

Appendix 1 White Paper Consultation Response

Pillar One – Planning for development

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

N/A

Question 2(a). Do you get involved with planning decisions in your local area?

[Yes / No]

2(b). If no, why not?

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

N/A

Question 3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

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

N/A

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

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

All of the above are key priorities for Chelmsford City Council (CCC) in planning for its local area. Effective planning requires the balancing of competing demands rather than focusing on a small number of priorities.

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

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

Overall CCC agrees with a number of the proposed measures to simplify the Local Plan process especially where they could reduce Council costs and make Local Plans more efficient to produce, but only crucially if important community and stakeholder involvement and engagement is not reduced.

Proposed zonal system

It is considered that many generic annotations and notations of Local Plans could fall within the three proposed planning areas (Growth, Renewal and Protected) although further clarity is needed to ensure that all would. It is not clear whether a layering is envisaged. Existing urban areas may in general terms be considered renewal areas, but they will contain open space, conservation areas, green corridors which all will need protection. Provisions must also be in place to ensure that wildlife will be protected when it is located outside 'protected' areas and/or migrates across different zones leading to disconnected landscapes.

Permission in principle

CCC have concerns about granting automatic planning permission in 'growth' areas, particularly if this is achieved without community and stakeholder involvement and consultation. Given the lack of information contained within the White Paper, automatic permission in principle for land identified for strategic-scale development in Local Plans (Growth areas) should as with development of other areas of land, as now, be determined in accordance with Local Plan policies and the National Planning Policy Framework. See also response to Question 9.

Digitised, web-based Local Plans

Proposals for greater use of digital tools and visual mapping are welcomed and are already used to some degree by CCC. Further digital approaches will make Local Plans more accessible although further clarity is needed to understand how authorities will be resourced to implement the proposed new standardised measures. However, CCC does have concerns that not everyone is able to access information and engage digitally perhaps because they do not have access to a computer or live in an area with lower broadband speeds.

Question 6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

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

CCC would agree with the principle of setting out general development management policies nationally and streamlining the content of Local Plans. It is, however, difficult to see how all policies could apply across the country, particularly with regards to specific local issues such as parking standards, design, protection of community facilities and open space and the provision of the right type and size of housing accommodation (including affordable housing). Local constraints and influences will give rise to the need for specific locally distinctive development management policies.

CCC would suggest that generic development management policies are national such as heritage, flood risk, green belt, protection of living conditions/amenity etc. However, where there are more local issues including the individual geography, demography, landscape and socio-economic factors, the ability to have a limited suite of locally distinctive development management policies should be retained where they are justified with evidence.

Overall CCC consider that generic development management policies could be applied nationally, but there should be the scope and opportunity to set additional local level policies within the plan if they are necessary and justified.

Questions 7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

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

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

Sustainable Development Test

Proposals for a single test of ‘sustainable development’ could help simplify the existing system, make it easier to use and speed up the process of plan preparation. However, any replacement test must continue to fully assess whether the plan contributes to achieving sustainable development in accordance with national policy in a structured, logical, accessible and consistent manner. It should also bind the Planning Acts and Climate Acts together. Adequate consideration must also be given to the achievement of net gain as set out in the Environment Bill.

Sustainability Appraisal

Proposals for a more simplified process of assessing environmental impacts of Local Plans could reduce costs and speed up plan making, however there is a risk that this could result in unforeseen adverse impacts to the environment if an effective replacement assessment process is not brought in. Any replacement test must continue to fully assess whether the plan contributes to achieving sustainable development in a structured, logical, accessible and consistent manner, and in accordance with national policy and the requirements of UK and international law. It should also bind the Planning Acts and Climate Acts together. Adequate

consideration will also need to be given to the achievement of net gain as set out in the Environment Bill. CCC awaits further details on this in a future consultation this autumn.

Duty to Cooperate

CCC supports replacing the Duty to Cooperate test with a more streamlined way of considering strategic cross-boundary issues, such as major infrastructure or strategic sites especially where this speeds up Local Plan making. Proposals for combined authorities as part of the reform of Local Government could provide appropriate bodies for dealing with strategic cross-boundary issues.

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

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

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

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

- (a) The standard method does reduce debates about housing numbers, which historically has been a time-consuming process. However, the impact of the proposed short-term adjustment to the standard method for establishing minimum housing requirement figures results in a 94% increase on the current Local Plan housing requirement in Chelmsford (adopted in May 2020), which was based on locally assessed housing need. It produces a figure of 1,558 net new dwellings per year which hasn't been achieved in the last 19 years. Annual housing delivery has only ever exceeded 1,000 dwellings per annum on four occasions since 2001/02. This is within the context of Chelmsford being an early adopter of the Local Development Framework and has recently adopted a new Local Plan for the period 2013 – 2036 which both allocated 20% more land than the housing requirement.

The affordability adjustment over a 10-year period considers the period just after the last recession. Were a 5-year time period included, the adjustment would still require significant increases in the housing required but more realistic delivery targets for landowners, developers and the housing supply chain to achieve. It is not clear or evidenced why the period of 10 years has been chosen and the volatility of the results depending on the time period chosen, indicates that further assessment is required.

It is unclear how constraints are going to be applied to what is essentially an algorithm, nor the impact of an additional buffer to account for drop off rates between permission and delivery. The degree to which the Green Belt is treated as a constraint within the standard method to dampen the level of housing need that such areas are expected to meet in the new binding housing requirements, will drive the direction of Green Belt release.

- (b) Affordability and the extent of existing urban areas are sensible indicators of the quantity of development needed, rather than that which can be accommodated. The proposed new housing numbers will not be deliverable for many local authorities given their land constraints and past rates of delivery, even with an up to date Local Plan.

Workplace, as opposed to resident based median house price to median earnings ratios, are driving larger affordability ratios in commuter belt areas such as Chelmsford. Whilst it is important to balance the needs of the workforce, it is also relevant to consider the large role existing residents play in market moves and the degree to which housing market adjustments using workplace based ratios are more 'over-represented' in the algorithm in areas close to London over the longer term. In order to achieve the Government's 'levelling up' agenda, it might be more appropriate for some locations in the South East to use median resident based earnings ratios, whilst the workplace earnings ratios are retained for those areas that are considered regional focal points of inequality in the levelling-up programme if the 10 year affordability adjustment is retained.

Also, as mentioned above, market fluctuations over the last 5 years would be a better indication of change. A five-year timescale should retain workplace-based median house price to median earnings ratios.

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

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

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

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

CCC is supportive of the principle of increasing certainty for Growth areas, however it is not clear within the White Paper whether the proposal for 'automatic permission' would be granted Outline planning permission, Permission in Principle (PIP) or another form of permission. Phrases are used interchangeably and therefore the proposal is not clear. CCC have concerns about granting automatic planning permission in 'growth' areas, particularly if this is achieved without community and stakeholder involvement and consultation.

In our view, the Permission in Principle regime does not give any greater certainty than an allocation in a Local Plan. Permission in Principle can only relate to location, uses and the amount of development. This is no more than a site allocation in a Local Plan. Technical Details consent would be required, and this would essentially be starting from a blank page, with very similar considerations to a full planning application. Due to the limited scope of Permission in Principle, and the inability to consider key matters such as ecology, heritage, design, affordable housing, Section 106 agreements and access, there is less certainty attached to a Permission in Principle than an outline planning consent. These technicalities can give rise to significant constraints on development that would only be introduced at the

Technical Details stage. Overall, it is the Council's view that Permission in Principle, as it currently exists, would add no greater certainty if automatically granted as part of the Local Plan designation as a Growth area. It is our view that this will not speed up the process or add certainty.

A more certain way of establishing automatic planning consent would be to effectively grant outline planning permission through the allocation of a Growth site in the Plan. That being said, it is not clear how important matters, such as the environmental impacts of a development, would be effectively assessed and addressed, particularly as the White Paper looks to abolish Local Plan stage sustainability appraisals.

The above commentary also applies to proposed consent arrangements for Renewal areas. It is unclear how this would be achieved. Renewal areas are likely to be more constrained in terms of how much development is achievable. It is therefore difficult to see how granting automatic permission could be achieved without the consideration of many detailed aspects. For this reason, CCC consider that development proposals should continue to be fully assessed in accordance with policies and the National Planning Policy Framework.

There would be little difference between the proposal for Protected areas and the way the current planning system requires a planning application.

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

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

CCC considers that there could be merit in allowing exceptionally large sites such as a new town where there maybe complex land assembly and planning challenges to be consented via a Development Consent Order (DCO) under the Nationally Significant Infrastructure Projects regime, but only if local communities, local democratically elected decision-makers and stakeholders are fully engaged throughout the process and able to fully guide the form and scale of the development, and the DCO process can only be used on site allocated in local plans. The DCO process can offer potential benefits such as providing clear expectations on the applicant, statutory stages of public consultation and clear timeframes for decision-making. This can provide certainty for the public and stakeholders and speed up decision-making. However, careful consideration would need to be given to ensuring that consultation and engagement is open, accessible and meaningful and that applicants are required to provide evidence of how they have responded to consultees' needs and priorities to ensure public confidence in the process. As it is critical that local authorities and statutory consultees engage with the DCO process which can be very resource intensive, careful consideration would also need to be given to ensuring that these bodies are adequately resourced. The DCO process would also require change to provide a route for full input by local democratically elected decision-makers which the current DCO regime by-passes.

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

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

CCC support the principle of speeding up decision making, providing that it results in a better system and crucially does not reduce community and stakeholder engagement.

Stricter deadlines

The White Paper proposes that deadlines should be rigidly adhered to, and that extension of time agreements should not be used to get around this. This would speed up the decision-making process, however removing all scope to extend deadlines where they are mutually beneficial would introduce unnecessary costs, repeat applications and introduce delays. Removing this flexibility is likely to have the unintended consequence of increasing the refusal of planning permissions, as there may not be sufficient evidence or technical assessments for local planning authorities to make decisions. This in the long run has the potential to increase the time spent gaining a permission.

Extension of time agreements currently have a real value for developers and are often requested by them so that they can overcome any policy requirements or objections. Rather than removing the opportunity for extension of time agreements, it would be more beneficial for the option of extension of time agreements to remain so that they can be used with the full agreement of the developer. In this scenario, there should be no automatic refund of the planning fee or deemed consent.

CCC also have concerns that the proposals within the White Paper could limit the scope where pre-commencement conditions can be used. This could be detrimental to archaeology and heritage where pre-commencement conditions can be used to successfully record historic artefacts or other findings.

Beautiful Places

The White Paper places a great emphasis on 'beautiful places'. This follows the objective of the National Planning Policy Framework (NPPF, chapter 12) to put the creation of high quality buildings and places as a fundamental part of what planning and the development process should achieve (para.124). The NPPF says that good design is a key aspect of sustainable development and seeks to ensure that policies and decisions: respond to local context; create places that function well and add to the overall quality of an area; are visually attractive and establish a strong sense of place (para.127).

CCC support an added emphasis on creating 'beautiful places' and proposals which will support the delivery of beautiful places. The proposals within the White Paper, such as rigidly adhering to deadlines, refund of planning fees where an appeal is allowed, and the potential for deemed planning consent, could have the effect of creating poorer quality developments. Through removing the scope for extension of time agreements and introducing sanctions for allowed appeals or failing to issue a decision on time, LPA's will be faced with a financial risk that could lead to proposals being approved simply because the LPA cannot risk losing the fee income and wanting to avoid second repeat applications. The LPA may simply 'settle' for poorer quality development.

Community Engagement

CCC have concerns that the White Paper would reduce community and stakeholder engagement in the planning process or remove the opportunity for local residents to comment on planning applications. In our experience, consultation and dealing with responses makes up a substantial portion of an application timetable. In order to save time at decision-making stage, and speed up the planning process, our suggestion is that consultation should be carried out before an application is submitted. An application should be submitted to the LPA with consultation and community engagement responses front loaded and show how these have been responded to and addressed before the application is submitted.

Digitisation and Automation

Proposals to limit the amount of documentations that can be submitted with a planning application are generally supported by CCC, as this would assist in cutting down the time it takes to digest the full application. That being said, any standardised applications or limited supporting statements would still need to ensure that all technical matters (such as flood risk, transport and ecology) are still capable of being adequately assessed by both the LPA and consultees. The Local Planning Authority must view such documents, and general planning statements, in an analytical way. It is not uncommon for planning statements to make unjust conclusions or to include potentially misleading information. In this instance it is necessary for the LPA, acting in a neutral capacity, to challenge these statements or ask clarifying questions in order to make a sound planning judgement. They should not be taken at face value. The proposed rigidity of deadlines would seem to limit the LPA's ability to do this.

There is a proposal to make the application process easier for an applicant for a smaller scale project, and it is suggested that validation will be combined with submission. How this would work is unclear, however CCC would welcome a validation service prior to an application being submitted. Despite having a clear local validation checklist, the percentage of applications that are invalid when submitted is very high. This can be caused by developers submitting planning applications, without all the necessary documents, in order to meet contractual milestones. Any proposal to validate applications prior to submission is supported in principle as this would save time and prevent delays.

Many applications include inaccurate drawings, are missing the correct technical supporting statements or are submitted with no drawings at all. For this reason, there would still need to be a form of validation stage to ensure the necessary and accurate drawings and supporting information have been submitted. The absence of this would create serious issues when processing the application as the exact proposal would be unknown. This would undoubtedly lead to delays for the applicant as there would be no option but to refuse or take no further action against an application. Validation is an important step in assisting applicant's with making sure their application includes all the relevant plans and details.

The White Paper also proposes to change the processing of planning applications, with an emphasis on digitisation and a new software to automate the processing of applications and

determine whether proposals are 'within the rules'. CCC supports, in principle, the digitisation of the planning system and moving to a system that makes the most of the most up-to-date technology available.

There is a lack of detail about how this could be achieved, particularly as 'the rules' can be subjective, dependant on individual site circumstances which will rarely be the same in one administrative area, let alone in other areas of the country. Good design is about responding to an individual site's context and the local area as well as a development functioning well and representing good quality. This should not be determined on the basis of a 'rule', even with a design code. Other important considerations, such as the consideration of a development proposal on the amenity of local residents, visual impact, the openness of the Green Belt, and the impact on the function or role of an employment or retail area cannot be automated; they are a matter of planning judgement. Aside from this, details such as cost, maintenance, compatibility and technical support for any new software have not been suggested.

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

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

Proposals for greater use of digital tools and visual mapping are already used by CCC, will make Local Plans more accessible although further details are needed to understand how authorities will be resourced to implement the proposed new standardised measures.

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

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

CCC support in principle proposals to simplify and speed up plan-making and to reduce Council costs including a more limited local plan evidence base and for local plans to be shorter and more publicly accessible. However, these must not be at the expense of a reduction or removal of appropriate, effective and timely public and stakeholder consultation and engagement. CCC strongly object to proposals to reduce opportunities for public and stakeholder involvement and consultation to only two stages – Stage 1 (call for suggestions) and Stage 3 (on the submitted plan). This appears to conflict with the principles of successful, open and on-going community and stakeholder consultation and engagement. The scope of the consultation at stage 3 would also be focussed to comments on the final draft plan policies and proposals and its compliance with relevant legislation and tests. CCC is extremely concerned that the proposed system appears to provide far less opportunity for local communities to comment on emerging policy and proposal options and to help refine and improve the emerging plan for their areas, and that this could lead to community opposition and distrust in the final adopted plan and plan-making in general. CCC is also concerned that a draft Local Plan could be submitted to the Planning Inspectorate without an opportunity to amend the plan in response to consultation responses from the community, statutory bodies and local stakeholders. Our experience shows that this can be an opportunity to overcome

objections and concerns raised, secure greater community support for the plan and speed up the examination process.

CCC support a longer transition period for local planning authorities who have recently adopted a Local Plan. Further information is sought in terms of sanctions that could be applied and what would constitute a “Higher-risk” authority and how authorities will be resourced to accelerate Local Plan production within the 30/42 week timetable including the additional technical work required to support the allocation of Growth Areas which could be granted outline planning permission in the adopted plan which could be costly and take time to assemble.

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

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

Yes, CCC agrees that Neighbourhood Plans should be retained in the reformed planning system.

Neighbourhood Plans are a key part of local plan making, where communities can have a real say in what happens in their area. There should be a clear commitment in the reformed planning system to continuing that community right. This should include greater emphasis on their role as forming part of a Local Plan, rather than the perception that they are an ‘add-on’.

The timing of communities deciding to embark on a neighbourhood plan has, in our experience, not aligned with the timetable for developing the Local Plan, thereby minimising the influence a Neighbourhood Plan can have on the Local Plan contents. Speeding up the Local Plan making process can only exacerbate this and further reduce the time for local communities to have a meaningful input through Neighbourhood Plans.

Proposed zonal system

Any proposals to reduce the scope of Neighbourhood Plans including removing the ability to allocate or zone land for development could undermine local democracy in local planning. If the Local Plan is the mechanism to designate land in a new zonal system, where does this leave the discretion for Neighbourhood Plans to allocate land to meet their needs?

Currently, the NPPF requires strategic policies to set out a housing requirement for designated neighbourhood areas, either reflecting the overall strategy (Para 65) or at the neighbourhood body’s request (Para 66). It then follows that it is the Neighbourhood Plan which will decide where these houses should be located. Therefore, the policy needs to include the flexibility for neighbourhoods to either allocate the zone or have the ability to change it once set by the Local Plan. For example, in the Green Belt or rural area, it could be assumed that the defined settlement boundary will be replaced with a protected area, either around the existing settlement or incorporating the existing settlement as well. If a

Neighbourhood Plan then identifies the need, for example, for a small amount of housing to meet local needs or a community facility, the zonal system needs to include an exceptions policy where evidence demonstrates a departure from the policy.

A failure to address this would effectively mean that the role of a Neighbourhood Plan in bringing forward proposals to address local needs would be significantly diminished, in many cases negating the reasons for deciding to develop a plan in the first place.

Removal of development management policies

If planning applications are to be decided against higher level national development policy, this appears to remove consideration of specific local circumstances from decision making.

Neighbourhood Plans carry a significant emphasis on local character, heritage, village setting, and generally a sense of place. An important role is for them to define this character and its special qualities, so that planning decisions can take account of particular local circumstances – such as use of materials, building line, protection of key views and landscape features.

Although the use of locally produced design guides/codes is referenced in the White Paper, it appears to indicate that these would be set at a local planning authority level rather than a parish/neighbourhood level, with the potential for further erosion of the usefulness and influence of a Neighbourhood Plan. Due to issues of timing of different plans coming forward, there is the potential for a policy vacuum between local authority design guides and codes, and the preparation of design guides by community groups.

It is also essential that adequate grant funding continues to be made available for Neighbourhood Groups to commission design guides/codes, which in our experience has not been the norm.

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?

Focused content

Guidance on what a focused Neighbourhood Plan would look like has some potential for speeding up Neighbourhood Plan development and concentrating the effort of communities into subject areas where they have a real influence. However, there is also then the danger of excluding matters which are of particular importance to individual communities.

Digital tools

Some digital tools are already available (e.g. Mapping for Change/Community Maps), and pilot projects for other tools will be helpful. In our experience, the level of digital confidence and ability in some rural communities, even within the Neighbourhood Plan groups themselves, is low. Combined with some areas having lower broadband speeds or a lack of

take-up of faster connections, some Neighbourhood Plan groups struggle with digital engagement. These skills and resource gaps extend into their communities. Proposals to improve accessibility would be welcome, including training and ongoing technical support for Neighbourhood Plan groups and their communities.

Urban Neighbourhood Plans

Encouragement of urban area Neighbourhood Plans would be welcome. More emphasis should be placed on skills and resources for groups to form Neighbourhood Forums, with a dedicated body to provide training and support, in the way that rural community councils assist rural communities.

Whether there is scope to spread the use of community-led planning to small areas such as individual streets is questionable, due to the small number of people likely to be involved and the skills required, along with the mechanisms for constituting a relevant body and the requirements for transparent decision making. It is not clear how this aspiration would fit alongside the introduction of higher level national development policy for decision making.

It is also essential that adequate grant funding is to be made available for Neighbourhood Forums to operate, particularly as they may be focused on areas of greater social deprivation, with a potential lack of access to premises and digital tools, and no ability to raise funds in the way that Parish Councils do.

Question 14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

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

Build-out rates can be low due to market saturation or developers seeking to maintain certain price points for products. Developers should be encouraged to look at a range of tenures including affordable rent, joint ventures with the public sector and housing associations to deliver housing that meets local need. A more diverse housing offer that also includes greater variance in the type and design of homes would also help accelerate absorption rates. Accelerating build-out rates should not be at the expense of high-quality design.

Consideration should also be given to sanctions on developers who fail to implement deliverable sites with planning permissions in a timely manner such as revoking planning consents earlier or imposing performance related conditions e.g. X homes need to be built by X date.

Pillar Two – Planning for beautiful and sustainable places

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

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

CCC has a long standing track record of delivering attractive and well-designed places. We are referenced in numerous national and local government publications including Essex Design Guide (1973), By Design (2000) and National Design Guide (2019). We are very proud of this legacy. It comes from consistent, cross-party political support and an acknowledgement that adequate resourcing is key to delivery. The White Paper focuses on the visual and aesthetic nature of new development, whereas, the focus should be on high quality design. Full advantage should be taken of the role of masterplanning in creating successful and sustainable developments.

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

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

It is CCC's view that all of these matters are priorities for sustainability. By its definition sustainability should not be isolated to one priority. We therefore consider that all of the above are priorities and are interlinked. They should be given equal focus and attention at all levels of the planning process.

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

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

CCC are supportive of this approach. It ensures that good design retains its rightful place as a priority within the planning process.

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

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

CCC see this as a positive step. A national body would be most successful if it is established as a single point of contact and 'go to' resource. This could be very similar to the Commission for the Built Environment (CABE) abolished in 2010. Having a design champion at local authority level will be most effective if it includes both an officer and a member.

CCC are supportive of greater emphasis being placed on good design and additional tools to achieve this. It will be important to ensure that local influence is retained and CCC welcome the idea of each local authority having a chief officer for design and place-making. Authorities must be given the appropriate resourcing to secure these posts.

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

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

Yes. Any policy change that supports good design and place making is to be welcomed.

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

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

Any proposal to fast track and simplify is welcomed, providing this does not exclude community involvement and engagement. The challenge is identifying what is meant by beauty, as the inference is that this is very much addressing the visual and aesthetic. With so many factors involved in the planning process, there are concerns that this will become watered down to a lowest common denominator. Fast track also raises the difficulty of introducing new ways of doing things to meet other priorities such as climate change and carbon reduction. Such innovation takes time to agree and implement.

It is the Council's view that pre-approved designs could weaken the overall quality of place-making, losing the opportunity to respond to context and local influences in a truly responsive manner. CCC would have concerns about the practicalities of expanding permitted development rights further and in the same way permitted development proposals would be subject to the proposed new infrastructure levy, they should also be subject to design codes and standards such as the Nationally Described Space Standards where adopted by the local planning authority. Whilst there may not be 'harm', it would seem difficult to achieve a 'net gain' in beauty without using a site's individual context and surrounding influences within the design process. The current system of permitted development rights, ever growing and encompassing additional prior approval matters, makes the overall planning system complicated to understand with similar outcomes to the submission of full planning applications.

Pillar Three – Planning for infrastructure and connected places

Question 21. When new development happens in your area, what is your priority for what comes with it?

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

The priorities for required infrastructure to support new development are set out within the Council's Local Plans and Infrastructure Delivery Plans. They cover all of the types of infrastructure cited and more including low/zero carbon interventions. The need for affordable housing, the promotion of active and sustainable travel and sustainable/zero carbon energy are common across development. Other priorities will vary depending on the specific requirements of the site and its context.

Robust infrastructure planning is crucial in ensuring the timely provision of supporting infrastructure and to make proposals acceptable in planning terms. The existing up-to-date Local Plan has been fully viability tested and requires both S106 and CIL funding to enable supporting infrastructure to be delivered to support housing and economic growth. There are significant concerns that the new Levy, payable on occupation as the only mechanism to deliver required infrastructure will not be successful in delivering infrastructure priorities.

Questions 22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

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

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

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

Although at this stage CCC considers that there is insufficient detail as to how the new Levy would work in practice, it is extremely concerned that the removal of section 106 payments and the Community Infrastructure Levy for infrastructure will be to the probable disadvantage of Chelmsford. The current system places responsibility on the developer to deliver infrastructure and affordable housing through S106, with the ability of Councils to collect CIL to fund wider infrastructure priorities that cannot be funded through a development. The proposals decouple the need and cost of infrastructure required to make a development acceptable in planning terms from the future mitigation i.e. the amount of levy received. Whilst having its limitations, this approach is a proportionate split of responsibility between developer and local authority and in Chelmsford has worked well. The White Paper's approach appears to shift all responsibility and risk of infrastructure delivery to the Local Authority, which is disproportionate and is not supported. It is difficult to envisage how a national single rate can be applied to local circumstances, given large variations in land values. A local rate is supported as with CIL with the option for in-kind delivery of any type of infrastructure.

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

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

CCC is extremely concerned that the removal of section 106 payments and the Community Infrastructure Levy for infrastructure and their replacement with a Levy will be to the probable disadvantage of Chelmsford. Ideally the Levy should aim to capture at least the same amount of value overall, but as there are many infrastructure deficits the starting point is that it supports more value, for greater investment in infrastructure, affordable housing and local communities.

Negotiating and agreeing Section 106 agreements, particularly on larger sites, remains a complex and challenging process post resolution and can be a cause of delay. However, it does create a direct link between new development and the measures necessary to mitigate the effects of new proposals. The proposed reforms are silent on the mechanism for delivering infrastructure and how the new Infrastructure Levy will ensure mitigation at a site level is adequately funded and infrastructure delivered.

It doesn't resolve the issue that 'the cake can only be cut so many ways' and it is not clear how the quantum raised will be enough to pay for affordable housing as well as other infrastructure, especially if the Levy is set at a single national rate. The Council is extremely concerned that the Infrastructure Levy will reduce the delivery of additional genuinely affordable housing (has the greatest discount from market rents), whereas the focus should be on accelerating that delivery to meet the increasing demand.

On a simplistic level there are three risks with the level of the Levy itself:

- (1) The Levy is set at a low level to capture all but the most unviable developments; and sites without constraints 'under-pay'.
- (2) The Levy is set too high and is not compatible with a large proportion of the sites coming forward.
- (3) The Levy dictates the allocation of sites in future e.g. eliminating those requiring costly on-site infrastructure.

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

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

CCC is extremely concerned that the removal of section 106 payments and the Community Infrastructure Levy for infrastructure and their replacement with a Levy will be to the probable disadvantage of Chelmsford. There needs to be more detail in the proposals to determine the size/extent of borrowing that could arise. Council's may find the size of the expected borrowing is disproportionately large compared to the size of the Council. The CIL income streams are affectively funded by the developer. The Council is therefore taking on

debt and is reliant on the success of third parties to deliver the income to repay that debt. This seems a significant increase in risk to local authorities' finances.

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

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

CCC is extremely concerned that the removal of section 106 payments and the Community Infrastructure Levy for infrastructure and their replacement with a Levy will be to the probable disadvantage of Chelmsford. Notwithstanding this, CCC would agree that the scope of a reformed Infrastructure Levy should capture changes of use through permitted development rights. It has always been a vagary of the current system that, in the case of CIL, changes of use of offices that have remained empty for many years, but with a small proportion of space still in use, can be converted to a large number of residential units, placing increased pressure on infrastructure, yet have been immune to paying the Levy and making any infrastructure contribution. This should be reformed through any new levy regulations. Design and space standards should also be applicable to permitted development.

Questions 24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

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

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

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

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

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

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

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

CCC is extremely concerned that the removal of section 106 payments and the Community Infrastructure Levy for infrastructure and their replacement with a Levy will be to the probable disadvantage of Chelmsford. Notwithstanding this, CCC considers that:

- (a) It is essential that genuinely affordable housing is still delivered on-site at least the same proportion that is demonstrated to be viable and required in Local Plans and the decision whether to accept funding through the levy instead should always rest with the local planning authority. The opportunity and capacity to deliver affordable housing off site or through community sums in lieu of on-site provision is much reduced and should be the exception rather than the norm.
- (b) In-kind payments most closely mirror the current system and the risk shouldn't be any greater, if reflected properly in the land value. The complication is whether the Levy is enough to deliver the required affordable housing in the tenure and form to address local housing need; as well as providing other essential infrastructure.
- (c) If the Levy is not set at a sufficient level to support the infrastructure required in the Local Plan and maintain existing levels of on-site affordable housing in the tenures required to address local housing need, then the Government mitigation should be capital funding to support the on-site affordable housing provision in the quantum/tenure identified in Local Plan policies. A reformed Infrastructure Levy cannot put at risk the delivery of a suitable supply of affordable housing for rent, which is required to enable local authorities to meet their statutory housing duties. The proposal for a reformed national Infrastructure Levy set at a national rate has the potential to lower the provision of affordable housing that meets housing need in Chelmsford rather than provide a solution to the central question of how we ensure that more homes are built in the future that meet people's needs.
- (d) Local Plan policies should prevent low-standard homes of any tenure being built. High service charges on flatted developments, the financial credentials of a small number of SME developers and the management preference of Registered Providers; rather than build standards, play a much more significant role in the on-site provision and location of new affordable homes.

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

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

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

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

CCC is extremely concerned that the removal of section 106 payments and the Community Infrastructure Levy for infrastructure and their replacement with a Levy will be to the probable disadvantage of Chelmsford. Notwithstanding this, CCC considers that local authorities should have sufficient flexibility in terms of how they can use the Levy to deliver infrastructure as per the current arrangements within the CIL Regulations, However, Council's should be required to ensure that the Levy is spent on infrastructure linked specifically to the development that has generated the sum and, where it is spent on infrastructure beyond the development, Council's should be required to produce annual statements setting out how the funding has been spent or is proposed to be spent and on

what infrastructure. The ability to ring-fence the levy to deliver important policy requirements such as affordable housing is supported. However, it highlights the deficiencies in the proposals, as there may well be significant disparities between the amount of levy received and the total cost of infrastructure, including affordable housing, to make the development acceptable in planning terms.

What happens next

Question 26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

N/A