

## Planning for the Future White Paper

### August 2020

The government consultation 'Planning for the Future' white paper propose a number of changes to the planning system, that if implemented would have significant implications.

The primary focus of our response is as set out below:

Wokingham Borough Council strongly objects to the rhetoric of government that the planning system is the fundamental block to delivering housing. This focus is misplaced in both this consultation and the separate 'Planning for the Future' white paper which proposes wide reforms. It is settled in national legislation and policy that the planning system must be genuinely plan-led; each plan is examined against four criteria for soundness and will be tested for 'deliverability'. Therefore, the basis of each adopted plan must be sound.

Successive changes to the planning system have brought unnecessary complexity, and we agree that stripping away unnecessary complexity would be beneficial. However, the government should recognise that this complexity has been largely of its own making and a wish to circumvent local authorities and to permit housing on more land than is needed to meet commitments.

Proactive and positive local authorities, such as Wokingham Borough, have shown that high quality developments of a strategic scale can be planned for, funded and delivered alongside substantial infrastructure investment under the current system. The introduction of mechanisms such as the five year housing land supply test and the presumption in favour of sustainable development have not worked to resolve focused issues of delivery in a few areas, but have instead acted to obstruct proactive, plan-led developments through undermining public confidence in the planning system.

The real block to delivery is the development industries' appetite to build at a level which will affect house prices and their profit margins. Nor will issuing an excess of planning permissions address developer delivery strategies as they will manage construction rates to maintain price and profit margins. Simply put the developer retains control over their market. The government make no substantive proposals to unblock this real issue through incentives or penalties, and instead once again simply looks for more land in the hope that someone will build which is a manifestly ineffective strategy for the reasons stated above. All that this strategy will accomplish is to further undermine public confidence in the planning system.

Wokingham Borough Council strongly believe the government should address the real issues, and not remove reasoned, positive planning judgements and democracy.

The primary focus of our response is set out below:

- Whilst accepting that successive changes to the planning system have brought unnecessary complexity, and that stripping away unnecessary complexity would be beneficial, the government should recognise that this complexity has been largely of its own making and a wish to circumvent local authorities and to permit housing on more land than is needed to meet commitments. The government should allow local authorities the space to implement development, supporting them to overcome barriers.

- Proactive and positive local authorities, such as Wokingham Borough, have shown that high quality developments of a strategic scale can be planned for, funded and delivered alongside substantial infrastructure investment under the current system.
- Overall, whilst not averse to well considered change to the planning system in principle, Wokingham Borough Council finds the proposals confusing and difficult to imagine how they would work in practice. The various routes to gain planning permission suggest that certainty of what development occurs will not be achieved.
- There should clearly be a great emphasis on achieving the timely build-out of developments once granted. Wokingham Borough Council is extremely disappointed that the government has proposed no real tangible proposals to achieve this. This is a major omission of the White Paper.
- We request that the government must move away from the mantra of issuing excess permissions and affordability and recognise that the real block to delivery is the development industries appetite to build at a level which will affect house prices rises and their profit margins.
- The approach of the standard method and the proposed adjustment for constraints does not provide a sound strategic approach or fails to provide any true policy for example the proposals provide no reference to or the consideration of the 'Levelling up' agenda which if not delivered on runs contrary to the government's stated aims.
- We request that government scrap the approach of a standard method and instead introduce an alternative approach which takes into account a range of factors to establish a robust housing requirement in consultation and engagement with local authorities. Factors should include demography and affordability but also other factors such as infrastructure investment, environmental impacts, deprivation and proportionality. Household projections and affordability should not be applied without judgement being exercised. The outcome should remain in place for a period of time, and not be amended on an annual basis to enable a genuinely plan-led system.
- There needs to be a greater explanation as to how this categorisation of land will work, including how matters such as the transition between areas is to be managed. Further work is also required as to how the delivery of strategic scale developments can be achieved under the proposed system, given the need for clear masterplanning, dialogue and collaboration over time, and changing priorities.
- Wokingham Borough Council supports efforts to improve engagement at the plan-making stage, but is concerned that the government estimates the challenge of achieving this in a meaningful way, which enables a reduction in engagement in the development management stage. Our experience is that residents respond best to a tangible development proposals.
- Whilst Wokingham Borough Council can see the rationale for a clear and consistent national standard set of policies on certain generic matters faced by all development across England, such as nationally described space standards, pollution etc., it is impossible to see how this approach can be applied to cover the full range of matters required to reflect the complexity of places, different needs and challenges found locally.

- If national development management policies are to be set, the process for putting them in place needs to be improved. Local planning policies have to go through a rigorous process including consultation, sustainability appraisal (or equivalent) and public examination.
- Wokingham Borough Council is concerned that the proposals tie the hands of ambitious local authorities' response to the climate change challenge.
- Wokingham Borough Council does not believe a case has been established which justifies the replacement of the current CIL/S106 system with a single Infrastructure Levy. It is our view a nationally set levy will simply not meet the costs of infrastructure associated with development for all local authorities, and may reduce the amount of affordable housing delivered. Mechanisms are required to deal with non-financial obligations of developments.

## Pillar 1: Planning for development

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

1. Circumvented.
2. Undermined.
3. Capable.

Q2(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]

Q2(a)

Yes.

Q2(b)

Not applicable.

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]

Wokingham Borough Council publicises opportunities to engage in the local plan process in a range of ways including: local newspapers, household newsletters, online via the council's website and via social media (Twitter, Facebook etc.). In addition individuals and organisations have the opportunity to register to receive direct updates including consultations.

It is Wokingham Borough's experience that an increasing number of individuals pick up news via social media, however there remains a need to inform people who do not use social media or read local newspapers.

The increased use of online platforms to engage on planning matters is welcomed, however it must be accepted that many people are not comfortable using this medium and that more traditional method will continue to play a key role in describing potential change.

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]

1. Other – High quality managed and mitigated growth/change in balance with the environment, biodiversity and action on climate change.
2. Other – Managing traffic congestion.
3. More or better local infrastructure.

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.]

No.

Proactive and positive local authorities, such as Wokingham Borough, have shown that high quality developments of a strategic scale can be planned for, funded and delivered alongside substantial infrastructure investment under the current system.

Whilst Wokingham Borough Council accept that successive changes to the planning system have brought unnecessary complexity, and that stripping away unnecessary complexity would be beneficial, the government should recognise that this complexity has been largely of its own making and a wish to circumvent local authorities and to permit housing on more land than is needed to meet commitments. The introduction of mechanisms such as the five year housing land supply test and the presumption in favour of sustainable development have not worked to resolve focused issues of delivery in a few areas, but have instead acted to obstruct proactive, plan-led developments through undermining public confidence in the planning system and democratically elected councillors and Members of Parliament.

The need for the reform of the nature proposed in the White Paper has not been established. The focus of government should be to positively assist local authorities where required, and to provide all local authorities with the space and consistency to enable a truly plan-led decisions and delivery.

The real block to delivery of housing, which is the drive behind the fundamental reforms, is the development industries' appetite to build at a level which will affect house prices and their profit margins. The government's past promises of efforts to tackle factors such as slow build-out rates or the dominance of the large housebuilders over the market have come to very little.

The government continues to make no substantive proposals to unblock this real issue through incentives or penalties, and instead once again simply looks for the planning system to provide more land in the hope that someone will build which is a manifestly ineffective strategy.

The existing planning system delivers land for homes and permissions. The proposed fundamental changes will not resolve this.

The white paper proposes that all land is placed into one of three categories (growth, renewal, protection). Whilst there is no shortage of analysis of zonal planning systems practices in other countries, the White Paper provides no analysis of their merits and how the government proposals have been formed. Instead, a bespoke system is proposed.

No information is offered as to the government's expectation at which the scale of categorisation will operate. It is essential that categorisation is capable at a level which allows rules and standards to reflect the differences between places, and indeed different areas within a place. This is not necessarily straightforward with the varied nature of city, towns and some villages leading to complexity of character. It is likely that towns will require many different 'renewal' categories, covering town and other centres, areas of different suburban character, and business locations. It is also likely that within a single town centres destination that suitability of building height and density will vary with proximity and possibly within the same development site.

There needs to be a greater explanation as to how this categorisation will work, including how matters such as the transition between areas is to be managed.

Further guidance will be required to clarify what constitutes substantial development for the purpose of designating growth areas, in particular whether there is any distinction between what is considered substantial development in urban compared to rural areas. Is it Government's intention to allow the definition of substantial development to be set at a local level?

There is also the potential for some confusion over the renewal areas as the term implies this would be largely focused around densifying/infilling existing urban areas; but in rural authority areas could also constitute small sites within or on the edge of villages, which could form a significant part of any growth strategy.

Equally, further guidance will be required clarifying what controls can be applied to the zones to ensure the appropriate type and mix of development comes forward and guard against incompatible uses. Particularly for the growth zones, as it is assumed that the principle is acceptable for all types of development. It would therefore be beneficial if there was the flexibility to restrict certain growth zones (or parts thereof) to specific uses. For example, a growth zone off the strategic road network may be highly suitable for industrial or logistics uses, but a wholly inappropriate location for residential development. Therefore, there should be flexibility to designate the type of development that is acceptable in growth zones to ensure that the right development is taking place in the right location.

The current local plan system can, and does, reflect these vital differences through allowing judgement to be exercised. It is less clear how these matters can effectively be addressed within a more standard and rule based approach without becoming unduly complex.

The White Paper proposals to restrict local plan development management policies to purely site specific requirements amounts to a wholesale centralisation of much of planning policy. Whilst Wokingham Borough Council can see the rationale for a clear and consistent national standard set of policies on certain generic matters faced by all development across England, such as nationally described space standards, pollution etc., it is impossible to see how this approach can be applied to cover the full range of matters required to reflect the complexity of places, different needs and challenges found locally, let alone across the country. Put simply, restricting the ability of local plans

to address local challenges, priorities and differences will lead to reduction in the quality of outcomes. The reality is that the places are different and their needs vary.

If local authorities are restricted in responding to local matters, the impact of the proposed approach will also be to democratic accountability with opportunities for the public to make their voices heard reduced. The success or otherwise will be entirely reliant on the ability of national and local codes and pattern books to reflect all the considerations necessary to create healthy, sustainable places.

Finally, it is unclear how minerals and waste planning will operate within this the proposed local plan system with the White Paper quiet on this matter. Would a preferred location for minerals extraction fit within the 'growth' category?

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.]

No.

The White Paper proposals to restrict local plan development management policies to purely site specific requirements amounts to a wholesale centralisation of much of planning policy.

Whilst Wokingham Borough Council can see the rationale for a clear and consistent national standard set of policies on certain generic matters faced by all development across England, such as nationally described space standards, pollution etc., it is impossible to see how this approach can be applied to cover the full range of matters required to reflect the complexity of places and the different needs and challenges found locally, let alone across the country. Put simply, restricting the ability of local plans to address local challenges, priorities and differences will lead to a reduction in the quality of outcomes. The reality is that the places are different and their needs vary.

As highlighted previously if local authorities are restricted in responding to local matters then there will be an impact will on democratic accountability with opportunities for the public to make their voices heard reduced. The success of outcome will be entirely reliant on the ability of national and local codes and pattern books to reflect all the considerations necessary to create healthy, sustainable places.

In addition, the tendency for governments to continually change the national planning policy and guidance means that it is highly unlikely that there will be any consistency. It is also fair to say that national leadership on some matters, for instance climate change, has been considerably behind some local authorities, and a reliance on purely national level development management policies may well mean a reluctance to meet key challenges.

If national development management policies are to be set, the process for putting them in place needs to be improved. Local planning policies have to go through a rigorous process including consultation, sustainability appraisal (or equivalent) and public examination. This means that they

can be given considerable weight at determination. National planning policy goes through a much lighter-touch process, and one of the consequences of this is that it can change much more frequently. A process would be required which ensures that policies are appropriately tested. There does not appear to be any suggestion in the consultation that such a process will be in place.

We strongly adhere to the principle that national policy should not prevent local authorities from varying from national policy if it can be justified by evidence. Wokingham Borough Council for instances has long sought proportional contributions towards affordable housing from developments of five or more dwellings. Whilst this a deviation from national planning policy, evidence justifying the approach was put forward, tested and found sound by a Planning Inspector.

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

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

[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?

#### Q7(a)

No.

The White Paper provides no information on what any replacement test might be. Further details are required before a judgement can be formed.

#### Q7(b)

The White Paper provides no information on what any replacement for the Duty to Cooperate might be. Further details are required before a judgement can be formed.

Notwithstanding, Wokingham Borough Council agrees that the Duty to Cooperate is ineffective, in that it fails to provide a positive framework in which to discuss where development should go. Some means of democratic cross-boundary decision making needs to be established.

Whatever mechanism is proposed, it is essential that it is effective and establishes an objective forum for discussion and agreement early in the local plan process. The risk of demonstrating cooperation cannot be left to the examination of individual local plans.

There are parallels here with level of housing development. The current system leaves a decision to the end examination process. Early agreement on key requirements in a local plan at the initial stages, locking in key parameters, would enable detailed matters to be progress on a firm basis, reducing risk and expense.



Wokingham Borough Council would encourage the government to consider the scale at which strategic cooperation should occur. The planning system in the past has utilised county geography, sub-regions and functional geography such as housing market areas. If a geographical approach is take forward, consideration should be given to independent chairmanship.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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

[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.]

#### Q8(a)

No.

The apportionment of a national house building target across England, and the subsequent preparation of local plans to enable land at a local level, could be seen as a de facto requirement for the planning system. The approach of the standard method and the proposed adjustment for constraints does not provide a sound strategic approach or fails to provide any true policy for example the proposals provide no reference to or the consideration of the 'Levelling up' agenda which if not delivered on runs contrary to the government's stated aims.

Wokingham Borough Council submitted a detailed response regarding the standard method to the government consultation 'Changes to the current planning system' (MHCLG, August 2020). The council's response is attached in full to this response but in summary, the use of standard method is flawed. The approach fails to address the question 'where should housing go?' and is based on the presumption that market-led housebuilding will address affordability issues and that household projections provide a sound basis for considering local housing need. Evidence clearly demonstrates that nether aspect is sound.

The government must move away from their current mantra and consider real and workable ways to address the need for homes. This means recognising that the development industry have no duty to build and that they act rationally in the interests of their shareholders. Developers will not build less expensive housing where this harms profits; nor will they accelerate delivery for the same reason. This is evidenced by the number of unimplemented permissions. The government should focus on supporting local authorities and other agencies to deliver innovative housing products.

In addition the government should recognise the volatility of household projections at a local authority level. This volatility leads to outcomes which quite simply don't make sense.

We request that government scrap the approach of a standard method and instead introduce an alternative approach which takes into account a range of factors to establish a robust housing requirement in consultation and engagement with local authorities. Factors should include demography and affordability but also other factors such as infrastructure investment, environmental impacts, deprivation and proportionality. Household projections and affordability should not be applied without judgement being exercised. The outcome should remain in place for a period of time, and not be amended on an annual basis to enable a genuinely plan-led system.

The current system leaves confirmation of key decisions to the end examination process. Early agreement on key requirements in a local plan at the initial stages, locking in key parameters, would enable detailed matters to be progressed on a firm basis, reducing risk and expense.

With regards to constraints, there is no way for these to be accurately assessed at the national level for each local authority. Whilst it may be possible to use broad definitions such as Green Belt, AONB and designated wildlife sites in part, it is not possible to assume that these will accurately reflect opportunity of supply. The only way to reliably assess brownfield and capacity is a site-by-site analysis taking account of the unique circumstances of each site. This cannot be done at a national level.

If a list of constraints is taken forward, it would also be essential to ensure that all constraints that inhibit development are included. Wokingham Borough is impacted by the emergency planning requirements around the nearby AWE Burghfield facility. Emergency planning zones around this facility are defined as 3.16km and 12km. This area would need to be taken into account as it practically limits what is achievable locally.

#### Q8(b)

No.

The government's premise is that affordability is a direct outcome of the under supply of housing and that market-led housebuilding will address the affordability issue. Evidence clearly demonstrates that it won't.

Wokingham Borough Council strongly objects to the government's approach to calculating housing need and how that need should be distributed. The weight being applied to affordability is flawed. The council set out detailed objection to focus on affordability is set out in our response to the government consultation 'Changes to the current planning system' (MHCLG, August 2020).

In summary, affordability is a relevant matter when considering housing need and distribution, but any interpretation must be carefully balanced by other factors.

HM Land Registry data shows that greater levels of house building have not acted to stabilise or reduce house prices. Indeed at the statistical level, significant new building can lead to a higher average house sales price.

The government must move away from their current mantra and consider real and workable ways to address the need for homes. This means recognising that the development industry have no duty to

build and that they act rationally in the interests of their shareholders. Developers will not build less expensive housing where this harms profits; nor will they accelerate delivery for the same reason. This is evidenced by the number of unimplemented permissions. The government should focus on supporting local authorities and other agencies to deliver innovative housing products. Since 1979, regardless of the volume of planning permissions, developers have been producing broadly similar supply. There is little evidence that increasing land supply increases the number of private sector completions.

The extent of existing urban areas is not a good indicator of the quantity of development to be accommodated. Whilst we accept that the extent of urban area might inform the potential for infill development, no two places will be the same. Some towns will have significant potential for renewal, others will not. Opportunity can only accurately be assessed by the local authority, who is best placed to consider the character and nature of land, and potential for development.

Wokingham Borough Council requests that government scrap the approach of a standard method and instead introduce an alternative approach which takes into account a range of factors to establish a robust housing requirement in consultation and engagement with local authorities. Factors should include demography and affordability but also take into account other such as infrastructure investment, environmental impacts, deprivation and proportionality. Household projections and affordability, and any consideration of constraints, should not be applied without judgement being exercised. The consideration of housing cannot and should not be reduced to an algorithm.

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.

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

[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.]

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.]

Q9(a)

No.

'Growth areas' would see permission given 'automatically' at the plan stage, so that development would have planning permission subject to compliance with national and, where they exist, locally

prepared design codes and pattern books. The White Paper is unclear about how the details of submissions would be checked for compliance with these codes before development takes place. Proposal 5 suggests three radically different routes for final consent: a 'reformed' reserved-matters stage, a Local Development Order (LDO), and the use of the national infrastructure planning regime.

Wokingham Borough Council is not opposed to the notion that the principle for development should be established at the local plan level, this is effectively what the local plan establishes already. However we do not agree that formal permission should be granted at this stage, as this will rely on detailed impacts (including environmental or similar assessment) which will not have been assessed at this stage.

Under the current system the outline planning stage is vitally important in establishing the environmental impacts and infrastructure capacity of a site and any necessary mitigation. Much of the evidence to support this is collected and presented by the developer in a manner that would be difficult to achieve in the local plan process; particularly in the time allocated. The White Paper sets out the government's aim to provide a shortened 12-month timescale for both selecting and setting infrastructure requirements for growth zones. Such a short timescale is unlikely to allow for all matters such as highways mitigation schemes, biodiversity offsetting, health infrastructure and on-site education provision to be fully confirmed for each growth zone/site. Equally, it is highly unusual for developers to proactively agree all such matters with the necessary infrastructure providers at the point of making their initial site suggestion.

The need for a masterplan to be in place prior to submission of the detailed application is noted, but if these are to follow on from the local plan (which is probable, as the 30-month timescale for local plan production is unlikely to give sufficient time to prepare a range of appropriate masterplans) it would need to be an established principle that authorities can refuse the detailed permission if such a masterplan does not exist.

Given the potential for site specific impacts and requirements to remain unclear at the adoption of a local plan it is vital that any reformed development management process allows for local authority control on environmental and infrastructure implications. This will mean that any areas allocated for growth should be subject to greater control at what would be the reserved matters stage in the current system. If indicative dwelling number or floorspace are expressed as minimums in local plans, as is currently the case, then this compounds the issue on not fully understanding the precise infrastructure requirements and environmental impacts at the point of adoption.

#### Q9(b)

No.

Overall, whilst not averse to well considered change to the planning system in principle, Wokingham Borough Council finds the proposals confusing and difficult to imagine how they would work in practice. The various routes to gain planning permission suggest that certainty of what development occurs will not be achieved.

'Renewal areas' would feature a complex myriad of permitted development, permission in principle, and the ability to apply for planning permission for any scale of development in the traditional way. For some forms of development, design codes and pattern books would determine the outcome of 'gentle densification'.

The statutory presumption in favour of local plan-compliant development is proposed in 'renewal' areas. The text in the White Paper refers to this being development that complies with the local plan description and NPPF. No mention of local design codes is made or neighbourhood plans. The proposals also seem to set up a dual system, whereby a developer could choose to exercise permitted development rights via a national pattern book approach, or to make an application for local plan-compliant development.

Although it is appreciated that local authorities can seek to modify (not replace) the pattern book, the starting point appears to be that developers can ignore the local plan and instead go down a pattern book route. Much of the development that takes place in renewal areas would therefore be development over which the local authority has no ability to manage. We strongly disagree that this is an appropriate approach. A genuinely plan-led system with a strong emphasis on local design preferences would not contain these potentially wide-ranging permitted development rights.

In 'Protected areas' the traditional development management process would apply. In so far as policy would need to be applied to development management decisions it would be set out nationally in a set of development management policies. These areas would not be protected in the literal sense, because anyone could apply for planning permission for any scale of development. Nor would the current planning system simply apply, since decisions would be based on nationally described development management policies. Outcomes for communities would depend entirely on the quality of those policies. Since the White Paper gives no sense of the scope or content of these national policies, it is not possible to form a judgement on their merit.

Finally, the proposal states that the 'protection' areas can include back gardens. Clarification is required as to what is intended. Does this cover individual gardens, or areas where gardens are a key attribute of character? If the former, it does not seem practical to categorise every garden. This would not only be resource intensive but would potentially lead to much discussion of individual gardens at examination stage, which cannot be a good use of time.

As raised in response to Q8(a), Wokingham Borough is impacted by the emergency planning requirements around the nearby AWE Burghfield facility. Emergency planning zones around this facility are defined as 3.16km and 12km. Clarification is required on whether emergency planning zones would form a protected area.

#### Q9(c)

No.

The Nationally Significant Infrastructure Projects process removes all local democratic accountability from the process, and using it to determine proposals for new settlements would amount to a huge centralisation of planning government, as the Secretary of State would be the decision-maker. We would query the ability of the Minister to exercise both legislative and executive powers in this context.

New settlements are not nationally significant in the same way as vital infrastructure projects are, where there are often limited options for how that infrastructure can be delivered and where it benefits a much wider area than the local authority or even the region.

If further consideration is given to this options, the scale of any proposed new settlement would have to be exceptional. It would be wholly wrong for government to consider developments of a

nature ordinarily delivered through local plans. It is assumed that if this option were to be made available a new National Policy Statement on New Settlements would be required. A key element of that would be that the proposal is supported locally. There is also an issue that the Nationally Significant Infrastructure Projects process is possibly more confusing and difficult to engage with for the general public.

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

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

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

Not sure.

Whilst Wokingham Borough Council is not opposed to some of the modernisation of procedures, the thrust of the reforms is to place speed of decision-making above achieving sustainable, quality planning outcomes for local communities.

We would welcome proposals to drive shorter and better presentation of the key data and technological solutions to improve validation timescales. Clarity is however required on how this can be achieved so that any reduction in the amount of information required still ensures that enough information is available to allow the proper assessment of the issues raised by a development proposal and to demonstrate a clear, transparent, defensible and high quality decision. Certainly, we support removing repetition and the unnecessary repetition of national policy which can be taken as read. Such a change could easily be introduced within the current planning system framework. It is difficult to see how the consideration of impacts can be standardised. There would also need to be scope to accepting that some evidence will be technical, e.g. air quality assessment.

With regards to proposals relating to technological solutions, there is a clear need to ensure that systems are in place and work before legislation is amended.

Wokingham Borough Council strongly objects to the suggestion of making time periods mandatory and placing sanctions on the local authority if they are not met, with planning fees having to be returned and consent automatically granted (deemed consent).

Difficulties in determining applications within timescales are often not the fault of local authorities but relate to getting input from statutory consultees or are because the applicant has not provided adequate information. Where resourcing within a local authority is a factor, returning fees would only make matters worse, rather than assist.

In terms of deemed consents, allowing poor quality developments simply because applications were not determined in time punishes a whole community over the long term and may cause severe environmental impacts simply because of a procedural issue. This would be a wildly disproportionate sanction.

We strongly believe that the need to make a decision within a specific timeframe and the introduction of deemed permission is likely to be counter-productive. Indeed there is no evidence that such a step is even required with the government's own statistics showing that around 90% of

major applications were determined within 13 weeks or a period agreed with the applicant. The proposals would discourage positive dialogue to address issues or achieve improvement, with a focus solely on reaching a decision. This approach could also encourage game playing by developers in the hope that timescales would be exceeded. Overall it is likely to slow the development process.

In addition, we fundamentally disagree with any suggestion that local authorities should have to refund the application fees for developments when an appeal is allowed. This would only exacerbate any financial incentive to appeal a decision, and would create a climate in which local authorities cannot refuse an application without certainty that an appeal would be dismissed. Such certainty is rarely possible, as Planning Inspectors' decisions are not always predictable, and can be inconsistent. It is notable that there is no parity in the proposal with no suggestion that a developer should compensate local authorities where their appeal has failed, even when that plan is at significant odds with the development plan. Given that the complexity of the environment and the fit of a new development with it are a balance of issues, many planning decisions will be 'on balance', an approach enabled under the proposals as an alternative to adopted categorisation and coding is possible. Therefore a punitive system which deters decision makers from making quality decisions results in an entirely unacceptable bias towards growth over environment.

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

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

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

No.

Wokingham Borough Council is concerned with the proposal to standardise local plans through a singular template and data risks undermining the ability of a local plan to be locally relevant. Whilst some standardisation might be achievable, a one size fits all approach to local plans is unlikely to be able to appropriately reflect the varied nature of the geography, economics and environment across England.

Additional information is required to understand what is meant by 'more limited information' that will be expected to support sustainable local plans.

Wokingham Borough Council is supportive of the principle of plans being visual, web-based and accessible from all devices, however it is essential that consideration is given to those who are unable or will experience difficulties in this way.

Improvements in accessibility will also only be realised if functioning software can be rolled out to achieve this. We would be concerned if government were to roll out this expectation before suitable software is in place.

In terms of being purely map-based, in practice this will be difficult to achieve, even if development management policies are set out at the national level. The White Paper talks about the potential for design codes to be part of the local plan, and there will be a need to set out parameters for what development is identified for growth and renewal areas. An accompanying document will always be necessary, even if it is slimmed down.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

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

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

No.

The planning system must operate in the public interest and should be both democratically accountable and genuinely participative. Democratic planning is central to achieving quality place making and to help shape a fair and sustainable future for everyone.

It is striking that this section of the White Paper starts by stating that ‘under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission’. It doesn’t. The information presented here is highly selective, referring to only 15 sites considered by the Letwin Review in 2018. Of the 15 sites, the smallest proposed 1,187 dwellings, the largest 15,737 dwellings.

Put simply, the timeframe is not representative, referring to only a select number of sites. It is no surprise that large, strategic sites take longer to get planning permission. The reality is that most planning applications are dealt with much quicker. The government’s own statistics show that around 90% of major applications were determined within 13 weeks or a period agreed with the applicant.

The only way a 30-month timetable is achievable for the majority of local authorities is by significantly reducing opportunities for communities to be involved in the plan making process, which flies in the face of genuinely participative plan-making. This is demonstrated by the proposed process, which has two stages at which the community are involved:

- Stage 1, where there is a call for ideas, and
- Stage 3, after the plan has been submitted.

This means that there is no stage at which the local authority publishes a draft plan and is then able to respond to the consultation, because at this point the plan has already been submitted for examination. Opportunities for the public to make their voices heard are proposed to be removed at the planning application stage, due ostensibly to the front-loading of involvement at the plan-making stage – yet, in actual fact, opportunities for involvement are also proposed to be removed at plan-making stage.

Even with the restricted consultation process proposed, a 30-month timescale would be challenging enough for most local authorities. Wokingham Borough has in the past received thousands of comments from residents and the development industry. Simply reading and considering those representations is a hugely time-consuming process, and trying to fit this into a very short timeframe will mean needing a huge investment in temporary resources to deal with them. Technology on its own will not be a substitute. Even if technology allows for quick analysis of a standard



questionnaire, in practice residents and other consultees want to make comments that do not necessarily fit into standard questions, and if they are denied that opportunity this will certainly not help to engage and empower communities. It is our experience that residents are less likely to engage when the form of their response is restricted.

Additionally, issues can arise through the plan-making process which were not foreseeable and are no fault of the local authority. Wokingham Borough Council consulted on a Draft Local Plan in February-April 2020. The Draft Local Plan proposed the creation of a garden town at Grazeley based on excellent sustainability principles. During the consultation, the government rejected the council's joint bid to the Housing Infrastructure Fund in spite of clear encouragement for the project. Additionally, a review of emergency planning has led to the expansion of the Urgent Response Area around AWE Burghfield so that it now incorporates the proposed area of the garden town. Both these issues require clarifications to be sought before the local plan process can proceed.

Other constraints on achieving a plan within a 30 month timescale will be the capacity of the Planning Inspectorate. The consultation notes the delays with the Inspectorate as needing to be addressed, but does not include any proposals for doing so. It is not realistic to expect the other proposed changes in the planning system to free up Inspectors from planning appeals processes.

Finally with regard to speed, it is worth noting that one of the biggest reasons that there is a delay in plan-making is because of continual changes by government. Plans reach advanced stages of preparation, yet policy or legislation at national level changes and authorities need to redraft their plans or review their evidence base, or wait to see whether changes that have been mooted in white papers, ministerial announcements or, as recently, opinion pieces in national newspapers will be followed through, and how. In addition, the requirement of looking at least 15 years ahead from the data of adoption with a high level of certainty raises the complexity and cost of evidence base, as well as requiring significant engagement with land promoters of strategic scale sites. This considerable uncertainty is never recognised in documents such as the White Paper as being part of the problem, but it should be, as it works in direct opposition to swift plan-making, and is the biggest contributor to plans being out of date as soon as they are adopted.

Turning to process, it is disappointing that the government see the planning process as continuing to rely on the promotion of land. Wokingham Borough Council would like to see the government consider powers to enable local authorities to compulsory purchase land so that objective decisions can be made about what is the most sustainable strategy rather than having to select a compromise by only being able to consider what is available.

By placing local authorities at the centre of development decisions, commercial speculation would not undermine decisions and unduly influence land prices. Local authorities could coordinate infrastructure provision and sell parcels of land to developers, returning their focus to housebuilding rather than development speculators. Developers would have a need to build to achieve profit, with delivery being de-risked.

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

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

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

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?

Q13(a)

Yes

Wokingham Borough Council supports the retention of neighbourhood plans but it is unclear how they fit into the revised system and how they can add value to the planning decisions.

The current planning system is a product of the reforms that this government has applied to the system over the last decade. That reform process was initiated on the basis that planning was too 'top down' and not sensitive enough to local needs. Neighbourhood planning was the flagship response to that concern and has been heavily promoted by government. However, it is unclear how Neighbourhood Plans would fit into the new three-zone system

The White Paper does state that the government 'thinks' such plans should be retained, but there is a lack of clarity about the scope and power of such plans in decision-making. The degree to which neighbourhood planning has a meaningful role will depend on which zone one happens to live in, but with national design codes and centralised development management policy there appears to be little or no logical role for Neighbourhood Plans beyond contributing to local design guides. The risk is that neighbourhood plans will exist but with no bearing on the development that actually takes place.

Clarification on the status and scope of neighbourhood plans is a vital pre-condition for the reform process.

Q13(b)

As set out in our answer to Q13(a), if there is no clear role for neighbourhood planning in the new system, there would be no purpose in reflecting community preferences, and doing so will only increase mistrust.

Proposal 10: A stronger emphasis on build out through planning

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.]

Yes.

There should clearly be a great emphasis on achieving the timely build-out of developments once granted. Wokingham Borough Council is extremely disappointed that the government has proposed no real tangible proposals to achieve this. This is a major omission of the White Paper.

To achieve timely build-out, the government must move away from their misguided approach to simply enable more land to be granted permission. Simply looking for more land in the hope that someone will build which is a manifestly ineffective strategy and will fail.

The real block to delivery is the development industries' appetite to build at a level which will affect house prices and their profit margins. Issuing an excess of planning permissions will not alter a developers delivery strategies as they will manage construction rates to maintain price and profit margins. Simply put the developer retains control over their market.

The government must recognise that the development industry have no duty to build and that they act rationally in the interests of their shareholders. Developers will not build less expensive housing where this harms profits; nor will they accelerate delivery for the same reason. This is evidenced by the number of unimplemented permissions.

The government should focus on supporting local authorities and other agencies to deliver innovative housing products.

Since 1979, regardless of the volume of planning permissions, developers have been producing broadly similar supply. There is little evidence that increasing land supply increases the number of private sector completions.

Other actions that would incentivise delivery might include:

- Financial penalties such as charging Council Tax or Business Rates on the number of potential homes or commercial space if the landowner or developer does not bring the site forward.
- Allowing compulsory purchase of land at agricultural land value or pre-scheme value where Development has not come forward or is delivered at a slow rate.
- Upfront payment of a percentage of the proposed Infrastructure Levy.
- Requiring a proportion of large sites to be sold to other housebuilders (not a subsidiary of the original).

The actions put forward in the White Paper will not, on their own, lead to any increase in housing delivery. It is not a broken planning system, but a broken housing market.

## Pillar 2: planning for beautiful and sustainable places

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]

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]

### Q15

Other.

Beauty is a noble cause, it is in the eye of the beholder, it is not possible to generalise about the design of development in this manner. Quality differs between developments and is particularly influenced by the stakeholder engagement and judgement process through which permission is achieved. It is certainly worth stating that some of the poorest development that has taken place has come through the permitted development route with offices changing to residential.

To help inform continuous learning and improvement, Wokingham Borough Council undertakes an annual survey of new residents of our strategic development locations – the New Homes Survey.

This consistently shows that 80%-90% of respondents are satisfied or very satisfied with their home. The largest response for how their home could have been improved related to after care and snagging by the developer. The highest scoring element that residents likes was the design/layout, location, space and surroundings.

Our New Homes Survey shows that quality can be achieved through the current planning system provided the time and space is provided to allow a local authority to work in collaboration with developers to achieve quality. By-passing the plan-led system has been shown to reduce quality, and in some instances lead to very poor developments

### Q16

Wokingham Borough Councils sustainability priority is tackling and adapting to the climate emergency.

Wokingham Borough Council declared a climate emergency on 18 July 2019, committing to playing as full role as possible in achieving a carbon neutral borough by 2030. A corporate strategy and action plan has been prepared to set out recommendations.

All of the items specified in the question are a bare minimum requirement in achieving this priority, as is much more, such as dealing with flood risk and extreme weather events, protecting and

enhancing biodiversity, promoting renewable and decentralised energy and reducing waste. These priorities cannot be divorced from one another and action for which must be taken before 2050.

In this respect we are concerned that the White Paper proposals may tie the hands of ambitious local authorities. Our Draft Local Plan contained the clear policy intent to substantially improve the carbon performance of new development, with major residential developments expected to be carbon neutral through their direct operation or with the assistance of carbon off-setting. This mirrors the ambitions of Reading Borough Council (RBC) which neighbours Wokingham Borough. RBC's proposals were examined and adopted.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

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

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

Not sure.

It is unlikely that the government's noble ambition to achieve beauty could derive from a list of rules and guidance alone. Design guides and codes can be very useful, and the principle of wider use of them is reasonable and to be supported. However, the increased use of local design guides and codes is highly dependent on sufficient resources in terms of time, money and skills being available. This will need to be addressed within the resourcing strategy mentioned in the White Paper, and an assumption that resources currently directed to development management can be reallocated to design guides will not be sufficient.

The success of design codes will also depend on how the development industry react to the definition of greater standards and the governments defence. In the case of the Sherford urban extension, a grouping of Bovis Homes and Linden Homes (now combined as Vistry) and Taylor Wimpey publicly fell out with the council and the Prince's Foundation which had drawn up a design code with the community. The group indicated they would go slow, undermining the council's ability to demonstrate a five year supply of deliverable sites. The outcome was that the council was forced to water down the design code, contrary to the community's wishes.

The White Paper also proposes that design guides should only be given weight where it can be demonstrated that local input has been secured. There will need to be further guidance to substantiate what this means, and how it is to be demonstrated. The level of engagement in planning can carry considerably from place to place. Whilst Wokingham Borough Council is supportive of mechanisms seeking to improve engagement, it is important that communities which choose not to engage, do not see poorer design outcomes.

Practically, Wokingham Borough Council would encourage the government to allow design codes to be established through supplementary planning documents. This ensures against the plan process becoming overburdened, which works against the intentions of the White Paper. It also enable the more efficient establishment and review of design codes

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

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

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

Unsure.

Wokingham Borough Council is unsure whether the establishment of a new body would help to address the skills and resourcing issues that local authorities are likely to face. The specific remit of such a body would need to be defined before we could comment further.

It is also important for the government to acknowledge that design skills within the development industry also need to improve, and there be a greater acceptance of flexibility in product.

A lead officer for design already exists in many local authorities. Making this role statutory may assist in reinforcing the importance of design and place making. The appointment of a chief officer for design and place making will need to be addressed within the resourcing strategy mentioned in the White Paper, and an assumption that resources currently directed to development management can be reallocated to design guides will not be sufficient.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

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

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

Yes.

Placing a further emphasis on design would be welcome, as long as Homes England is adequately resourced to deliver it. It is also essential that beauty include consideration of function, purpose and movement, not just appearance.

It is noted that the current mission statement for Homes England already refers to "... promote better quality design and higher quality homes."

It will be essential that Homes England and government departments understand the wish of local authorities to achieve sustainable outcomes from day one. The current focus on viability and market failure misses the purpose of early investment to infrastructure to engrain behaviour from day one

of a project. The development industry and local authorities are not capable of servicing such high levels of risk without government assistance and intervention.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

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

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

No.

The fast-track to beauty is a misleading concept. A fast-track route for development that complies with the plan and a design code does not equate to beauty, however good that design code is. Beauty is a hugely subjective term, and rushing it or trusting it to a set of rules would indeed be 'loves labour lost'. The more prescriptive a design code is to try to achieve this intangible 'beauty', the more likely it is to restrict truly innovative design and architecture that might actually deliver what many consider to be beautiful developments. Developers and local authorities are likely to prefer the traditional process of dialogue and judgement. Aesthetic quality is not by any means the sole determinant of a successful development.

Government policy is already that development proposals that comply with the development plan should be approved without delay. In our experience this is what happens.

The fast track to beauty concept also betrays a lack of understanding of local opposition to development. The aesthetic quality of development is rarely the main reason that local residents object. Strain on infrastructure is much more significant, as are noise and disturbance and environmental impacts. However 'beautiful' a development is, if it places an unacceptable burden on roads and schools, residents will object, and it is not clear that the infrastructure proposals in this White Paper will do anything to resolve that. Planning is about much more than agreeing with the aesthetic design of a development, it is equally about how a place functions including how people will move about, but the proposal does not make clear how all of the other issues that need to be considered will be resolved.

Wokingham Borough Council is not opposed to an increasing emphasis on local design codes, and would actively welcome any change which will genuinely allow local areas to reject poor design. However, it is not clear how local authorities will be resourced to create these design codes (in terms of time and staffing, but also in terms of skills), as there will inevitably be great variation in these codes even within local areas.

The White Paper proposes that permitted development rights should be rolled out to 'popular and replicable' forms of development, using a pattern book approach. This will inevitably lead to the increasing standardisation of development across England, and result in an accelerated decline in local distinctiveness. As such it is likely to actively work against achieving 'beautiful' development. Such a proposal will also hugely benefit the large housebuilders that already dominate the market, who will tailor their standard products to these national pattern books and roll them out at scale across the country. The proposal that local areas can define elements such as materials might help

achieve some level of local distinctiveness (where there are locally-distinctive materials in the first place), but this will only be skin-deep.

We are also generally concerned that permitted development rights are being proposed to be further expanded even within the context of a planning system with much reduced local oversight. Wokingham Borough Council objects to the expansion of permitted development rights. The focus should be on delivering quality, and studies have shown that this is not achieved by following this route. If the system is designed properly, there should be no need for further deregulation via permitted development.

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.

It is noted that the consultation asked no question regarding this proposal.

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.

It is noted that the consultation asked no question regarding this proposal.

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

It is noted that the consultation asked no question regarding this proposal.

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.

It is noted that the consultation asked no question regarding this proposal.



## Pillar 3: planning for infrastructure and connected places

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 delivery of high quality development with travel infrastructure, local services and facilities holistically designed to limit the need to travel.

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.

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]

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.]

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.]

### Q22(a)

No.

Whilst CIL has taken several years to be fully embedded into the planning system, it is working effectively alongside S106 agreements to fund the infrastructure requirements to support new development. The certainty provided by a locally derived and tested financial charge per square metre of floorspace has ensured it can be factored into viability appraisals at an early stage of development, and has reduced the time required for negotiation significantly.

Wokingham Borough Council has received £39.3m CIL over 5 years since its introduction, with outline planning permissions granted related to a further £100m. 100% of received and potential CIL has been allocated to capital infrastructure projects in the councils Capital Programme, which is £516m over the next three years. £113m of this is forward funded developer contributions borrowing. A significant change to the system that reprofiles payments from the year after commencement to occupation could have serious and ongoing implication for the council's financial security.

Given the proposed changes to the plan making system, certainty of the quantum and timing of income to fund infrastructure is critical to enable the design and programming of it. This lack of timely information in the process will result in an inbuilt 'deliverability fail' for every local plan as currently applied.

The current CIL/S106 system has been proved to be highly effective. Furthermore Section 106 Agreements don't just secure contributions to infrastructure, they also coordinate how development is delivered, phased, the precise mixture of uses, and important issues that local people often raise concerning community engagement in the management of open spaces, construction hours and management plans.

The evidence simply isn't in place to suggest the need for an alternative system. Where local authorities have not progressed CIL, it would be more effective for the government to provide support, not go back to the drawing board.

There are a number of considerable risks associate with the White Paper proposals.

A nationally set levy lends itself to being set at a level to suit the lowest common denominator, or at the very least, a wide number of local authorities. It is likely that some local authorities will see lower income to fund infrastructure compared to the existing CIL/S106 approach, whilst others may gain. Where insufficient funds are received, a disproportionate amount will be required to deliver physical infrastructure, reducing that available for affordable housing and lead to lower delivery.

The concept of a common levy for infrastructure was considered by the government in 2018. Whilst that proposal was linked to a flat rate CIL charge, the proposal was dismissed. No evidence has been presented as part of the White Paper to demonstrate why a different conclusion how appears to have been reached.

The use of development value to calculate the levy causes a number of complexities.

A levy which is calculated at the stage of a developments completion will be hard to predict. Decision makers will need to assess a development without being at all clear how much, if anything, will be contributed either in-kind (acknowledging that in kind payments are not currently possible under the CIL Regulations) or as a payment, including affordable housing. This will make it impossible to know whether the impacts of a development will be adequately mitigated, and therefore whether it is acceptable. It is difficult to envisage local authorities borrowing to fund enabling infrastructure up front in the face of such uncertainties. Justifying a development in the face of local opposition will be considerably harder with no certainty about infrastructure provision or affordable housing

The valuation of development will be prepared and assessed for all developments. This is likely to require suitably qualified persons, and there will no doubt me some disagreement between parties.

Development value is not the same thing as development viability. Care would be required to ensure that the levy didn't act as a disincentive to regenerate more complicated brownfield sites which may have relatively high existing use value, or particular costs of remediation.

The proposed threshold based on total development value is a particular concern, as it suggests that smaller developments will be exempt. In Wokingham Borough, smaller developments often have very good levels of viability and are able to accommodate our existing CIL/S106 requirements and almost 100% of single housing developments are already exempt. In addition, smaller developments have been shown to be a robust supply of housing during economic downturns.

If a threshold is taken forward by the government, careful consideration would be required to ensure against creating an incentive to develop at values just below the threshold level.

Lastly, it is unclear from the White Paper as to how non-financial obligations that are currently part of a S106 agreement are to be addressed. Whilst on-site affordable housing and transport and highway works would presumably be viewed as in-kind developments (although valuing these works for levy purposes presents an issue in itself – also law makers have been unable to legislate for an in kind payment that works under the CIL Regulations), a levy would not address requirements to produce local employment and skills plans or travel plans, comply with net biodiversity gain or carbon offsetting, or operational factors of the development proposal itself. Some alternative means of addressing these issues would need to be established.

In summary, Wokingham Borough Council does not believe a case has been established which justifies the replacement of the current CIL/S106 system with a single Infrastructure Levy. It is our view a nationally set levy will simply not meet the costs of infrastructure associated with development for all local authorities, and may reduce the amount of affordable housing delivered. Mechanisms are required to deal with non-financial obligations of developments.

Schemes in the North of England would not be financially viable with such a charge whilst schemes in the South would result in being greatly subsidised by existing residents which would allow developers to make even greater profits.

#### Q22(b)

Locally.

Any introduction of an infrastructure levy must be set locally to ensure appropriate rates are charged that facilitate the timely delivery of the infrastructure needed to support development. Public consultations have demonstrated how the provision of infrastructure remains a key priority for local communities, which must be supported by an appropriate and robust funding mechanism.

The concept of a common levy for infrastructure was considered by the government in 2018. Whilst that proposal was linked to a flat rate CIL charge, the proposal was dismissed. No evidence has been presented as part of the White Paper to demonstrate why a different conclusion has appeared to have been reached.

Given the vast differences between values in different parts of the country, a flat national infrastructure levy would likely lead to a reduction in the amount of money available for infrastructure provision in more buoyant parts of the country such as Wokingham Borough where infrastructure is already under strain.

A nationally set levy lends itself to being set at a level to suit the lowest common denominator, or at the very least, a wide number of local authorities. It is likely that some local authorities will see lower income to fund infrastructure compared to the existing CIL/S106 approach, whilst others may gain. Where insufficient funds are received, a disproportionate amount will be required to deliver physical infrastructure, reducing that available for affordable housing and lead to lower delivery. Decisions about how to spend the levy must be made locally but need to be aligned with the Local Plan Infrastructure Needs Assessment as they are now, and the Infrastructure Delivery Plans upon which the Planning White Paper is silent.

#### Q22(c)

More Value, while acknowledging the need for a competitive return to a willing landowner.

Any introduction of an infrastructure levy must be set to capture more value to contribute to investment in infrastructure and affordable housing. Public consultations have demonstrated how the provision of infrastructure remains a key priority for local communities, which must be supported by an appropriate and robust funding mechanism.

As set out in response to Q23, Wokingham Borough Council supports capturing contributions from all developments which create a need for infrastructure or where affordable housing will be needed.

Wokingham Borough Council is concerned that a nationally set levy will simply not meet the costs of infrastructure associated with development for all local authorities, and may lead reduce the amount of affordable housing delivered. Also it is not clear from the proposals how on-site affordable housing could be secured without S106. It is essential that the government considers the impact of the White Paper proposal for all individual local authorities, and not just at a national level. A system which captures more value nationally, but fails to capture sufficient value at a local level will have failed.

#### Q22(d)

Yes.

In answering yes, it should be understood that whilst local authorities are not able to borrow directly against projected CIL income, a local authority has other borrowing powers and is able under existing regulations to pay back expenditure incurred on infrastructure. The proposal simply make this ability explicit.

Wokingham Borough Council already acts as masterplanner and banker for infrastructure relating to our four allocated strategic development locations. This approach has enabled us to coordinate the delivery of infrastructure and achieve earlier delivery than what otherwise would have been achievable. We therefore support making this ability explicit.

Notwithstanding our support in principle, we are concerned that proposed infrastructure levy is based on value on completion and only paid at this late stage. This could negatively impact the long term financial security of the council given over 20% of a £513m capital programme is forward funded developer contributions borrowing.

There is no logic to allowing the collection of a levy following occupation for all matters, given the timeline needed to build new roads, improve junctions, and support public transport improvements. Furthermore under the current system it is rare that a developer would pay CIL at the point of commencement. The vast majority of Councils employ instalment policies that spread the payments over the life of the development.

Additionally, the change means that proactive local authorities such as us are being asked to borrow more money for longer periods, with an uncertain level of income. The current CIL/S106 approach provides local authorities with a greater level of certainty and a comparative reduced level of risk than what is being proposed. We are also concerned that the value captured by the infrastructure levy will not be sufficient to cover the cost of infrastructure let alone affordable housing as well, requiring existing resident to subsidise infrastructure required to support new development.

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

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.]

Yes.

Any reformed Infrastructure Levy should capture all developments which create a need for infrastructure or where affordable housing will be needed.

Exempting some types of development results in existing residents effectively being required to support the developer industry and enhancing the profits on the scheme.

Wokingham Borough Council strongly believe that all types of development, including those implemented under permitted development rights, should proportionately contribute towards the provision of infrastructure and affordable housing.

In the event that the government introduces a system that exempts certain types of development, the government should directly compensate local communities by directly making up the gap in infrastructure and affordable housing provision/funding, so that communities are not unfairly burdened.

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

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.]

#### Q24(a)

Yes.

Wokingham Borough Council does not believe affordable housing should become part of the levy but it should go without saying that the aim should be to secure more affordable housing wherever possible provided the development proposal confirms to the development plan.

In response to other questions under Pillar 3, Wokingham Borough Council has expressed concern that the value captured by the proposed infrastructure levy will not be sufficient to cover the cost of infrastructure, let alone infrastructure and affordable housing. Should funds indeed be insufficient, a local authority will be placed in the impossible position.

We also have concerns about the lack of detail on how to secure on-site affordable housing in lieu of S106. As previously mentioned, although the CIL Regulations attempted to legislate for in kind provisions this was never done effectively.

#### Q24(b)

Yes.

Wokingham Borough Council does not believe affordable housing should be included in the proposed infrastructure levy but any reform should seek to achieve in-kind payments, however it is unclear how this would work in practice.

Once the levy is paid and, potentially, the site sold, it is difficult to see what enforcement mechanisms there would be to ensure that the affordable housing remains affordable in perpetuity without a legal agreement of some format. And, without such an owner, if the housing does cease being affordable, and the current owner is not the individual/company that was responsible for compliance with the levy, it may not be clear who is legally responsible without the legal agreement.

In terms of whether in-kind affordable is preferable to a 'right to purchase', the onus should be on the developer to provide the units on-site wherever possible, and pass those units to a registered provider where necessary. This will help to achieve mixed and balanced communities, which is the purpose of affordable housing delivery, without creating an additional workload and financial risk for local authorities in purchasing all of the discounted affordable housing units.

Q24(c)

Yes.

Any reform should avoid the potential for overpayment. Overpayment would result in existing residents effectively being required to support the development industry and enhancing the profits on the scheme.

Q24(d)

Yes.

Removal of the S106 and therefore any oversight of affordable housing quality (as distinct from the housing quality generally) through the planning application process would lead to a need for other measures to ensure that the affordable housing provided reflects the overall quality of the development. It would also remove the mechanism by which occupancy and management of affordable housing that is not provided by a registered provider, i.e. affordable private rent, is overseen, as this currently requires substantial detail to be set out in the S106.

At this point, it is difficult to be specific about what additional steps are required, as there is no detail about how provision of in-kind affordable housing as part of the levy would work in practice.

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

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.]

Q25

No.

Proposal 22 suggests a much more flexible approach to the use of the Infrastructure Levy, which would break the critical link that currently exists between the S106 and the Community Infrastructure Levy and the provision of infrastructure that mitigates the cumulative impact of development on an area. Such a break would be dangerous, as it will lead to unsustainable and harmful development that does not provide the infrastructure needed to support communities and address climate change.

Wokingham Borough Council supports the local authority keeping the neighbourhood share of any levy. This ensures that the maximum level of funding is available to support infrastructure delivery.

Q25(a)

Not sure.

In response to other questions under Pillar 3, Wokingham Borough Council has expressed concern that the value captured by the proposed infrastructure levy will not be sufficient to cover the cost of infrastructure, let alone infrastructure and affordable housing. Should funds indeed be insufficient, a local authority will be placed in the impossible position.

It is not clear how a single defined ring-fence for affordable housing could work across England or whether any ring fence could be agreed on a scheme by scheme basis. Any decision on the level and form of affordable housing should be made at the local authority level based on local need and affordability.



## Equalities Impact

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?

The White Paper proposals are extremely wide-ranging and presented with only a high level explanation. As such, the effects of the proposals on groups with protected characteristics could potentially be significant, and may only become more apparent when further detail emerges.

A move towards much greater reliance on engagement using digital technology will favour younger age groups and those who can afford a laptop, tablet and/or a smart phone. It is recognised that these groups tend to be underrepresented in planning consultations at the moment, but that does not mean that changes should be made that exclude many older people or those who cannot afford expensive IT equipment or fast internet access. Maps and plans do not display well on small screens so those who rely on phones and tablets could be further disadvantaged. Proposals will have to be carefully developed to avoid that effect.

The government should not underestimate the challenge of creating effective and meaningful engagement in the plan-making process, and that this will compensate for engagement in the planning application process.

The proposal to set development management policies at national level could have effects on people with disabilities. Many local plans contain expectations for the accessibility and adaptability of new housing, based on local evidence of likely need. National development management policies may well result in less accessible and adaptable housing being provided.

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