlights a particular habitat in an area or a particular landscape scale initiative. At Cotswold District, it has been very beneficial to have a specific policy on Conservation Areas since we have so many of them with relatively high levels of development pressure - it provides more detail to that which is given in the NPPF.

With any centralisation of policy, there is always the risk of over-generalisation and lack of local nuance. At present the NPPF is a material consideration and its policies do not override up to date development plan policies. The current proposal would mean that NPPF takes pre-eminence in respect of most planning policy matters. If policies were 'standardised' nationally, there is a risk of giving LPAs less negotiating power to deliver good quality locally-appropriate development. The Government appears to indicate that local

policies will be limited largely to design matters. These matters will need to be clearly defined to reflect a range of issues (other than appearance) involved in ensuring good design. It is unclear how much information local authorities will be able to include in their design codes and guides, especially if NPPF policies set out national guidelines.

This proposal also casts doubt about the development management content of neighbourhood plans. Presumably the nationalisation of development management would impact on NDPs as well – there are over 1000 now in existence.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness

Q7(a) Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

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

The Council’s response to this question should be read together with its comments on Proposal 16.

The principal motivation behind these proposals is “fewer requirements for assessments that add disproportionate delay to the plan-making process”. The Council wonders whether it is possible to identify:

- which assessments are deemed to add “disproportionate delay” as that may be largely depend upon the nature and complexity of the issues being assessed;
- what length of time would be classed as a proportionate delay; and
- by what measure would a proportionate or disproportionate delay be identified – who would set the benchmark and how?

Preparing a local plan is a project. All projects are governed by one of three key drivers: cost, quality or time.

The need to ensure that a local plan is sound and legally compliant, and that it has been thoroughly assessed in terms of its sustainability, is part of a process to ensure that the plan meets certain predetermined quality standards. In the case of local plans therefore the project drivers of cost and time are subordinate to that of quality.

What is being proposed here - and quite blatantly - is that quality is now relegated to a subordinate role, perhaps along with cost, and that time is now the key driver.

In practice this will mean in practice that all the qualitative checks and balances that fail to be considered when a plan is formally examined will be watered down and subordinated to the key driver of getting the job done quickly. This will result in poorer quality across the board: poorer quality plans, poorer quality developments and a poorer quality environment.

The term 'sustainable development test' appears to conflate the tests of soundness (legal and procedural) with the environmental assessment part of sustainability appraisal of the Plan. These are very different challenges. Moreover, sustainable development is a function of the interrelationship between three key components: environmental, economic and social. It follows that Sustainability Appraisal takes account of economic and social considerations both alongside and together with those relating to the environment. The government appears either to have overlooked or be ignorant of this basic point.

Q7(b) How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The government proposes to remove the duty to cooperate and replace it with.....nothing. Given the importance of strategic planning in respect of major development and infrastructure projects, and not least the mitigation of environmental impact and climate change, the Council finds this gravely concerning.

In respect of Cotswold District the absence of a formal strategic cross-boundary dimension to planning that carries material weight in decision-taking is likely to precipitate a serious and acute problem. It is a problem that will emerge hard on the heels of the White Paper becoming the new planning regime. Taking the White Paper on its own terms, more than 80% of Cotswold District is likely to be classed as being within a Protected Area. It is estimated that the housing delivery requirement for the district will be over 12,000 homes for the next 10 year period. It may not be possible to accommodate this level of growth in a district so heavily constrained. It may therefore be necessary for surrounding districts to assist in Cotswold District's housing delivery by taking some of the requirement. If there is no formal strategic-level planning in place it is difficult to see how this will be satisfactorily resolved. What is certain is that none of the surrounding districts are likely to take this on voluntarily.

The most effective way to ensure that cross boundary issues are properly addressed is through formal strategic plan-making. Given the government's negative perception of development plans – insofar as they are perceived to be a brake on the development industry - this is unlikely to happen. Co-

operative working is a nice idea that in practice is ineffective and results in patchy, inconsistent approaches across the country.

The Council suggests that an alternative approach - and certainly not the best approach (which is formal strategic planning) - is to require all local plans to include a section that addresses strategic issues as they affect the local plan area. This section should set out how those issues are being tackled and may include policies that are prepared jointly with neighbouring LPAs (and/or county councils in two tier areas).

It would theoretically be unnecessary for these joint strategic policies/strategies to be examined more than once. Where a local plan for District X is adopted ahead of that for District Y and they have a shared strategic policy(ies), the latter could simply include the joint strategic policy(ies) in its plan and adduce sufficient evidence to satisfy the examining Inspector that it had already been found sound. If all plans are to be prepared within a 30 month timeframe there will be considerably less danger of shared policies becoming out of date between plan examinations.

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.

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

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

While the Council recognises that the process of setting housing requirement figures could be improved it is vitally important that the process retains the ability to make balanced judgements that take account both of national and locally designated constraints. The constraints in each local authority area will be different and will require a balanced and nuanced consideration that cannot be undertaken through application of an overly-simplified standard formula.

The speed and simplicity of the Standard Method for calculating housing need hinges on the fact that it is purely a quantitative assessment and draws from a limited pool of data. The qualitative nature and the variety of constraints means that a simple formula that factors them into a housing requirement is unlikely to provide successful outcomes and is likely to encounter circumstances where it just does not work.

As an alternative, the Council would welcome further specific guidance on how constraints should be factored into the process of setting housing requirements. This would add certainty and remove time-consuming debate.

Furthermore, the Council strongly agrees that the process of setting housing requirements must take into consideration the extent of land constraints to take account of the practical limitations that some areas might face. This is especially important if the current cap on housing needs is to be removed from the Standard Method, as is proposed in the Changes to the Current Planning System consultation.

Neither the Changes to the Current Planning System consultation nor the White Paper specify which constraints will or will not be taken into consideration when setting housing requirements. It is vitally important that nationally significant constraints include Areas of Outstanding Natural Beauty, Scheduled Monuments and similar historic designations, and nationally important wildlife designations. It is equally important that local designations are recognised and taken into account when setting housing requirements. For example, Cotswold District has several locally designated 'Special Landscape Areas', which have significant value and which are accorded weight in the adopted Local Plan. The District also incorporates part of the Cotswold Water Park, which is another significant constraint on housing development, as well as locally designated wildlife areas, important green spaces, Conservation Areas and Listed Buildings.

Other considerations

Housing requirement figures currently take account of various other issues, which are not referred to in Proposal 4. For example: migration patterns; whether an uplift is needed to accommodate jobs growth; whether an uplift should be included to take account of the impact of infrastructure projects or to provide further affordable housing.

Further consideration should be given to such issues, if a Standard Method is going to be introduced for determining housing requirements.

Housing Delivery Test (HDT)

The Council observes that failing the HDT leads at present to policies for the supply of housing becoming out of date and being replaced by a presumption in favour of sustainable development.

The White Paper identifies that Growth areas would effectively have Outline planning permission and that Renew areas would also have a presumption in favour of sustainable development.

Would failing the HDT lead to presumption in favour of sustainable development in Protect areas? If so, this would considerably undermine the value of Protect areas. If not, what would be the consequence of failing the HDT?

Q8(b) Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

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

Use of affordability indicator to calculate housing need

The Standard Method assumes that low affordability of housing is caused by a lack of available land for housing development and, similarly, that building more homes will improve the affordability of housing (i.e. increasing the supply of homes decreases demand / need, thereby decreasing house prices to enable housing to become more affordable). This is a significant over-simplification of the affordability issue. It is neither entirely correct nor supported by evidence.

Cotswold District is a case in point. The District has maintained between a 6-7 year supply of housing sites for over five years since 2013. The district has also been within the top 10 authorities in the country for its Housing Delivery Test score since this test was introduced. It has sustained a significant over-delivery of its housing requirement for many years running. Yet house prices in Cotswold District have continued to increase and affordability has continued to worsen.

The Council has made more than sufficient land available for housing and has been a leader in the national effort to boost the supply of housing, yet the desirability of owning a home in the Cotswolds is such that simply building more housing has not solved and will now solve the affordability issue here.

There are multiple more nuanced factors that affect the entire country that need to be addressed in order to improve affordability. For example:

- land banking (i.e. land being used as a financial asset to increase share prices rather than to deliver housing) and developers purposefully 'drip-feeding' new homes into the market to inflate house prices;
- wages have not kept pace with house prices;
- not enough social housing has been built;
- both low interest rates and the increased ability of people being able to get a mortgage have fuelled an increase in house prices; and

- second home ownership and buy to let have removed housing from the market that could otherwise be made available to first home owners, and the resulting increased demand within a reduced pool of housing stock inflates house prices and worsens affordability.

The use of affordability is a crude and unsubstantiated method of calculating housing need. It is unlikely in reality to produce a reliable figure for the number of homes that are needed. As such it is an entirely unsound basis upon which to plan for housing growth.

Use of the extent of existing urban areas an indicator to calculate housing need

This indicator would help all areas to take a proportionate share of the national 300,000 homes a year housing target. However, the number of homes that exist within an area is also an oversimplification of how many houses are actually needed / required in an area. It does not, for example, take account of latent demand or “hidden households” where several generations of a family may be living under one roof due to the lack of availability of affordable housing.

A related issue is that the proposed revision to the Standard Method, as set out in the Changes to the Current Planning System consultation, stipulates the figure used to identify the extent of existing urban areas is the most recent dwelling stock count. So if an authority has over-delivered housing, this is written off in the calculation of housing need for subsequent years. Furthermore, the over-delivery of housing in previous years would actually cause an inflation of the housing need over the next 10 years. The Council is concerned that the use of this indicator will be a disincentive for local authorities to boost the supply of housing.

If the extent of existing urban areas is to become an indicator, we suggest it should also factor in how much growth has already occurred in the past 10 years. Significant past over- delivery should not result in a disproportionately higher future housing need. It is the equivalent of penalising an authority for its success.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Q9(a) Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

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

This question has to be considered within the context of the new form of development plan being proposed. It is predicated on the assumption that granting outline permission is a simple process. It is not.

How can a plan effectively consider all the relevant issues for granting outline permission on all sites within specified zones and be produced within 30 months? Again, this betrays a level of ignorance about the planning system that is of deep concern.

Having the Local Plan provide as much certainty as possible in all aspects of allocation would be beneficial to avoid the current experience of having to re-visit issues at the Development Management stage. The proposal would, however, essentially be requiring all detailed matters such as drainage, access etc. currently considered at the Outline stage to be addressed at the Local Plan stage. Will access/drainage etc. be dealt with as part of the Local Plan allocation or as part of the permission? In the case of the latter, an applicant could have to spend a lot of money drawing up detailed plans of their scheme only to find that it is refused on inadequate access or poor drainage. If it is the former, Local Plans will essentially have to make DM decisions about matters such as access, highway safety and drainage prior to allocation. Consequently, it is doubtful that this proposal would simplify or speed up the process. And how will affordable housing and financial contributions be secured?

To agree that a development is acceptable in principle a wide range of material planning considerations must be taken into account and satisfactorily resolved including, for example, the capacity of extant infrastructure (and not simply highways infrastructure) to cope with the growth, the impact of development upon the natural environment and the contribution the proposal will make towards climate change mitigation. It is doubtful whether the “lite” local plans proposed by government will be sufficiently detailed or supported by sufficient evidence to allow “permission in principle” that does not run an unacceptable risk that the impact of growth will be inadequately mitigated. The proposal that plans should be prepared within a statutory 30-month timescale will simply exacerbate the level of risk.

General observations on the zoning proposals

In its rush to speed up the planning system the government appears to be unable to see the wood for the trees. In many instances, the value it ascribes to the areas it suggests should have a greater degree of protection from development – the so-called Protected and Renewal areas – only exist in their current form because the planning system in place since 1947 has been very effective in protecting and conserving them. And yet the government sees the

system as outmoded largely because it perceives it to be a brake on quick development.

The point is that, yes, the planning system is indeed a brake on development. And for very good reason. It applies a brake so that areas of value for nature or for local communities remain protected. It applies a brake to make sure that the impact of the proposal on infrastructure, visual amenity, community facilities and many other issues are properly considered. Government appears unable or unwilling to grasp that protecting things of value is not simply about the external appearance of buildings or places. It covers a very wide range of issues relating to the environment, economy and social considerations.

The Secretary of State appears to conceptualise planning as entirely about design or “beauty” (however that is defined). He says in his foreword to the White Paper that “Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville.” The Secretary of State’s harping on “beauty” is, within the context of the rest of the White Paper, the equivalent of putting lipstick on a pig.

The return to Georgian or Victorian approaches to planning lauded as an exemplar by government would be accompanied by widespread environmental degradation, urban sprawl, grinding poverty, life-threatening levels of pollution and a host of other problems more usually associated with the third world.

The White Paper is grossly ignorant of the force for good that modern land-use planning can be. It takes time to properly plan for long-lasting sustainable development – that may be unpalatable to the government in its rush to “build build build”, but failing to plan properly will simply result in poor quality, unsustainable development. The “cookie-cutter” zoning proposals – “planning by numbers” - will result in the environmental degradation and ghettoisation of what will become benighted “growth” areas.

Q9(b) Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

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

The Council’s answer to the previous question is also relevant here. The government’s proposal that outline planning consent should be automatically granted for schemes that are in line with Local Plan proposals is naïve.

Although we ostensibly operate a “plan-led system”, in reality it is a twin-track system. Planning applications can be made for proposals that are on land unallocated in local plans, that overtly conflict with policy or which do not conform with the adopted plan for a host of other reasons. But the system is such that a refusal of consent can be appealed against. Planning Inspectors can, and do, override the Local Plan if in their judgement material planning considerations indicate that that is the correct decision.

So it is perfectly possible for an applicant to propose a scheme that is ostensibly in line with the adopted Local Plan and thereby formally obtain outline consent, and subsequently apply to change the proposal knowing that the appeal route is open to them if consent is refused. There consequently is no guarantee that what has outline permission via the Local Plan allocation will actually happen in reality. So long as that trapdoor remains in place, the government’s proposal is likely to fail.

The only way this proposal could be supported – and that would entail setting aside the reservations expressed elsewhere in these submissions – is on the basis that the land would be “locked down” until the Local Plan is reviewed and neither appeals against subsequent revisions to that outline consent nor any competing applications for full consent on the same land would be allowed. If the system remains plan-led, government should unambiguously back that with clear rules.

Q9(c) Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

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

The Council considers that this is an irrelevant question. Again, it betrays the government’s obsession with speed over quality. The particular process or mechanism by which a new settlement would be developed is of little consequence when considered in the context of what sort of place will be created. What is of far greater importance is how the new settlement would contribute to climate change mitigation and minimising environmental impact, how it would achieve sustainable economic growth and thrive, and how it would be a place where people could lead healthy and fulfilled lives.

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

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

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

The Council has concerns that aspects of Proposal 6 could make decision making slower. In particular, the Council has several concerns about the proposal to automatically rebate planning application fees if appeals are successful:

Proposal 6 states that introducing the automatic rebate of planning application fees on successful appeals is expected to result in fewer appeals being considered by the Planning Inspectorate. An automatic rebate of planning application fees on successful appeals, however, is an incentive for applicants to appeal. It could also encourage 'no win, no fee' style businesses to be set up, further driving up the number of appeals. Whilst the general idea of this measure is to promote proper consideration of applications by planning committees, the measure could actually increase the number of appeals being made. Further consideration needs to be given to this issue.

There is a necessary element of subjective judgement when determining planning applications. Whilst the White Paper aims to reduce this through zoning, issues such as design and impacts on neighbouring properties will continue to be subjective, even when the principle of development has been established.

Automatically rebating planning application fees if appeals are successful would likely hinder the planning authority from refusing a scheme, even if it is entirely merited as being unacceptable, if the planning authority cannot afford to pay costs. This is particularly pertinent in these constrained financial times. This risks an increase in harmful developments being granted permission.

Planning authorities and applicants are both currently at risk of an award of costs if they act unreasonably, which is fair. Automatically rebating planning application fees if appeals are successful only applies to planning authorities and not appellants, which is inequitable.

In a court of law, both sides risk costs. It is unclear why this principle has been disregarded. An equitable alternative would be for appellants to automatically pay costs if their appeal is unsuccessful or a financial penalty if they do not complete the development of a site within the specified time-period they have planning permission for.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

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

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

The Council fully supports these proposals. However, the introduction of standards should be flexible enough to incorporate work that has already been done, as the Council has already taken significant steps towards this. Will funding be made available to reach the required standards?

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.

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

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

The Council disagrees. Again, for the purposes of analysing the government's proposals an appreciation of the three basic drivers of a project are key here: quality, cost or time. Given its stipulation of a 30-month statutory timescale together with many other references in the White Paper to speeding up the process, the government plainly sees time as the priority driver for Local Plan production. The government's reason for placing emphasis on time appears largely to be based on the misconception that the plan preparation process is slowing down the delivery of housing. As is stated elsewhere in this response, this misconception at best betrays a failure in understanding of the development process on the part of the government. Moreover, as has been stated elsewhere, the twin track nature of the planning system means that development proposals are not entirely dependent upon local plans.

Regardless of the government's rationale, the objective inference here is that cost and quality are of lesser importance. This is because the statutory timescale will by its nature be inflexible and unresponsive to circumstantial considerations such as the emergence or procurement of evidence*.

A Local Plan sets the context *inter alia* for sustainable development, stewardship of the environment including climate change mitigation, economic prosperity and social well-being. The impact of environmental change is not ephemeral - it lasts for decades or more. Mistakes made as a result of hasty decision-taking cannot be easily rectified. Opportunities cannot be synthesised out of thin air. Technical evidence needs to be carefully assessed and decisions taken having regard to it. To borrow a government phrase, if it is to be sustainable a local plan needs in critical respects to be "led by the science". The quality of a local plan is therefore of paramount importance in ensuring a prosperous, sustainable and healthy context within which local people can live. Whilst it is clearly very important that local plans are up-to-

date and therefore are prepared in a timely manner, the placing of the time component of the project ahead of the quality component is a retrograde step and is not supported.

Whether time or quality are the key drivers it is inescapable that both are potentially costly and for different reasons. The White Paper does not appear to be accompanied by a cost-benefit analysis. Taking the government's proposals at face value, there is no recognition in the White Paper that the costs of the proposed statutory timescale for local plan preparation may be significant if it involves the telescoping and intensification of work, and that LPAs may need financial support to discharge this new duty.

The Council's response to question 9(a) in respect of outline permissions should be cross-referenced regarding this question.

*for example, if a proposed land allocation is objected to by Natural England on the basis of the site potentially being an important habitat, it may be that the species in question can only be accurately monitored at a certain time of the year. Therefore there will clearly be a delay in obtaining the necessary evidence, and that could potentially take 18 months or more. If that process is not started until halfway through the 30 month period it may be impossible to produce the evidence. Proceeding without it could potentially result in legal challenge or even amount to a criminal offence, particularly if the land allocation is deemed to be outline planning consent.

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

Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

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

The Council would welcome further clarity on the future role of NDPs in the context of a zonal system.

It is unclear how NDPs will function in a zonal system. Zones are about creating certainty before the planning application is proposed, but NDPs are more about individual local communities and policies largely to aid that decision making. Similar to a Local Plan this takes time - in order to produce the document, evidence must be produced and a process followed, to 'make' a Plan.

If a zonal approach requires much more detail and an agreed design code early on, what is 'left' for the NDP to add? Is it still worth the time and commitment of volunteers? How does an individual smaller scale NDP really 'fit' into the certainty of an established District zonal system?

For example, in Cotswold District much of the area and therefore NDP areas are washed over by AONB, a 'protected' zone. Some NDPs make allocations, but how will allocations generally survive in the context of zoning?

If DM policies are to be established by central government, (and there has also been an increase in permitted development rights), what policies will NDPs be able to produce (rather than duplicate)? If they cannot have DM policies what will they include if they do not want to allocate sites? In addition, how will the very local issues be included - for example Somerford Keynes, with their list of locally distinctive species and habitats that they wish to see considered in planning applications?

Many NDPs already include/propose design guidance, the White Paper seems to respond to this, by introducing a concept of stronger community design statements, but this would appear to duplicate the residual role for NDPs (see para 1.23 'Communities will be able to set standards for design up front through local design codes'). The White Paper later mentions, however, 'Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes...' (para 2.14). This may relate to 'made' plans or is it a contradiction? CDC has three 'made' plans to date, and it also seems the proposals may make these quickly out of date and in need of review.

Q13(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?

The Council considers that use of digital tools should complement, rather than replace, existing approaches to NDPs. There is likely to be a skills and funding gap in the ability of NDPs to use digital tools. This could generate requests both for further resources (from LPA and volunteers), and likely create work for planning consultants.

Proposal 10: A stronger emphasis on build out through planning

Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

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

Different housing types and designs increase customer choice and the Council supports the idea that a variety of housing options can lead to quicker

build out rates. This variety also adds resilience to the housing supply should, for example, a particular type of housing receive lower delivery rates, a particular developer have lower sales rates, etc.

The Council would support further national policy measures that reduce 'land banking' once sites are identified as being areas for Growth or are otherwise identified in the development plan as being a location that is suitable for development.

One such measure could be to render a planning consent void if the development is not substantively commenced within three years. The applicant to be precluded from extending the life of the permission or reapplying for permission on the same land within a period of ten years unless there are mitigating circumstances that meet statutory assessment criteria.

Pillar 2: planning for beautiful and sustainable places

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

~~[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]~~

The Council considers that on the whole new developments (that is those from the last five years) are well-designed in the Cotswold District. Those designs have been guided by both the previous Cotswold Design Code (2000) and more recently by the new Cotswold Design Code (now part of the adopted Cotswold District Local Plan 2011-2031 - Appendix D). The BBBBC report "Living with Beauty" praises on p.37 "the excellent Cotswold Design Guide, the purpose of which is to encourage sympathetic housing in one of the most aesthetically sensitive areas of the country"

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

~~[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]~~

The Council has not taken a one priority approach to sustainability - sustainable development is about balancing environmental, social and economic considerations. Sustainability Appraisal of the Local Plan at key stages in its preparation ensures that the correct balance is struck. The proposal to abolish SA is a retrograde step, making it more difficult for the essentially "holistic" nature of sustainability to be properly and rigorously assessed in the context of a development plan.

The Council's change of administration in 2019 brought with it a clear commitment to making the Local Plan "Green To The Core". The review of the plan currently in the early stages of preparation intends to deliver on that commitment across the board.

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.

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

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

Design guides (such as the Cotswold Design Code, which forms part of the Cotswold District Local Plan - see response to Q15) provide guidance and direction without being overly prescriptive. Design codes are more prescriptive and there is real potential for them to stifle innovation and creativity and to result in all buildings across an area looking very similar. They are also prepared at one point in time and construction methods and materials (particularly in relation to sustainability) are changing fast and they may not provide the flexibility to respond to these changes. It may be more appropriate for design codes to be used for certain sites and development types but not to be a wholesale approach.

The White Paper promotes design guides and codes not only to achieve higher quality of design but also to speed up the planning process. Unless any guide/code is completely detailed to the last degree there will still be debate as to how they are interpreted effectively. These debates about design quality and detail are important in ensuring that developments deliver for everyone but they can take time. The preparation of reasonably detailed design guides and potentially design codes for particular sites or types of development may help to front-load this process; but it is not until the exact design is put forward that all stakeholders can understand how those guides and codes have been interpreted - design codes and guides should speed up the process but will not remove the need for public participation and knowledgeable decision making.

The preparation of design guides and codes is time-consuming and requires considerable well-qualified and experienced staff resource. There are fears that insufficient time will be available to prepare them properly within the new timescales for local plan preparation, particularly if there is to be robust community consultation.

The BBBBC report emphasises (p.57) the need for design codes to be "living documents" which are constantly up-dated. This will be challenging to achieve if they form part of a local plan, which even if they are produced more regularly will have a fixed life cycle.

The direct inclusion of the manual for streets within the national design guide and/or code should be considered as opposed to presenting it as a separate document. If it is separate there is a risk of inconsistency and difficulties in application, with different specialists referring to different documents - there should be one stream-lined approach.

It is important that design guides and/or codes refer to existing best practice.

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.

- 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?

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

The Council considers that the usefulness of such a body will very much depend on its make-up and staffing. Some additional general guidance on design guides and codes will be beneficial, particularly for those LPAs that do not have in-house design expertise across the full range of relevant professions. It is particularly important, given the need to deliver net environmental gain, that any body that is set up or new training materials etc refer to not only architectural design but also the design of green infrastructure, including biodiversity, recreation etc and take into account wider benefits such as community cohesion, carbon management and so on, not purely aesthetics. There are already a number of national bodies, such as the Design Council, Natural England, Historic England etc that play a key role in these issues and there is a risk of duplication. There is also a shortage of people with the skills to deliver this type of work and it would be unfortunate if the setting up of a new body led to a skills drain from the existing organisations. Perhaps some sort of "temporary" organisation could be considered that seconded in staff from public and private sector organisations, including local planning authorities, on a part-time basis.

Design and place-making are part of the day-to-day function of a planning service. Most LPAs already have a lead Planning Officer. It is likely that

officer will simply adopt the role of Chief Officer for design and place-making, if indeed such a grand title is necessary. It seems reasonable to assume that the origin of this proposal lies in the Secretary of State's preoccupation with "beauty". But in fact it again betrays ignorance at governmental level as to the scope of extant planning services – this is already part of the "day job" of a Chief Planning Officer. This ignorance is a matter for concern. It goes some way to explaining several of the more outlandish and baffling proposals being put forward in this White Paper.

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.

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

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

The Council has had little involvement with Homes England and so is unable to comment.

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.

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

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

Throughout the white paper there is an emphasis on buildings and architecture in the context of "beauty". Beauty is in the eye of the beholder. Emphasis should be given to the natural environment and its importance in health and wellbeing, economic growth, habitat connectivity, water management etc, which can all be seen to be part of this "beauty" agenda. There is a wide range of evidence to support this, such as the recent PHE publication

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904439/Improving_access_to Greenspace_2020_review.pdf. There is also only limited reference to climate change. There are no questions on paras 3.22 to 3.35, which cover the natural environment as well as the historic environment and climate change. This again brings to the fore a worrying degree of ignorance about the scope of land-use planning. Crudely

defining “beauty” as referring only to the superficial appearance of buildings and places is analogous with referring to art only in the context of painting in oils.

The concept that developments that deliver on agreed design guides and codes will move quicker through the planning system is self-evident but there will still be a level of interpretation that may need to be fully considered.

It is unclear from the consultation whether there will be a formal change to how an application is processed if the applicant states that their design meets the relevant codes and guides or whether there will simply be a presumption that this should be looked on positively.

The second element laid out in para 3.18 needs additional clarification. The Council suggests that a stepped approach would be appropriate. At the point of "allocation" any site that is proposed for development as a "growth area" should be allocated with a co-ordinating code (similar to a very short and visual site brief and as described in <https://matthew-carmona.com/2017/01/27/coordinating-codes-the-right-tool-for-the-job/>). This will give some certainty to the local community as to what is proposed and to the developer on the level and value of any potential development. This would be in addition to any general design guides or codes (which might be area or development type specific). Once the principle of the growth area is accepted, a much more detailed site specific masterplan and design code should be prepared, based on the original co-ordinating code. This could potentially be produced as a partnership of the LPA, the site promoters and the community. This would be resource demanding and clarity is required as to who would pay for this step and co-ordinate the process. However, the final decision on its acceptability should lie with the LPA following full and comprehensive public consultation. The final very detailed development proposals should be in line with the masterplan and detailed code - and provided that they are able to receive full consent (or prior approval) very readily.

The third element is to be subject to testing. There are risks in intensification of development that valuable green space (which in itself can provide water management, pollution control, biodiversity etc) will be lost to the detriment of the urban environment and the quality of life of all residents. Similar mechanisms are already available via NDPs but have not been widely taken up.

Para 3.21 states "we also intend to legislate so that prior approval for exercising such rights takes into account design codes which are in place locally (or, in the absence of these, the National Model Design Code)." It

would be beneficial and more comprehensive if this also referred to local and national design guides.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

NB no questions with proposals 15 - 18

Comments: The Council considers that the overall ambition described in proposal 15 would appear to be admirable and offer some potential regarding environmental enhancements. However, what is not clear is how this will work in reality. In preparing spatially-specific policies a great deal of work will need to be done in the early stages of plan preparation given that some of the issues are likely to be controversial. Stage 1 is allocated six months under the new regime, but experience has demonstrated that negotiations and ambitions relating to the countryside evoke very strong feelings, locally, and inevitably take time to resolve. More time than Stage 1 allows for. Renewable energy is also mentioned in this proposal, but no preferences are listed. Types and the allocation of renewable energy can be very controversial. Therefore, a timeframe of six months to achieve local consensus is not considered to be realistic and presents another opportunity for the new style local plan to fail.

Moreover, just as personal opinion is not uniform, neither is the environment. The approach hinted at in proposal 15 is again one of zoning. A particular place for a particular improvement, action or enhancement. Nature does not recognise zones. The White Paper should be seeking improvements and enhancements to the environment as a whole and not singled out to a few areas or types. A holistic approach is required if any ambition of this nature is to work.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

The Council notes that there will be future consultation on this topic to ‘*abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans*’ (para 2.19). Notwithstanding the undertaking to further consult on the proposal, the Council consider that it raises serious concerns.

Sustainability Appraisal includes environmental, as well as a social and economic assessment of the plan, which helps to reinforce delivery of

sustainable development. Environmental concerns could dominate the new system if the latter are not included. Environmental aspects of a new framework considered 'early on' may leave little room to either tell 'the story' of how the Plan has developed over time (providing a valuable evidence base), or to address the social or economic considerations of development alongside environmental consequences; and which therefore suggests an approach meant to simply accommodate development.

Speed is central to the White Paper with an emphasis on increasing the supply of land for housing. In terms of a new environmental assessment, the proposals are for '*A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process*' (para. 2.19) and specifically '*...that speeds up the process...*' (proposal 16). A focus on speed to deliver, rather than as a means to show the plan is the (most) appropriate approach given the alternatives, means SA (environmentally-led or otherwise) is considerably weakened when appraisal is only seen as a 'delay' rather than sound, iterative assessment.

A key question in being able to contribute to sustainable development has often been how is the Plan improving upon a situation that would have existed if there was no Plan? The question now seems to be how simply and quickly can we assess environmental issues and overcome them to build, build, build. Wider objectives of sustainable development such as housing, employment, health, climate change and the environment are not considered together, if at all. And in any case there would probably not be enough time in the new system. As an iterative process sustainable development objectives should be taken into account as a matter of course to shape the Plan over time and not be a quick (environment focused) document that stands in the way of development.

Government rightly says "It is vital that environmental considerations are considered properly as part of the planning and development process". But it needs to work much harder to present a coherent and convincing case that its proposals for speeding up the critically important processes covered by Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment (government omitted Habitats Regulation Assessment from its list) can be achieved without giving rise to unsustainable development or threatening/destroying the country's natural assets.

Again the three basic tenets of project management are a useful analytical tool here. If anything that planning addresses needs to have quality as its top priority it is this area. But, as with many other aspects of the White Paper, government is obsessed with speed. This conflict in priorities is very likely to clash. Without the backstop of EU Directives, it is reasonable to be concerned that the environment will be the loser.

At paragraph 3.27, this sentence is particularly concerning: “Outside of the European Union, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.” There are several inferences here. Firstly, is it the case then that protections that do not make “the biggest difference” to species etc are likely to fall prey to the bulldozer? How, amongst the vastly complex interaction of species, habitats, green corridors and other factors, will the less important protections be identified? By whom? Secondly, if a local community decides that it would rather have new housing built on a SSSI, does that make that development a shoo-in?

These assessments are a matter of science and not public opinion. To suggest otherwise is absurd. Government needs to “follow the science” just as it often says it’s doing regarding the Covid-19 pandemic.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

Comments: The Council notes that this proposal makes sympathetic noises about conservation, importance of historic environment, adaptation to climate change and adaptation to new uses but, again, it comes down to cutting corners and increasing speed of decisions: “Key to this will be ensuring the planning consent framework is sufficiently responsive to sympathetic changes, and timely and informed decisions are made.” (para 3.30)

Perhaps of more concern are the final two sentences of 3.31 “...we want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. *This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents*” (CDC’s emphasis).

Akin to the phrase “the biggest difference” noted above regarding proposal 16, here we have the equally value-loaded “the most important”. Which again implies that historic buildings that are not deemed to be “the most important” and may be vulnerable to the bulldozer. Things take a slightly sinister turn with the suggestion that certain specialists can have “earned autonomy” – presumably to undertake works to historic buildings without express consent from the LPA. The inference here is that these people – presumably on some kind of register – can knock buildings about without the need for formal consent because they’re deemed to know what they’re doing. It’s a short step from that to allowing developers to build wherever they like because they too know what they’re doing....and with prescriptive design codes and cookie-

cutter development zones, who needs planners and planning committees any more?

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Comments:

The Council observes that the UK government's legal commitment to net zero by 2050 is indeed world leading insofar as the UK was one of the first to enshrine an emissions reduction target in law. However the commitment falls a long way short of the ambition necessary to deliver the Paris commitments (for example <https://climateactiontracker.org/countries/uk/>) and the UK's progress to meeting its own goals is off-track (see 2020 CCC report to Parliament).

Requiring by 2025 new homes to produce 75-80% lower CO2 emissions than currently is broadly a move in the right direction. However, setting policy must take account of the depth and gravity of the climate crisis, and how far the UK has to move to conform with its commitments under the Paris Agreement. Therefore stopping at this level of ambition, and leaving those homes to become net-zero through the eventual decarbonisation of the grid, is wholly insufficient. The technology and techniques exist now for homes to be true net zero carbon, even within the limits of the current grid carbon intensity. It is essential that the level of ambition is raised dramatically. All experience, across many sectors of the economy, shows us that the cost of delivering a demanding target falls steeply with economies of scale and learning curve effects, and the same will be true of net zero carbon house building.

The Council finds it difficult to comment on para 3.33 because the 'shortest possible timeline' could mean anything. As words, this is fine, and nothing to complain about. However the timeline is weak – it would be completely possible to nail down energy efficiency standards to be in force no later than, say, 2023 or 2024.

The proposal at 3.34 is promising, but government needs to address the current ambiguity surrounding the ability of LPAs to set ambitious energy and carbon standards for new homes. When this has been attempted in the past it has been met with resistance from the development industry at Local Plan EiP on the grounds that the Council should not be setting standards that exceed those that currently apply nationally and which are more properly a matter for building control than planning.

The proposal at 3.35 is also promising, given that current enforcement of building regulations is woeful for lots of well known reasons. However, for this to have teeth there should be a clear requirement for POE (post occupancy evaluation) and associated data gathering which forms the backbone of LA enforcement activity, as well as inspection during the works taking place.

Pillar 3: planning for infrastructure and connected places

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

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

No comment recommended – this is a question for the public. The same reservations regarding questions 1 regarding marketing pseudo-surveys apply here.

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.

Q22(a). Should the government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

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

The Council supports a unified system for financial obligations because the current twin track system of S106 and CIL creates uncertainty and confusion. However, we would qualify that support as follows:

1. Section 106 planning obligations cover more than mere financial contributions. A system needs to remain in place to cover management plans, occupancy conditions etc.
2. One of the main benefits of CIL is that it captures small developments which combined add a significant burden on infrastructure but are rarely subject to a S106 agreement. The value based threshold seems to suggest that only larger developments would be subject to the new Infrastructure Levy which would result in a significant loss of infrastructure funds for Councils which currently run CIL. Therefore we disagree with the introduction of a set threshold.

3. The new charge seems to be solely focussed on housing development while the current CIL regime also allows charging of other developments. The proposals are silent on this.
4. Incurring the Levy at the point of occupation will require intensive monitoring from the charging authority while giving little or no benefits. Viability issues are resolved via payment plans which could be set nationally.

Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

A 'Nationally set area-specific rate' or 'Locally set rate' would be required to take into account local factors/viability

Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

[~~Same amount overall~~ / More value / ~~Less value~~ / ~~Not sure~~. Please provide supporting statement.]

There currently are not enough funds available for the infrastructure needed to support development while at the same time house building remains very profitable. More value is therefore required.

Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

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

Borrowing against future receipts when there is no guarantee they will be received would be unwise. Moreover, borrowing to deliver infrastructure that is under the control of a County Council in two-tier areas (highways and education for example) adds another level of risk.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

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

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

Any development that creates a new dwelling should be subject to the Infrastructure Levy. A barn or office which is being converted into a dwelling should not be exempt simply because it was in active use as a barn or office. This logic should be extended to self and custom-build development. If such developments are to be promoted a discount might be in order, but they are still creating an additional burden on infrastructure and should therefore contribute.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

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

Over the past 4 years, over 95% of affordable housing in Cotswold District has been delivered through on-site developer contributions. In high value areas, where land is at a premium and Councils and Registered Providers are unable to compete for land on the open market, financial contributions for off-site affordable housing do not deliver equivalent numbers of affordable housing. The Council considers it vital that any reforms continue to deliver on-site affordable housing at least at present levels.

There should to be some form of requirement for on-site delivery as developers are already pushing for off-site contributions which will impact severely on delivery in Cotswold as we are unable to acquire alternative land on which to build the affordable houses.

S106 agreements also secure occupancy and management conditions as well as mortgagee conditions. It is unclear from the proposals how will these be dealt with.

Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

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

The Council would welcome a mandatory requirement for in-kind delivery on-site where an authority wishes to do so. As well as specifying the forms and tenure of on-site provision, Local Authorities should also have means to ensure standards of management, occupancy/local connection requirements

and early appointment of Registered Provider as currently provided for in S106 agreements.

Local authorities should be given the means to set discount levels for affordable housing based on local circumstances ensuring smaller high quality local Registered Providers (RPs) are not outbid by larger national RPs with greater financial resources but no local management presence .

The NPPF requires local planning authorities to prepare a Local Housing Needs Assessment to assess their full housing needs, identifying the mix of housing and the range of tenures that the local population is likely to need over the plan period.

Having identified the relevant need the NPPF requires local planning authorities to use their evidence base to develop policies in their Local Plan that cater for the identified housing demand and the scale of housing supply necessary to meet this demand.

Under the 'right to purchase', with the top-down regulatory imposing of a nationally set percentage and developer discretion over which units were sold in this way, it is unclear how Local Authorities can ensure that the affordable housing delivered adequately addresses locally identified need. Housing provided by the market in Cotswold District is predominantly 3, 4 and 5 bedroom homes, however the Council's Local Housing Needs Assessment identifies the majority of households in need of affordable housing require 1 and 2 bedroom homes.

As the availability of land for development is constrained with the AONB, the Council is heavily reliant on negotiated on-site delivery of affordable housing to meet its identified housing need. The cost of acquiring suitable alternative land for volume delivery of affordable housing is prohibitively expensive in such a competitive market and would require additional levels of funding to facilitate delivery or result in a reduction in the number of units. The competitiveness of the market in Cotswold District is likely to be exacerbated by the zoning proposals set out in the White Paper with consequential effects on the cost of acquiring land for delivery of affordable housing. The Council considers the alternative approach would not deliver the required type and volume of affordable homes consistent with present levels.

Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

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

The Council awaits details of the policy design, however any increased burden on staff resources should be examined thoroughly so as not to simply replace the time-consuming administrative burden of negotiating S106

agreements with an alternative complex and lengthy valuation and negotiation process.

Under the current system, in the event of a market fall, affordable housing units continue to be delivered as a secure income stream for the Developer and RPs are often able to acquire unsold market units 'off the shelf', increasing the level of affordable housing provision. Under the above proposals, if a proportion of units are 'flipped' back to market, the level of affordable units will be reduced in the event of a market fall.

If the developers' risk is mitigated, this should be reflected in levels of profit and risk allowed within viability assessments.

Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

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

Mechanisms need to be in place or Local authorities should be allowed to set local standards to ensure the developer was incentivised to deliver high build and design quality for their in-kind affordable homes. Currently, quality standards for affordable housing can be negotiated in Section 106, ensuring affordable units are of sufficient quality for RPs to want to acquire.

Cotswold District Council adopted the Nationally Described Space Standards through its Local Plan, to counter the diminishing size of units delivered by major housebuilders across its administrative area. Whilst the Council previously had minimum space standards for affordable housing, provided for in S106 agreements, major housebuilders regularly built their units for sale 10% smaller. The option to revert back to cash contributions could incentivise developers to delivery lower standard homes to avoid having affordable homes on-site. Government must ensure any approach taken maintains the quality of affordable housing provision as well as overarching volumes, and incentivises early engagement between providers of affordable housing and developers.

The Council welcomes the opportunity to accept Infrastructure Levy payments in the form of land within or adjacent to a site, where appropriate and at the local authority's discretion.

In areas of high landscape value such as the Cotswold AONB, however, where land for development is constrained, the provision of land for affordable housing within or adjacent to a site is unlikely to lead to an increase in number of units or pace of delivery beyond that of the current route of delivery. Mechanisms should be put in place to avoid segregation of affordable housing on major developments where tenure-blind, on-site delivery should be the default position.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

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

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

There is already a bigger demand on funds to deliver infrastructure than there is money available. Money collected to deliver infrastructure should not be used for reducing Council Tax, which might be politically more attractive. If there are funds left after the delivery of core infrastructure, they should be used to deliver more and better quality schools, green spaces, footpaths and cycle paths.

Q25(a). If yes, should an affordable housing 'ring-fence' be developed?

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

If the Government increases local authority flexibility around spending, it will be necessary to ring-fence a sufficient amount of Levy funding for affordable housing to ensure that affordable housing continues to be delivered on-site at current levels (or higher).

The NPPF currently requires local planning authorities' to prepare a Local Housing Needs Assessment to assess their full housing needs, identifying the mix of housing and the range of tenures that the local population is likely to need over the plan period. Ensuring sufficient delivery to meet this need is already challenging without adding further pressure to negotiate away affordable housing in favour of more locally popular issues.