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AshfordBoroughCouncil

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Response to the Planning for the Future White Paper Consultation –
Ashford Borough Council

Pillar One – Planning for development

Q1 – Q4. *As an LPA, we do not propose a response.*

A NEW APPROACH TO PLAN-MAKING

Proposal 1 - The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

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

The principle of a simplified Local Plan process is supported as it is agreed that the current process has become too complicated. However, there is a lack of detail in the White Paper about exactly how these ‘areas’ or ‘land categories’ will work in practice. Under the current site allocation system, a fairly nuanced approach can be adopted. For example, the main town of Ashford is where most growth has been, and will be, targeted in the borough, and where much of the brownfield land is available. However, it is also an area with significant constraints such as listed buildings, conservation areas, flood zones, the green corridor (Local green space designation) and important wildlife sites which would fall within the ‘protected’ area category.

Classifying all the diverse types of land within only one of these three categories, for a large town or urban area as set out above, will be very complicated. Identification of ‘protected areas’, within a ‘Growth’ area, is likely to create significant debate with landowners and local communities as to which category would take precedence over the other. The government needs to provide clarity over how areas such as these would be classified, whether they can

overlap, or whether areas would be 'cut out' of a growth or renewal area classification if they also have protected areas within them.

We have concerns relating to the proposal that Growth Areas are given automatic outline planning permission. This is likely to require significant additional resources and cost to the LPA at the early Local Plan making stages, including site assessment and analysis similar to that needed for an outline planning application. This is without the certainty that the site would end up being selected for allocation as a growth area in a future Local Plan.

Given the reduction in timescales for bringing forward Local Plans within 30 months, we have concerns about how this land classification can be achieved without significant additional resourcing to undertake the detailed site work required. It is also questionable as to whether there are the necessary skilled resources available in-house to perform such tasks.

A resolution to this could be that landowners and site promoters will need to be required to carry out analysis and constraints work up front and submit the detail alongside proposals for the site to be designated a growth area at site submission stage. However, this is likely to disadvantage SMEs.

The new site allocation process will also inevitably lead to longer Examinations. There will be much more detail for an Inspector to consider than the current regime, which largely focusses on just the strategic issues or the principle of sites. In addition, for those sites not selected for allocation in the 'growth area' designation in the Local Plan there will be much more scrutiny from objectors as to why this is the case. They will have, after all, invested a lot of time and resources progressing their site with a view of achieving an outline planning consent through that process.

There is little reference in the White Paper as to how the land classification process will address uses outside of meeting general housing needs, such as employment, retail, community, open spaces etc.

It is also not clear how Gypsy and Traveller site/pitch allocations will fit into the three areas proposed and whether the Planning Policy for Traveller Sites (PPTS) will be retained as a separate national policy document to the revised NPPF, as it is now. Is it envisaged that traveller pitches, and other uses such as employment and retail, will need be identified within one of the growth or renewal areas or that they will only come forward through the planning application process and assessed against the national development management policies?

[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?](#)

The proposals that Local Plans should not repeat policies which are contained within national policy is welcomed, and the creation of a set of standardised development management policies would assist in reducing the length of local plans and timescales of production. However, LPAs must also be able to adopt locally prepared policies within Local Plans where specific local circumstances justify this. For example, the Ashford Green Corridor is an important green space designation in the main urban area of the borough and has a specific policy to which planning applications are considered against in the current and past Local Plans. Over time this has led to a comprehensive and sustainable cycle network being developed which brings with it many benefits to residents.

Local designations such as this, and the requirements for developments in these areas are unlikely to be covered adequately by a generic national policy. The first alternative option set out in the White Paper is therefore supported.

Adopting a more general approach to development management policies also appears to undermine the ability for Neighbourhood Plans to have sufficient policy hooks on which to devise locally specific policies. This is not broadly supported, as NPs provide the ability to be far more specific about the finer grain needs of the area concerned.

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

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

The removal of ‘soundness’ tests are supported as it is considered that these are too complex and confusing for members of the public who wish to make representations on a Local Plan. However, a revised test should adopt a ‘plain English’ process that is not overly technical, which the public can interact with and make representation on or challenge. It is therefore recommended that additional consultation should take place on the more detailed proposals for the new test of sustainable development.

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

The current requirements under the duty to co-operate have not been effective in planning for strategic matters due to the time intensive nature and legal implications around meeting neighbours unmet housing need, and therefore the removal of the duty to co-operate is supported in principle.

However, the White Paper does not give detail on how cross boundary/regional strategic issues will be addressed, or where potential ‘unmet need’ in neighbouring areas will go in future. An alternative system must be put in place to address the gap in strategic planning. The document infers further guidance will be produced on this issue and further consultation on this is welcomed for the above reasons.

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

Q8 (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

No. Ashford Council strongly objects to this change in standard methodology (SM) which penalises those authorities that have delivered on their housing needs as the projections build on past levels of in-migration. The methodology will lead to an approximate 25% increase in the housing requirement for Ashford, which is already higher than on-site delivery rates can meet. At these higher rates of growth, infrastructure will not be able to be delivered fast enough to serve the growing population. This is contrary to the other aims of the paper for infrastructure delivery to be in tandem with housing growth.

With regards the new approach for housing need calculations and the 'northern powerhouses' and 'levelling up' the north and midlands, this proposed methodology will result in lower housing requirements for those areas, which will go against this ambition. Planning Practice Guidance already states that the national methodology provides a minimum starting point and allows local authorities to plan for levels of growth above these figures, for example, to account for changing economic circumstances, growth strategies, infrastructure improvements or taking on unmet need from neighbouring authorities. It is therefore unclear what this (and the shorter term) proposed changes will help deliver in practice.

The current process of Standard Methodology has only recently been introduced into national planning policy. It is not clear why the proposed changes - to such an important part of the overall housing need methodology (both the short-term changes and these longer-term additional changes) - are now required. Doing so adds a layer of uncertainty and makes future plan making very difficult. In practice, this is likely to seriously undermine the Government's overall aim of speeding up plan making and delivery. The implications of Covid-19 on house prices, affordability or delivery rates have not been addressed by these proposed methodology changes, which raises further concern.

It is also unclear why the changes to SM are proposed in two stages, with land constraints only being taken into consideration at this later stage when the White Paper has progressed sufficiently to provide further details, and not through the changes methodology in the earlier proposals set out in 'Change to the planning system' consultation. This could lead to LPAs having a higher interim housing figure that needs to be planned for in the short term, which needs to be reduced again once the local issues and constraints aspect is applied.

In order for LPAs not be in this 'interim' and potentially adjustable housing need position, it is our view that the detailed consideration of local issues and constraints, set out in this paper, should be part of the proposed changes to the methodology from the outset. However, if the government's preferred approach is progressed then the White Paper proposals for considering land constraints and the built environment of a local authority area are supported.

However, 'constraints' and local issues cannot be assessed by a purely quantitative measure that can be automatically calculated in order to determine an appropriate level of housing for each authority. It is unclear from the proposals who will carry out this work or how will Local Planning Authorities and communities will be engaged and be able to influence this process.

With the 'binding' nature of the calculation on the LPA, it is essential that there is local authority and community input into this process.

Furthermore we strongly object to the 'binding' nature of the housing requirement proposed in the White Paper and clearer guidance must be produced on how this could be challenged, how it would be implemented, and what the implications would be for LPA's that 'fail' to meet the requirements.

It is vital that the role of developers in the delivery of housing is taken into account, something which the current and proposed system fails to do. There should be a requirement introduced for developers and house builders to deliver on consented sites within a set timeframe (for example 36 months) and the introduction of penalties for failure to build out extant sites which are deliverable within those timeframes. Similar penalties should be in place for any lack of activity on sites which are allocated in Local Plans, particularly where the landowner or agent actively proposed them during this process, and made the case that they were 'deliverable'.

In summary, we object to the proposals but would support a more localised approach to setting housing needs which should consider causes of affordability, and that takes into account local circumstances, land availability and infrastructure requirements, including the need for the creation of jobs, provision of retail, leisure and open spaces. We would welcome further engagement to work in a supportive and constructive way.

Q8 (b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

No. As set out in response to 8a the proposed changes to Standard Methodology in both this consultation and the changes to the planning system consultation is not supported.

However, if this third version of the standard method for setting a local housing need, set out in the White Paper, is implemented then consideration of the existing extent of urban areas and patterns of settlements that consider the nature of the borough between its urban areas and rural villages would be welcomed. This is considered an important aspect of the methodology which the current and shorter-term change to the standard method have not considered.

If urban areas are considered within the calculations, these areas must be clearly defined and not include green 'open space' or 'buffer' areas that lie between those urban areas and the rural hinterlands. There are concerns that this could lead to these areas being identified as 'urban' in plan making terms and therefore being considered suitable for growth. These green areas between settlements are an important part of the local character and should be protected. We currently have locally derived policies which are consistent with the NPPF that achieve this aim. Such flexibility is needed in any new system, to take account of local circumstances. With regards affordability, it is agreed that this is a key consideration and should be built into housing projections. However, the weight given to affordability needs to be appropriately balanced so it doesn't lead to an unrealistic or unsustainable level of housing need in an area.

In theory, significantly increasing the supply of housing would result in demand being met or reducing in an area, and this consequently could see house prices fall. However, it is not realistic to suggest the market will hugely oversupply housing as it would lead to a less profitable return on their investment. As such, the justification to rely on a system which merely

seeks to build substantially more homes, as a means of making new housing more affordable, is somewhat flawed. The market will simply not react in a way that dis-benefits them.

Affordability within the calculation should recognise the differences across the borough between rural and urban areas and local circumstances. Specifically, Ashford Town Centre and Urban Area have issues of viability due to land contamination, and the majority of brownfield sites having been developed or with current extant planning permissions.

Ashford has large variations in mean house prices between its urban areas and its rural hinterland. The highest property values, and subsequently lowest levels of affordability occur in the rural areas of the Borough, particularly rural service centres and areas with constraints to further development such as AONB designation. As an example, the average of the mean house prices in the lowest 10 wards is £225,554 compared to £469,841 in the highest 10 wards. It is suggested that the affordability calculation should be broken down lower than LPA area to account for these differences across the different areas of the borough.

In addition, there are a number of different types of home ownership and mortgage options (such as joint mortgages or parent supported mortgages) whereas the methodology currently only measures affordability based on a single average wage and a mortgage of four times' annual income which is not likely to be the average scenario for those purchasing homes. The Council suggests there should be a slightly more nuanced approach in this regard.

Furthermore, the issue of jobs and earnings and how this balances against the affordability of housing is relevant. Taking work-place median earnings can distort the calculations for areas where residents often commute to London, such as they do in Ashford. Such an approach can suggest that properties are more affordable than they are, but in reality, can result in local residents (who do not earn London Salaries) unable to afford local properties. This, in turn, increases the demand and need for affordable housing and also extends the housing market area as it encourages in-migration from those who can afford the properties. This scenario ultimately adds to local housing needs and then, in turn, the overall housing target increases over time.

In summary, there are many other issues that can affect the delivery of homes and a fine grain analysis of these issues should be incorporated into a revised standard method. It is requested that if this change to the standard method is implemented, the LPAs must be able to input into the identification of the extent of the urban area and calculations of affordability across the LPA area.

A streamlined development management process with automatic planning permission for schemes in line with plans

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.

Questions 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.]

No. More detail needs to be provided on how the automatic outline consent will be issued to designated Growth and renewal areas. Later in the White Paper, under 'A Fast-track for

Beauty' section, it is stated that this outline consent process will be through 'Permission in Principle' process and that the masterplan and site specific code will be conditioned. However, under the 'Delivering change' section of the paper it states that 'developers will have a fast route' through Permission in Principle 'without having to work up detailed plans'. This appears to be conflicting and it is unclear how the PiP system will work in practice for outline consents and further guidance is needed.

In addition, we have concerns that if the PiP approach is taken for outline consents and major proposals such as this, without the detailed plans and site analysis supporting the proposals, that this will not enable material considerations which are introduced after the automatic consent process to be factored into the final determination. For example if a new matter is raised by a statutory consultee after the PiP is given which will affect the delivery of the proposals.

There are also questions about the time periods between Local Plan consultation on 'growth areas' and any determination of a subsequent Reserved Matter for that scheme. If this is several years apart, how will this timeframe enable effective engagement on the proposals? This may depend on the extent that detailed issues, such as design, infrastructure requirements, drainage and highways have already been taken account of through the Local Plan/ Design Code process (and automatic outline consent). However, whichever process is to be followed, time is needed to engage on these aspects. The faster routes for detailed consent following this could also result in a reduction in community and statutory body engagement on the detailed plans. However, more details up front (i.e. in a Local Plan) will require much more time and resource to address these issues earlier in the process. This cannot be achieved in 30 months.

Historically the public have found it very difficult to engage with the plan making stage as they tend to want to know what the development will ultimately look like. The proposals in the White Paper will suffer from the same barriers to engagement and local people will then feel cut out from consideration due to the faster consent stage.

With regards to the faster timescales for determining applications and automatic assessment of proposals against policies, the proposal to simplify the process is supported. However, as proposed, there is a danger that the officer assessment and democratic process through planning committee is undermined. Although this might 'speed up' the process, it could also merely become a 'tick box' exercise which removes the ability to 'balance' all the competing material considerations. Planning is a highly subjective discipline, with a number of often competing factors in play. There are significant doubts that any alternative system would remove the need for professional judgement to be applied, on a case by case basis.

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.]

See response to 9a for response relating to Renewal areas.

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].

No, the proposal to deliver new towns through the NSIP regime should only be considered for very large schemes, if at all. As the LPA would only be a consultee and not the decision maker, our placemaking aspirations could be diluted which is strongly objected to. If implemented, financial support would need to be given to LPA's to consider the local impacts.

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

Question 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. The proposed standardisation and shortening of the documentation required for planning applications is supported as it would make the process less onerous for developers, and, easier for the public to engage with; so long as there was clear guidance on the requirements of supporting documents.

However, it is not clear how the LPA can make decisions within the faster timescales if sufficient information is not provided to determine the application. In the proposed timeframes, it is unlikely that applicants will have time to make revisions to their 50-page statement to accommodate any concerns raised by the LPA.

Quite often, on major proposals, statutory consultees require Extension of Times on current timescales to enable them to consider the plans fully and provide detailed responses, which in many cases can also require revisions to the plans by the applicants, for example on site highways, parking, drainage etc. There is a concern that consultees will struggle to respond inside the proposed timescales due to a shortage of resources, and therefore increased funding is required if these proposals are implemented.

Without an Extension of Time to consider detailed or amended plans, or await statutory consultee responses, the LPA may well simply refuse an application in order to conform to Government's targets for reaching a decision even where, with more time, a favourable outcome could have been achieved. Refund of fees may also lead to more refusals rather than a negotiated outcome. In turn this would actually cause further delay for the applicant, through appeals or re-submission, rather than making the process 'faster'. This would also have detrimental impacts on amenity and standards of development. Ensuring that Councils are properly resourced in order to be able to speed up decision making is vital to avoid these circumstances.

The loss of democracy in the decision-making process is also a concern for the Council. With regards to planning applications going to planning committee, the proposals in the White Paper appear to suggest that some schemes, such as those given automatic outline consent, or reserved matters which meet design code criteria will not be required to follow this process. In some cases, this approach might work. For example, a scheme which promotes a Local Plan compliant scheme has already gone through the rigours of public consultation once and it is therefore questionable whether it needs to again. However, there would also be many cases where not taking a scheme to planning committee would undermine the public trust in their elected councillors and the planning system and fail to give local people and stakeholders a voice. These proposals are not considered to meet the requirements of the Local Councils constitution.

A new interactive, web-based map standard for planning documents

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

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

We are supportive of the proposal to increase the use of technology within the planning system, in particular the use of web-based access to Local Plans and planning documents. It would potentially broaden the engagement beyond the normal channels and encourage more people to get involved in planning matters.

However, there are concerns about how this transition can be inclusive for all aspects of the community, including those without access to the Internet. The Government should ensure that all resident groups can be reached if these proposals are initiated.

It is our view that there should be a balance of the use of technology/web-based/mapping methods of engagement and other forms of engagement such as face-to-face workshops and exhibitions. Face to Face consultation provides useful information to members of the public who may not engage with the planning system very often and whom views could be missed by a complete transition to web-based technologies. This point is further illustrated through the current use of standard representation forms, which would not be compatible with the proposed new web-based local plans and mapping. The format of these forms would also need to change to be able to integrate with a web-based platform and not ask such formal and specific technical questions as they do now.

The Council notes that the government intends to publish a guide to the new Local Plan system, data standards and digital principles well in advance of the legislation being brought into force. Given that councils will require a significant amount of time to prepare for this digital transformation, and to ensure that they have the correct systems and skills sets in place to deliver the government's aspirations, it is vital that clear guidance is issued as early as possible in this process. Furthermore, clarification is required as to whether funding will be made available to Local Authorities to fund this digital transformation and ensure staff have the right skills to deliver it.

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

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

No. Proposals to get Local Plans adopted within 30 months, with current LPA resources and requirements for public and statutory consultation, is unrealistic and unachievable, particularly in areas with high housing need requirements and a range of settlements (leading to a range of area designations) such as Ashford.

Under the proposed system, there will be a need to assess availability, suitability and viability of all land within each proposed 'area' allocation, and more detail submitted from landowners to get land allocated, as they will effectively get outline planning permission. Each site will require detailed assessment by the LPA and statutory consultees. We anticipate that this will then lead to a large amount of representation from statutory consultees and members of the public to agree the land categories (and supporting detail and design codes) and to expect more challenges at the examination from all parties, which will require resolution and time and resource to defend.

The White Paper recognises that to meet the 30-month timetable other related services and functions need to be adequately resourced (PINS, Statutory consultees, etc.) but with land categories, sites, and design codes to be consulted upon at one time, the additional resourcing of LPAs and Statutory consultees will need to be extensive.

With regards to the length of time of Examinations, one of the successes of the current system was that it reduced the time taken at Examination significantly from the previous system which often went on for several months (even years). The Council would not support the removal of the oral Examination stage entirely or the self-assessment option as we consider this will be open to significant legal challenge.

If the 30-month timescale for Plan production is implemented then the government must ensure that Local Planning Authorities have sufficient resources.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools
Q13 (a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Not sure. It is not clear how Neighbourhood Plans (NP) will fit in with the new style of Local Plan proposed in this White Paper and the new land 'category' system of the 3 areas. For example, what will be left for NPs to do with regards to site allocation, if the Local Plan has already classified the land in the designated area into the 3 land classifications (Growth, Renewal and Protect)? Will a NP have the ability to amend these land categories and proposals in their designated area? Further clarity is needed on this issue.

However, if the new guidance enables NP groups to alter the Local plan land categories this could create some complex issues with regards to public consultation and correlation between NP and Local Plan timescales and takes delivery of homes in those areas away from the LPA. The housing target figure is proposed to be 'binding' on the LPA, and not stepped down to the designated NP group. The relationship with regards to housing need in NP designated areas, and their responsibility to meet those targets needs to be clearer.

There are also concerns about how speedily a NP can be produced. The NP process can often be a more complex process than envisaged by the NP group at the outset. They are also resource intensive for LPA officers and take time away from focusing on Local Plan production. There are some significant reservations that the NPs can be produced to fit in with, and work alongside the Local Plan in the proposed 30-month period, particularly if that NP is still required to be consistent with the prevailing parent Local Plan moving forward.

Q13 (b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

The White Paper does indicate that NPs will play a key role in producing Design codes but it is not clear what level of support the local authority would be required to give NP groups to produce these (on top of all those required for Local Plan 'land classification' areas). There is also a concern that with higher housing targets set on the LPAs, that this promotes NPs to produce documents of 'protection' from the growth or renewal areas rather than genuinely to lead design of new development in their area.

Neighbourhood plans can be as time consuming a process as Local Plans, so means should be sought to make the neighbourhood plan process faster and simpler. It is our view that the tests for neighbourhood plans must be consistent with the proposed 'sustainable development' tests for a Local Plan, set out within the White Paper. The issue of neighbourhood plans being subsequently made out of date once a new local plan is adopted should also be addressed.

Again, as with proposals to increase digital technology for Local Plan production, there is a concern around intergenerational access to and effective community engagement. However, the paper does indicate that grants will remain available to Neighbourhood Plan groups which is supported.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10: A stronger emphasis on build out through planning

Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Yes. The Council welcome the provision of master planning and design codes for substantial development proposals which include a variety of development types which will allow more phases to come forward together.

However, LPAs will ultimately need to work with the housing market to ensure that undue burdens are not placed on them to the extent that housing delivery is reduced. That would merely lead to the national 'presumption of sustainable development' being applied and ultimately dilute any specific policy approach. A careful balance is therefore needed.

Additionally, any future Design Codes will need formal buy in from county level and in particular Highways and other statutory consultees. Otherwise there can be a dilution of agreed Placemaking objectives in order to find more practical (and often cheaper to adopt) solutions.

In addition, as mentioned elsewhere in this response, there needs to be more emphasis and penalties placed on developers to ensure faster build out of schemes, rather than the onus being solely on LPAs to deliver the housing need. The work required to ensure the masterplanning and design codes ensure a quicker on-site delivery requires additional LPA resourcing and support from the development industry. Effective masterplans and robust design codes can take time to produce so the implications of this should be factored in.

Pillar Two – Planning for beautiful and sustainable places

Q15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

The Council have always placed quality placemaking and design at the forefront of their development agenda. Even when the town as designated as a national growth area. As such, quality developments have been built in the borough and continue to be built. We therefore strongly welcome the White Paper's emphasis on quality design being important.

More recently, the Council has invested in officers with strong placemaking skills and the borough retains its strong commitment to delivering a quality design agenda on all of its schemes. This has also been achieved through a variety of mechanisms including early pre-application discussions, using design toolkits (such as Building For Life) design review panels, members briefings and stakeholder design workshops particularly on its most major sites. We have also run design training events, arranged visits to exemplar developments in the south east and held design awards all to promote the importance of design in Ashford.

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]

All of the above are considered high priority for Local Planning Authorities. The Council would welcome national policy which enables sustainability to be considered at the initial design stages of development.

CREATING FRAMEWORKS FOR QUALITY

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

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.]

Yes, as a starting point, the Council are supportive that good quality design and placemaking are central to the proposals in the White Paper. The Council have always placed quality placemaking and design high on the agenda, and the White Paper allows this approach to be continued.

Design Codes as a mechanism to assist this aspiration can be extremely effective. The content of Design Codes needs to be as simple as possible. Too complicated, and the message is confused and sometimes lost. In practice, a generic design code for the whole borough is unlikely to work in practice, as the borough has many different character areas and a 'one size fits all' approach would not be appropriate.

The White Paper suggests that for significant sites identified in the Local Plan a master-plan and site-specific code will have this agreed between the LPA and the developer prior to detailed proposals coming forward and that for longer term allocations these will be prepared by LPAs. This can place a significant burden on LPAs because master planning can be a detailed and technical process which requires significant resources.

It also needs to be understood how existing design guidance (such as Parish produced Design Statements or outputs from Conservation Area Management Plans) will fit into any future Design Code process and how communities' views will be part of the Design code process. Will there be set guidelines on the level of community and stakeholder engagement and developers required, and how will this be measured/monitored through the implementation of the Design code?

It is proposed that national planning policy should encourage and support 'design competitions' as a way of engaging the local residents and stakeholders in the design process.

This process will encourage greater community involvement and feedback, and give residents a sense of ownership over a space/place.

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.

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.]

Not sure. Ashford Council have traditionally valued urban design and placemaking skills and has established an in-house resource within a Placemaking Team of officers. It is not considered necessary to appoint a formal 'chief officer' in addition to an experienced team, but it is not objected to.

It is our view that a National Design Code would be a helpful starting point for conversations with developers if it is more guidance focussed, rather than written as an actual Code. A 'one size fits all' approach is unlikely to work in practice (certainly for the whole country).

It is our view that local planning authorities should be represented on any national body set up to support design coding to ensure there is local representation from all parts of the country with regards to design issues, and request that Ashford Borough Council are invited to participate. We seem well placed to assist given our previous successes and that the Council are actively engaged in delivering a nationally recognised Garden Community to the south of the Town which will be delivered on sustainable Garden City Principles.

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.

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.

Support from an expert body would also be important and is supported.

The reintroduction of CUBE would also be viewed very favourably, as a national group of Urban Design Organisations is helpful to share ideas and influence the process. Design South East would be an existing organisation that could work effectively with LPAs on Design Codes.

A FAST-TRACK FOR BEAUTY

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

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

The Council are supportive that good quality design and placemaking are included in the proposals in the White Paper. The Council have always placed such issues high on our agenda, to great success.

However, we have concerns about how such placemaking will be balanced against the clear desire for faster housing delivery and the speeding up of the plan making and decision making processes. Progressing too quickly could lead to poorly designed schemes coming forward, as LPAs do not have the time needed to properly consider the design and build quality elements of a scheme.

The Council have always aimed to create 'communities' and we have first-hand experience of the importance of this. At the planned settlement of Chilmington Green (5,750 homes) we have established a Quality Agenda and Design Code, which has sat alongside a community development strategy and a Community Management Organisation model to manage community facilities on behalf of residents.

This development forms part of a wider South of Ashford Garden Community, which is to be built on 'garden community principles' with support from Homes England. However, establishing these initiatives requires time and careful planning, and 'speeding up the planning system' may jeopardise the ability to deliver these objectives.

There is a concern that while a proposal is flagged as a 'fast track', there are inevitably further details that still need to be resolved, which may take time. Therefore, a 'fast track to beauty' will only be consistently achievable if Design Codes form part of the process.

The proposals that this fast track system will include a generic 'pattern books' is not supported. It is not considered that this approach would result in 'beautiful' places, but instead create an identikit 'tick box' system that does not take into account the need for innovative and exceptional design or reflect modern architecture, but instead would result in design replication which detracts from, rather than adds to, the local character and identity of a place.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

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.

The Council supports the need for a clearer national policy to address the role that planning can play in mitigating and adapting to climate change.

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

The Council notes there will be a separate consultation on opportunities for environmental improvements in the Autumn but it supports the need for a simpler and faster process for assessing environmental impacts and enhancement opportunities, while ensuring that the most valuable and important habitats and species in England continue to be protected/enhanced.

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

This proposal does have some merit. However, it's notoriously difficult to convert historic buildings and retro-fit adaptations based on climate change/sustainable development principles, without harming the character of the building or place.

A professional judgement on the level of harm to historic buildings should be done on a case by case basis – as is the case now. We would advise that a balance is maintained between achieving suitable energy efficiency targets, whilst accepting that the nation's historic buildings are 'special cases of architectural and historic interest' and that measure to support zero carbon objectives might not always be possible.

Maintaining proper protection of the historic environment is essential, and the Council recommends that decisions on matters of public importance should continue to be taken by publicly accountable bodies.

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

The Council supports the introduction of the Future Homes Standard and agrees with Proposal 18 in that new homes should not need to be retrofitted in the future. We would also support a national planning policy that promotes energy generation to ensure that green technology is designed in and required at the earliest stage of development.

Where retrofitting is required, this should also be to a high energy-efficient standard and take into account the feasibility of installing measures on existing homes. The Council welcomes the further clarification that will be provided with regards to the role that Local Authorities can play in setting energy efficiency standards for new build developments.

In 2019 Ashford Council passed a motion that it will aim to become carbon neutral by 2030, and 80% by 2025. We have also been developing a Carbon Neutral Strategy to guide us in achieving this ambition.

Pillar Three – Planning for infrastructure and connected places

Q21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

As an LPA all of the above are considered priority.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Q22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

And 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]

The current CIL regime is overly complex and requires simplification. The CIL Review Panel reported on the potential for a simplified low level CIL for all types of development based on local values which would simplify the approach.

The s106 regime relates to a great deal more than securing funding for affordable housing and infrastructure and, although mentioned in a footnote 18, the breadth of use of s106 is not substantially addressed in the White Paper.

The IL regime divorces the levy from planning and placemaking and delivering the requirements of the local plan. It is a tax with no requirement to deliver beautiful sustainable places people are being told will be delivered elsewhere in the WPs vision for the planning system.

The s106 developer contributions regime does draw direct connection between the development and the necessary infrastructure mitigation which is understood by developers and communities; it enables land to be transferred, use of land to be secured, and, in relation to affordable housing, it can secure land, type, and details of form and tenure of housing. How will the other measures that aren't monetary/land value be secured such as offsite mitigation, restrictions of land, management and maintenance of community and open spaces, sustainable travel, gifting land to communities, other local benefits etc.be accommodated?

The White Paper states that the Infrastructure Levy (IL) will be more transparent than s106, however, although the calculation of how much money is achieved may be clear after the development has been delivered, based on a formula, the detail of what infrastructure is going to be provided to mitigate the development and the delivery of affordable housing to meet the needs of the community identified in the local plan will not be as clear and certain as that set down in the s106 obligation when the development is approved.

The levy will collect the money but it appears that the LPA will implement the delivery of infrastructure. This is a significant shift from developers delivering infrastructure as part of the

s106 and a move to the LPA being the delivery agent and having to forward fund the infrastructure.

Also, if the IL is collected in one central pot for distribution and not related to a particular development then the monies collected may not end up being spent on what is needed to mitigate the harm from that development. Inevitably, there will be significant pressures on any central pot, with more strategic priorities taking precedent. This will raise significant concerns with the existing communities whose local services and facilities will be placed under greater pressure from new development, with no money to improve or expand.

Acting as delivery agent and forward funding will, at a time when Local Government finance is particularly challenged, have the potential to make the timely delivery of infrastructure very difficult and risky for the Council. We therefore suggest that a mechanism that protects local authorities needs to be introduced. This could include the government underwriting the costs of infrastructure which is to be forward funded by the LPA. If this mechanism is not provided, then there is a substantial risk of Local councils not being able to deliver any of their statutory duties to their local residents. This will ultimately lead to unsustainable development. (See response to 22d).

The proposed IL may provide greater flexibility in term of what it is spent upon, but it will require greater administration and delivery skills which has cost and resource implications for the LPA and the Council considers that it would be necessary to provide an alternative means by which the Council and persons interested in land may agree in order to secure required infrastructure.

With regards the issue of locally vs a nationally set rate, we support a locally set approach. In recent years, Ashford LPA have a successful track record in negotiating s106 and this delivered substantial infrastructure needed to supported development. This has, in part, used local circumstances and evidence being taken into account and our recent Local Plan policy was viability assessed which has meant we can be certain that what is being asked for is within the viability umbrella.

As an example of local calculations based on a set rate, within Ashford Borough there are big differences between values. The average of the mean house prices in the lowest 10 wards is £225,554 compared to £469,841 in the highest 10 wards. A nationally set rate, whether area-specific or not, would not account for this level of discrepancy across a borough. The consequence of the above is that there will be areas within the borough which may be just above the threshold though become unviable once a nationally set Infrastructure Levy is applied. On the contrary, if the rate was set too low, this could result in very little funding being provided particularly in low value areas. In terms of a nationally set rate or formulae, this same significant difference in viability will play out across the Country, with viability in Gloucester being very different to Ashford.

In terms of the approach, it will be essential for any local or nationally set approach to take into account gross development value; costs and the benchmark land value, to ensure that all inputs into viability are accounted for, to ensure land comes forward and that brownfield land is not overly penalised due to higher existing use values and potentially higher costs.

Finally, Ashford have also adopted a further layer of flexibility and this can address the future uplift in values through the application of a deferred contributions policy (Adopted Local Plan Policy IMP2). This addresses the issue in the White Paper about basing the charge on the final value of the development. The formula approach referred to, where a proportion of value above the threshold is included, raises concerns about how uplift in values will be calculated. If it is set nationally, how will this local viability be incorporated?

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.]

Not sure. Although collecting more value is supported, it is difficult to understand how the new system will collect more towards infrastructure and Affordable Housing if the IL is set at the lowest common denominator, without the ability to secure site specific infrastructure through s106 to maximise the contributions based on local costs and values. There are very wide variations in values dependent on the location in the country.

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.]

Not sure. Any options which provide greater flexibility to local authorities to help the delivery of much need infrastructure is supported, as it is one of the biggest challenges Councils face and is linked to whether new development is sustainable. Ashford Council have a strong and consistent track record of finding innovative ways of delivering much needed infrastructure in recent years, and a more flexible approach could help us find solutions in a quicker way to the benefit of future communities.

However, the proposal that the LPA will become the main delivery agent and possibly the 'forward funder' raises concerns. Acting as delivery agent, particularly at a time when Local Government finance is greatly challenged, creates huge risks for the Council.

In addition, this risk will be further exacerbated if the final sales values from development is not achieved. A range of factors could impact this, such as a developer ceasing to trade, being unable to meet the levy payments agreed initially, or if house prices fall between the original estimation of the levy payment and completion.

In essence, the White Paper proposals seem to place much of the traditional risk faced by private developers, onto the shoulders of the public purse.

We therefore suggest that a mechanism that protects local authorities needs to be introduced. This could include the government underwriting the costs of infrastructure which is to be forward funded by the LPA. If this mechanism is not provided, then there is a substantial risk of Local councils not being able to deliver their statutory duties to their local residents. This will ultimately lead to unsustainable development.

There is also a missed opportunity for these proposals to establish a wider funding system for strategic infrastructure which is managed nationally. This could include much needed investment in hospitals, strategic highway improvements or cross-boundary biodiversity mitigation. Hospital investment is clearly a priority in light of the ongoing COVID-19 pandemic.

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. The Council support the inclusion of Infrastructure Levy in all types of development, including changes of use and permitted development, as these have long fallen out of the scope of capturing financial contribution to mitigate harm caused by development. The White Paper indicates that it will overcome uncertainty with other infrastructure funding streams, which is supported.

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.]

Yes. The intention that the Infrastructure Levy would aim to secure the same amount (or more than) Affordable Housing on-site, as now, is supported. This will reflect Ashford's current policy position of on-site delivery first and only offsite contributions accepted in exceptional circumstances. However, it is difficult to understand how this will be achieved with the proposed Infrastructure Levy and approach to Levy setting.

If the new proposals do not deliver the same or more, this would impact on the current waiting lists. If implemented, the transitional arrangements should be set out with reasonable timescales as it will take resources for the changes to be explained by the local authority to its RPs and other stakeholders.

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.]

Not sure. If Affordable Housing is to be captured in the levy, there is likely to be a temporary slow on delivery. There is also no certainty that the 'in-kind' aspects of the proposals, will be taken up. If it is not, then the Council will require increased resources to use the IL payments to deliver Affordable Housing themselves which may jeopardise on site delivery and therefore the delivery of mixed communities.

The overpayment risk to Councils in the 'in kind' payment scenario would need to be addressed fully in legislation. If this cannot be done, then the proposed 'right to purchase' option may be more preferable for Ashford.

There is also a risk that the cost difference between purchase price for affordable rented housing and open market housing is such that the in-kind payment accounts for the entirety, or at least a vast proportion of the Infrastructure Levy, leaving no other funding for other critical infrastructure needs.

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.]

Not Sure. Were the in-kind delivery approach adopted, in circumstances where the value secured through in-kind units is greater than the final levy liability, then the developer should have no right to reclaim overpayments. Such “over-payments” would be theoretical/paper only valuations, whereas any repayments to the developers would be at direct cost to the Council and its taxpayers.

The overpayment risk to Councils in the ‘in kind’ payment scenario would need to be addressed fully in legislation. If this cannot be done, then the proposed ‘right to purchase’ option may be more preferable for Ashford.

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.]

Yes. The proposed alternative option to ensure quality of Affordable Housing stock by requiring an IL payment if the stock cannot be sold is supported, however, there is no detail on how the assessment of quality will be undertaken, or by whom.

A national set of quality requirements may not fully meet local needs or those of our Registered Providers. There must be a clear mechanism for reviewing the quality of stock. Whilst this process must be independent, and a no cost to the Council.

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.]

Not Sure. The existing CIL Regulation 122 can result in situations where both a developer and a community wish for a community benefit to be provided though this cannot be legally secured. It would also be more flexible for contributions to be re-directed to alternative projects, should local circumstances or policies change. However, this could currently be achieved through CIL.

The IL would not be ring fenced to Infrastructure or affordable housing and in the current fiscally challenged local Government environment there may be considerable pressure to use IL to fund core Council services which would not deliver the sustainable well designed communities that are being sought elsewhere in the White Paper.

However, although the proposed IL may provide greater flexibility in term of what it is spent upon, it will require greater administration and delivery skills within the council which has cost and resource implications.

25(a). If yes, should an affordable housing ‘ring-fence’ be developed? [Yes / No / Not sure. Please provide supporting statement.]

Yes. One of the key priorities for the Local Authority is delivering housing which is affordable for its residents and this is unlikely to change in the current circumstances. Failure to ‘ring fence’ the affordable housing payments will add a level of uncertainty to planned affordable housing delivery to meet the identified housing needs of the community.