

27 October 2020 at 7.00 pm

This meeting will be held virtually via Zoom,
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https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g

Despatched: 19.10.20



Special Cabinet

Membership:

Chairman, Cllr. Fleming; Vice-Chairman, Cllr. Dickins
Cllrs. McArthur, Dyball, Maskell and Thornton

Agenda

	Pages	Contact
Apologies for Absence		
1. Declarations of interest Any interests not already registered.		
REPORTS ALSO CONSIDERED BY THE CABINET ADVISORY COMMITTEES		
2. Planning for the Future White Paper	(Pages 1 - 42)	James Gleave Tel: 01732227326

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

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Item 2 - Planning White Paper

The attached report will be considered by the Development & Conservation Advisory Committee on 20 October 2020. The relevant Minute extract was therefore not available prior to the printing of this agenda and will follow when available.

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PLANNING WHITE PAPER

Cabinet - 27 October 2020

Report of: Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

Status: For Decision

Also considered by: Development & Conservation Advisory Committee - 20 October 2020

Key Decision: No

Executive Summary: This report summarises the key content of the Government's Planning White Paper and includes the Council's proposed response to the document.

This report supports the Key Aim of: Protecting the Green Belt and Supporting and developing the local economy

Portfolio Holder: Cllr. Julia Thornton

Contact Officer: James Gleave, Ext. 7326

Recommendation to Development and Conservation Advisory Committee:

That the Development and Conservation Advisory Committee notes the content of the report and recommends to Cabinet that the proposed response to the Planning White Paper should be approved and submitted to the Government, in advance of the submission deadline of 29 of October 2020.

Recommendation to Cabinet:

That Cabinet approves that the proposed response to the Planning White Paper be submitted to the government, in advance of the submission deadline of 29 October 2020.

Reason for recommendation:

To ensure that the Council's views on this important emerging national policy document are passed on to the Government, so they can be taken into consideration.

Background and introduction

- 1 Planning for the Future, the Government's Planning White Paper was published for a 12-week period of consultation on 6th August 2020. The document sets out a series of proposed reforms to the planning system

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which, in the Government's view, will help to build the homes the country needs, bridge the generational divide and recreate an ownership society in which more people have the dignity and security of a home of their own. The proposals are described as being at the centre of multiple national challenges, including the shortage of high quality homes and places, combating climate change, rebalancing the economy and supporting the construction sector.

- 2 The proposed reforms to the system are presented as three pillars of:
 - **Planning for Development:** related to changes in the preparation of Local Plans and the Development Management system;
 - **Planning for Beautiful Places:** to improve design and placemaking; and
 - **Planning for Infrastructure and Connected Places:** which seeks to meet the demands for public services and infrastructure generated by new development.

- 3 Fundamentally, the proposals are presented in the light of the Prime Minister's foreword to the White Paper:

'Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do - tear it down and start again.'

- 4 This report explains the key content of the White Paper, the implications for Sevenoaks and introduces the Council's proposed response, which is attached at Appendix 1.

Summary of Proposals

- 5 The White Paper contains a far from concise preamble of four separate sections, comprising an introduction to the problems with current planning system, a vision for England's new planning system, a summary of the proposals and a description of the changes that will emerge, should the proposals be implemented. The key points are:
 - A more streamlined, democratic planning process and the replacement of all plan making law in England. Key aspects of the proposals include a simplified and standardised structure for Local Plans, which should identify areas for growth, renewal and protection. Other aspects of the proposals include a single, sustainable development test for plans and a statutory 30-month timescale for their production. The duty to co-operate and sustainability appraisals will be abolished.

- A ‘digital first’ approach to the planning process. Local authorities will be encouraged to use digital technology in the process of plan making and decision taking.
- An increased focus on design and sustainability. In particular, the establishment of design codes will be central to the delivery of beautiful places.
- The need to improve infrastructure delivery in all parts of the country, including a reformed system of infrastructure charging.
- A new nationally determined housing requirement for each local authority, which is proposed to speed up construction

Content of the White Paper

- 6 A summary of each of the three pillars and the implications for Sevenoaks, are set out in the following paragraphs. Many of the proposals are high level and remain undefined.

Pillar 1: Planning For Development

- 7 Proposals to simplify the production and content of Local Plans and the Development Management system lie at the heart of the White Paper. Land use plans, including Local Plans, will be expected to identify only three types of land:
- **Growth Areas:** These are areas of substantial growth, including land for comprehensive redevelopment. The term ‘substantial’ appears to refer to former industrial sites, potential urban regeneration opportunities, growth around Universities and clusters of employment uses. The concept of growth is focussed primarily on the delivery of residential uses.
 - **Renewal Areas:** Are identified as being suitable for ‘gentle densification’ and would be subject to a presumption in favour of sustainable development.
 - **Protected Areas:** Relate to significant environmental or cultural designations. In particular, the Green Belt and Areas of Outstanding Natural Beauty (AONB) would continue to be subject to existing levels of protection.
- 8 New style Local Plans are expected to be predominantly web-based with supporting text to identify the types of uses that will be suitable in growth and renewal areas.
- 9 A further key proposal under this pillar is the establishment of a national system of development management policies in the National Planning Policy Framework (NPPF). Whilst locally specific policies will be permissible, there is no provision for the generic repetition of national requirements. Policies should be presented in ‘machine-readable’ format, so that planning applications can be automatically screened to determine acceptability.

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- 10 Streamlining of the development management process would occur by automatically granting outline planning consent for the principle of development in growth areas, with subsequent planning applications focusing only on the resolution of detailed outstanding matters. A faster, more streamlined development management process is also proposed through the use of digital technology and more standardised planning applications. The requirements for supporting information with planning applications will be shortened.
- 11 Local authorities will be expected to determine planning applications within statutory timeframes. Application fees may be returned to applicants, where these targets are not met.
- 12 Local Plans will be subject to a single, as yet undefined, statutory sustainable development test. The current requirement to prepare sustainability appraisals and discharge the duty to co-operate will be removed from the system.
- 13 The number of new homes that each local authority is required to deliver each year (the housing requirement) will be calculated centrally, using a standard algorithm-based method. This new approach, which takes account of the proportion of 'protected land', will be a statutory obligation.
- 14 Local Plans are proposed to be visual and map based, with a reduced requirement for local authorities to prepare supporting evidence. The government proposes a statutory 30-month timescale for production and local authorities that fail to meet this requirement will be at risk of Government intervention.
- 15 In essence, many of these proposals reflect the Government's shift away from 'documents to data'. Whilst the system of Neighbourhood Plans is proposed to be retained, they too will move to a digital format. New provisions are proposed to be introduced to allow detailed street level development criteria.
- 16 As a parting shot for pillar 1 proposals, the White Paper acknowledges the need to speed up the delivery of development, following the findings of the 'Letwin Review', that build out rates on large residential developments can be slow. Further options to speed up build out rates are proposed to be explored.

Implications for Sevenoaks

- 17 More detail is needed on many of the proposals to assess their impact on Sevenoaks. However, key implications emerging from the pillar one are:
 - The outcome of the proposed binding housing requirement remains unclear, however it could result in a higher housing target for the District.
 - Reduced scope to take account of local circumstances in planning decisions.

- Whilst it is agreed that the plan making process could be improved, a ‘one size fits all’ 30-month timescale will be difficult to achieve. The Council has sought to produce its plan in the shortest possible order, however effective policies should be guided by robust evidence and community engagement. There are no short cuts in either of these processes.
- The Council will need to reclassify all proposed allocations as either growth or renewal areas or areas of protection.
- Digital technology has already been embraced to publicise emerging plans and engage with local communities. However, the use of algorithms is unlikely to deliver effective planning decisions.

Pillar 2 - Planning for beautiful and sustainable places

- 18 A key proposal emerging from pillar 2 is the increased use of local design codes to deliver greater certainty regarding design expectations. The Government has proposed to investigate an appropriate organisational structure to assist in the production of local codes, including their relationship with the National Design Code. Overall, greater weight will be given to all aspects of design and the subjective concept of beauty in the planning process.
- 19 The White Paper proposes three ways of embedding the already established ‘fast track to beauty’ into local and national policy. Firstly, the NPPF will make clear that schemes which comply with the local design code have a ‘positive advantage and greater certainty of swift approval’. Secondly, growth areas will require a masterplan and site-specific codes as a condition of a permission in principle. Thirdly, popular and replicable forms of development will be subject to permitted development procedures, to support the intensification of areas of renewal.
- 20 In essence, this final suggestion signals the revival of a ‘pattern book’ principle, where a series of form-based development types would benefit from permitted development. The nature and scale of these proposals are currently unclear.
- 21 A further key aspect in relation to the creation of beautiful places is to ensure that places and spaces reflect to Government’s commitment to mitigating climate change. In addition to encouraging sustainable forms of transport, the document suggests more detailed measures, such as ensuring that all new streets are tree lined. It is interesting to note that an alternative to the current mechanisms of sustainability appraisal and Strategic Environmental Impact Assessment, which are governed by European Law, will be introduced when the UK leaves the European Union.
- 22 In addition to these measures, the Government is seeking to introduce changes that will make buildings more energy efficient. From 2025 onwards, there will be an expectation for all new homes to produce 75-80% lower CO2 emissions.

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Implications for Sevenoaks

- 23 The key implications emerging from the pillar 2 proposals are:
- An increased focus on the production of local design guidance.
 - The efficiency of buildings and spaces will be given much greater priority.

Pillar 3 - Planning for infrastructure and connected places

- 24 Notwithstanding the certainties surrounding the current CIL process, the Government refers to the financial pressures created by the requirement for payments to be made before new homes are delivered on site. It is also noted that local authorities are generally slow to spend receipts.
25. A key aspect of the White Paper is the replacement of current CIL and Section 106 regimes with a single consolidated infrastructure levy. This will be based on a flat rate charge set nationally, as either a single or area specific rate. A further significant change from the current system is that the levy would be applicable to permitted development changes. In addition, the charge would be used to fund affordable housing provision, which is currently delivered through the Section 106 mechanism.
- 26 A further aspect of the proposals is increased flexibility for how receipts are spent, once infrastructure needs are met. Views are sought on whether receipts could be used to fund non-infrastructure items currently financed through Council tax.
- 27 Further details of these proposals and the potential risks to the Council will be outlined to members at the meeting.

Implications for Sevenoaks

- 28 The key implications for Sevenoaks emerging from the pillar 3 proposals are:
- Depending on the level of the proposed national charge, there may be an increase or decrease in the Council's income.
 - The Council may be able to buy affordable housing and borrow money against the levy.
 - A more simplified infrastructure charging regime and greater flexibility in spending contributions.
 - Greater flexibility in determining the nature and form of affordable housing in the District.

Consultation and feedback

- 29 Officers circulated a series of briefing videos to members on 9 September 2020, setting out the key content of the White Paper, the implications for

Sevenoaks and initial responses to the consultation questions. Follow up online question and answer sessions were held on 13 and 15 September. Key issues raised by members during these sessions were:

- The response to the consultation should highlight the unique nature of development constraints in Sevenoaks.
- Emphasis on striking a balance between the protection of the Green Belt and meeting housing need.
- Concerns expressed regarding affordable housing delivery in Sevenoaks
- Digital methods of plan making, decision taking and consultation are not always appropriate.
- Housing delivery is not entirely dependent on local authorities and requires developers to build out consents.
- Queries were raised regarding how neighbourhood plans will fit into the process.
- No mention of locally listed buildings.
- How do the proposals for design and beauty fit with the increased scope of permitted development?
- Very little on how local authorities will secure infrastructure through the levy.
- Further detail needed on whether there is scope for area specific rates. The removal of CIL and S106 is not necessarily welcomed.
- The proposed affordable housing threshold of 40 units is not supported and will reduce the delivery of affordable homes in Sevenoaks.

Council's Response to the White Paper

- 30 The Council's proposed response to the White Paper, which takes account of the points raised by Councillors during the Q&A sessions, is attached at Appendix 1 of this report.

Next Steps

- 31 Subject to approval, the Council's response will be submitted to the Government in advance of the close of the consultation period on 29 October 2020.

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Key Implications

Financial

There are no financial implications regarding this report.

Legal Implications and Risk Assessment Statement.

There are no legal implications regarding this report.

Equality Assessment (Compulsory heading - do not delete)

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero

This has been addressed in the main report.

Conclusion

Officers will be happy to take any questions regarding the content of the White Paper and the Council's proposed response to the consultation at the meeting.

Appendices

The Council's Proposed Response to:

Pillar 1: Planning for development

Pillar 2: Planning for beautiful places

Pillar 3: Planning for Infrastructure and Connected Places

Background Papers

Link to the White Paper document.

<https://www.gov.uk/government/consultations/planning-for-the-future>

Richard Morris

Deputy Chief Executive, Chief Officer - Planning & Regulatory Services

RESPONSES FROM SEVENOAKS DISTRICT COUNCIL TO THE PLANNING WHITE PAPER

PILLAR 1- PLANNING FOR DEVELOPMENT

1. What top three words do you associate most with the planning system?

Fair Open Transparent

2a. Do you get involved with planning decisions in your local area.

Yes

b. If not, why not?

n/a

3. Our proposals will make it 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?

Sevenoaks District Council (The Council) believes a variety of consultation methods are required to reach as many members of the community as possible. Whilst we welcome the increased digitalisation of the planning process, it is important to recognise the barriers that some residents may face with digital consultation methods, in particular new technologies and interactive tools.

Community involvement and engagement is at the heart of the plan-making process. The Council goes above and beyond what is required and as set out in the Council's 'Statement of Community Involvement', we have been actively seeking new and innovative ways to communicate and engage with the community for some time. In recent consultations, we have successfully used new technologies to reach more of the community. Methods include social media, interactive maps, videos and text notifications.

Everyone should have the opportunity to participate in the planning process if they wish to do so. It is important to recognise that for some members of the community, a more traditional approach to consultation may be required. Some consultation methods may not be accessible to residents, due to their age, location, ethnicity, a disability, or access to broadband. In particular, Site Notices are considered to be a particularly important mechanism for drawing attention to a planning application and should be retained.

Residents may not have access to technology and interactive consultation methods and hard copies of documents are sometimes more appropriate. Indeed, accessing large planning documents in electronic format is a particular challenge in the more rural parts of Sevenoaks District, both because of the large file sizes and intermittent broadband quality and availability. It is also not always possible to view large plans on a small phone or tablet. Over a third of households in Sevenoaks District commented on the Issues and Options version of our Local Plan

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PILLAR 1- PLANNING FOR DEVELOPMENT

and a variety of consultation methods is needed to maintain this level of community participation.

The Council recognises the invaluable input and local knowledge that Town and Parish Councils bring as consultees on planning proposals and wishes for this to be retained as part of the digitalising the planning process.

Notwithstanding the importance of ensuring the planning system should remain accessible to all members of the community, we welcome the digitalisation of some aspects of the planning process and recognise the need to change and adapt consultation methods to meet the needs of the ever-changing community, which we are already doing.

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

Sevenoaks District Council's top three priorities for planning are: protecting the Green Belt; delivering the right homes in the right places, including genuinely affordable housing; and addressing climate change.

The Metropolitan Green Belt covers 93% of Sevenoaks District's 142 square miles. 60% of this is AONB. The Green Belt coverage is the third highest in England and the particular function of the Green Belt in Kent is to form a buffer to the outward growth of London. Through community involvement, we know that open countryside is appreciated by the majority as a reason for living and working in, or visiting the District. National guidelines are clear that we should protect open land, discourage urban sprawl and prevent the coalesce of built up areas. In accordance with Government policy, protecting the Green Belt is a key priority for this Council.

Very high average house prices in the District present clear challenges to those wishing to own a home and the delivery of genuinely affordable housing is therefore also a top priority.

The Council has committed to meeting its target of net zero carbon by 2030, to work towards the international goal of reaching carbon neutral by 2050. In addition, we recognise the importance of the many different aspects of adapting to and mitigating the effects of climate change, including:

- Provision of blue/green infrastructure;
- High quality design;
- Flooding prevention;
- Energy consumption;
- Water efficiency;

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- Development in sustainable locations;
- Open space;
- Air quality; and
- Sustainable travel.

Therefore, given the wide ranging impact on residents in the District, adapting to and mitigating the effects of climate change is a top priority.

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

The Council does not believe that a simplified, less regulated system of Local Plans will lead to a faster, more efficient planning process. Indeed the Government acknowledges on page 40 of the White Paper the length of time taken to produce a Local Plan has doubled since 2009. This suggests that the introduction of measures by successive governments, such as the revocation of Regional Plans and the National Planning Policy Framework (NPPF), have made things worse. The White Paper does not provide an analysis of the reasons behind this increased timescale, however in the Council's experience, less guidance results in reduced certainty for all participants in the system and increases the scope for conflict.

The Council considers that Local Plans should do more than simply identify land for growth, renewal and protection. The plan making process works best when it brings stakeholders together to develop a locally specific spatial vision and we are concerned that the objectives of pre-NPPF policies in Planning Policy Statement 12 (which focussed on joint working between strategic partners) have been lost over recent years. We would support the renewed focus on a 'bottom up' approach to plan making, based on joint working with partners to develop a locally specific spatial vision.

The Council is concerned that as currently worded, the White Paper places a simple and disproportionate focus on the delivery of residential development to meet the Government's target of 300,000 homes each year. The document is largely silent on other aspects of growth, particularly the need to address employment needs and the role and function of town centres. In the light of current circumstances, these issues are particularly pressing for Sevenoaks.

Overall, there is a general failure to recognise or address the fundamental changes in lifestyles and working patterns that have taken place over the last seven months. Further consideration is needed on the land use implications of trends emerging from the Coronavirus pandemic and the types of development that will be needed to support economic recovery.

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It is becoming increasingly apparent that remote working practices established during lockdown will be with us for many months to come, if not permanently. Early indications suggest that office-based businesses will be adopting permanent flexible working arrangements, such as staggered start and finish times and working from home for part or all of the week. Furthermore, there is increasing evidence of migration out of city centres to suburban and rural location locations. The Council is concerned that the White Paper is largely silent on the spatial implications of these fundamental cultural shifts. At this critical time, we need more than a simple housing delivery mechanism. A broader conversation is required on matters such as the provision of flexible workspaces as part of development schemes to accommodate these emerging requirements and the implications of changing living and working patterns.

The Council would also like to see further measures to support town centre businesses. We would support a renewed focus on vitality and viability to increase footfall, through measures such as encouraging social infrastructure provision and cultural places and spaces in these areas. In addition, local authorities should continue to work with town centre partners such as Chambers of Commerce and town centre management teams to deliver locally specific solutions.

Finally, there is an urgent need to rediscover the link between public health and spatial planning. Local planning authorities should be encouraged to work collaboratively with public health colleagues to bring forward policies that deliver improved mental and physical health, through measures such as the increased use of Health Impact Assessments, communal spaces within developments that encourage safe social interaction and green urban environments.

The Council suggests that the White Paper should acknowledge the current uncertainties surrounding the impact of COVID on property markets, working practices and travel patterns. A review of the document is required when the implications of these changes become clear.

Growth, Renewal and Protection

It is unclear how the proposed categorisation of growth, renewal and protected areas will deliver improvements over and above the current system of allocations and designations. As noted above, previous attempts to simplify the planning system have increased the timescale for the production of Local Plans and further detail is required on exactly how these areas are to be identified, before detailed comments can be provided. In particular, it would be helpful to have further clarity on the aspects of the current system that would no longer be permitted. For example, the supporting text to proposed allocations currently provides scope to expand the specific factors that are relevant to policy proposals. The extent to which this provision will continue to apply is unclear.

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The identification of these areas should continue to be based on locally specific evidence. Notwithstanding the proposal for outline planning consent to be granted by default in growth areas, Local Plans should retain the ability to set specific development criteria and if necessary, requirements for the production of more detailed Supplementary Planning Guidance to minimise impacts on the local area.

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

The Council is broadly supportive of the established principle to prepare locally specific development management policies that avoid the repetition of national guidelines. These proposals offer nothing new in this regard. The Council does however, have concerns regarding the introduction of ‘machine readable’ planning applications as part of the Government’s wider proposal to remove professional judgement from the planning process. Firstly, there is no evidence to suggest that algorithm technology is sufficiently advanced to deliver decisions that take account of an infinitely variable set of local circumstances. We are concerned that the proposals will encourage a ‘one size fits all’ approach and a ‘computer says yes/no’ culture.

The use of algorithm-based technology also has wider implications for local democracy and the customer service experience for users of the planning system. The proposal is not supported.

7a. Do you agree with our policies to replace legal and policy tests with a consolidated test for sustainable development, which would include consideration of environmental impact?

The practical application of the current legal compliance and soundness tests are dependent on the interpretation of the appointed Local Plan Inspector, which remains largely unclear until the start of the examination hearing sessions. Any replacement test should provide a greater degree of certainty for local authorities, to avoid abortive work for all who are involved in the production of a plan. Further detail on the nature of the proposed sustainable development test, including how it differs from the current mechanism of sustainability appraisal, is needed before further comment can be provided.

7b. How could strategic cross boundary issues be planned for in the absence of a formal Duty to Co-operate?

Whilst the removal of the duty to co-operate as a solution to address cross-boundary needs is supported, the search for an effective alternative mechanism to deal with this issue has been on-going for many years. The Government will be

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aware that solutions have included both Structure Plans and Regional Planning Guidance and the latest attempt, in the form of the duty to co-operate. All of these approaches have proved an unsuccessful means of addressing cross-boundary matters and it is unclear if further viable alternatives exist.

We note that further consideration will be given to an appropriate mechanism for cross- boundary planning and additional comments will be sought at the appropriate time. At this stage, it is suggested that the use of vague and subjective terminology, such as ‘constructive engagement’, should be avoided. We would also encourage the Government to consider the aspects of previous policies that have worked well, rather than seeking to reinvent the wheel on this issue.

There is no escaping the fact that many strategic priorities are regional in nature and the average time taken to prepare a Local Plan has doubled since Regional Plans were revoked. Whilst the previous system of regional governance - which comprised Regional Planning Authorities, Regional Development Agencies and a regional Government Office, was overly complex, a simplified, light touch version of this structure could assist in the delivery of cross-boundary matters. There may also be scope for regionally significant planning issues to be translated to a local level through the production of sub-regional plans between groups of authorities.

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

Yes. We are supportive of a local housing requirement that genuinely takes account of the District’s constraints and practical limitations.

Sevenoaks District is exceptionally constrained, with 93% Green Belt, 60% AONB and 41 Conservation Areas across many of the District’s settlements (See Table 1 on page 8 of this response). The proportions of land in each local authority area constrained by Green Belt, National Park, an AONB or an SSSI were published in September 2017 by MHCLG, in conjunction with a Housing Need consultation. This data shows that Sevenoaks District is the tied top most constrained Local Authority with 94% of the land covered by these constraints. In the notes for this data it is stated this “...provides an indication of land that is not generally available for development, to illustrate the point in the consultation document that not all authorities will be able to meet their need in full within their own area.” (Housing need consultation data table, Planning for the right homes in the right places consultation, published September 2017:

<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>)

We have concerns that the proposed binding local housing requirement for the District would be beyond what can reasonably be planned for in an area with

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significant constraints and a sensitive landscape. Therefore, it is important that constraints are given proper consideration when a binding housing requirement is set.

In addition, in order to achieve sustainable places for people to live, housing must be accompanied by the required infrastructure, facilities, services and resources. Therefore, capacity of existing settlements should also be factored in when determining the resultant housing requirement.

The Council's emerging Local Plan (currently subject to Judicial Review proceedings) already sets out a housing requirement for the District, which uses the current standard method as a baseline and takes constraints into appropriate consideration. The proposed housing requirement is below the current standard method figure despite increased densification, maximising the potential of urban areas, efficient reuse of brownfield land and proposals to release 221 hectares of land from Green Belt for housing and mixed-use site allocations under exceptional circumstances. We have done all we reasonably can to deliver the right homes in the right places supported by infrastructure and conserving and enhancing the character and sensitive landscape of the District. This approach has been endorsed through the Local Plan consultation process. Therefore, we expect that the prescribed housing requirement would be significantly lower than the baseline standard method housing need.

Unfortunately, the emerging Local Plan has been stalled and is currently subject to Judicial Review proceedings. Permission was granted for the Judicial Review proceeding to go ahead on all grounds and the hearings took place early in September; we await the outcome. At the time the examination halted, the Proposed Submission Version of the Plan proposed almost 9,500 dwellings in the District until 2035. This is approximately 3 times the number of dwellings set out in the adopted Core Strategy (2011). This delay has severely reduced our ability to increase housing in the District, however, we are committed to adopting a Local Plan that provides the right housing in the right places and protects the Green Belt and AONB.

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

No, whilst the affordability of housing is a factor in determining local housing requirements, there are other factors that should be considered.

Affordability is affected by more than just supply and demand. It is a complex amalgamation of issues including land availability and social and economic factors. The District is a desirable place to live due to its location, proximity and transport links to London, heritage assets and high quality natural environment. On the other

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hand, the District is highly constrained with little available land for new development and therefore high land values. These factors all have an impact on affordability. In addition, access to money & borrowing has significant impact on affordability as well as matters of demand and supply.

The “Changes to the current planning system” consultation states that the proposed standard method has relevance to the changes set out in this White Paper. This proposed standard method calculation uses the latest available affordability ratio as well as the change in affordability over 10 years. It is found that areas with significant constraints have correspondingly high affordability ratios as shown in Table 1. The affordability ratios of Local Authorities, outside of London, which are the top most constrained are particularly high. Therefore, affordability ratios should not be given disproportionate weighting in the calculation of a binding housing requirement in relation to other factors including settlement capacity, land values and constraints.

Table 1: Affordability Ratios of Neighbouring Local Authorities and Top Most Constrained Local Authorities

Area	Affordability Ratio	Proportion of Local Authority land area covered by Green Belt, National Parks, Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest
Tandridge*	14.98	94%
Epping Forest*	13.68	94%
Sevenoaks*	13.12	94%
Tunbridge Wells	12.48	75%
Tonbridge & Malling	11.79	77%
Wealden	11.55	65%
Dartford	9.23	56%
Gravesham	8.62	78%

* indicates the tied top three most constrained Local Authorities in England

Housing must be accompanied by the required infrastructure, facilities, services and resources. Therefore, as set out in response to question 8a, the extent of existing settlements should be accounted for in order to achieve sustainable places for people to live.

Finally, as set out above the District is highly constrained, and therefore, the availability of land suitable to be developed for housing is limited. It is very important that constraints are given fair weighting in the calculation of the quantity of development that can reasonably be delivered in the District.

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

It is unclear how the “automatic outline permission” proposed differs from the current approach of allocating sites, as both are methods for determining the principle of development. A site allocation primarily consists of a site location/boundary, a proposed use and quantum of development and any site-specific details required to make the principle of development acceptable. An outline permission has the same requirements, but also has an expiry date. The White Paper does not comment on whether the “automatic outline permission” will include an expiry date or whether the permission remains for the length of the Plan period, as per an allocation.

In addition, as outline permissions do not necessarily consider any additional detail beyond a site allocation, it is not clear how the process of assessing the reserved matters would be faster. The same information would be needed for the reserved matters application as for a full application following a Local Plan allocation to ensure the proposal is sustainable and high quality.

However, if additional information, beyond what is currently provided for an allocation, is required for proposals in growth areas at the Local Plan stage, then we have concerns as to how the additional technical information will be funded and produced in the proposed shortened Local Plan timetable. In our experience, the amount of information required to support Outline applications is substantial. Sevenoaks District is highly constrained and new development comes from a large number of smaller sites. Producing detailed information for each site would be extremely time consuming and potentially costly.

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

In areas identified for “renewal” there will be a “presumption in favour of sustainable development”. Parts of Sevenoaks District are already subject to the “presumption”, in accordance with Para 11 of the NPPF. Renewal areas will allow Local Authorities to identify specific areas where the “presumption” should apply. This is supported, as it will allow planned and strategic development in sustainable and suitable locations, such as town centres and transport hubs. Development in renewal areas, in combination with local design codes, has the potential to ensure that the right kind of development is delivered in the right places. Although the White Paper also states that development must meet “other prior approval requirements”, it is not clear what these requirements will be. However, any development in renewal areas must take account of local character, be of high

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quality, consider all aspects of sustainability, and contribute to affordable housing and other local infrastructure requirements.

The identification of “protected” areas is supported, as is the requirement for proposals to be subject to planning applications. However, the removal of local development management policies is of concern. It is likely that “windfall” development will continue to be delivered in these areas and it is essential that this development takes account of local circumstances such as affordable housing, local character, housing size and type and the importance of employment land.

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

In the absence of further detail, the Council does not believe that the NSIP process is the right mechanism to bring forward new settlements. The process is fundamentally undemocratic and is not suited to the consideration of either the strategic or detailed planning issues that are associated with these proposals.

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

Whilst the Council supports the general principle of increased use of technology in the publication of planning applications, its views on the use of algorithm technology to determine proposals are set out in response to question 6 of this document. In essence, an algorithm should not be substituted for human judgements to determine whether development proposals are appropriate in the local context. The Council has an exemplary record of deciding planning applications within the required timescales and has sought to use technology wherever possible to assist with this process. From our perspective, the proposed additional measures are not necessary

Notwithstanding the Government’s objective to speed up the planning process, the supporting information submitted with a planning application must be sufficient to allow the determination of social, economic and environmental impacts. The absence of such information inevitably results in ambiguity and delay.

The Council does not support the proposal to refund planning application fees where proposals are not determined within the statutory time limit. Delays in the determination of planning applications can arise for multiple reasons, but are usually connected to the quality of submission information and/or the nature of discussions between the Council and the applicant. The Council would urge the Government to consider the factors that lie behind delays before apportioning blame and penalty.

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11. Do you agree with our proposals for accessible, web-based local plans?

The Council is generally supportive of the proposals for accessible, web-based Local Plans, however it is important to recognise the barriers that some residents may have with web-based technologies.

As set out in the Council's 'Statement of Community Involvement', we are actively seeking new and innovative ways to communicate and engage with the community. In recent Local Plan consultations, we have successfully used new technologies in order to reach more of the community, including social media, interactive maps, videos and text notifications.

Everyone should have the opportunity to participate in the planning process, if they wish to do so. It is important to recognise that for some members of the community, a more traditional approach to consultation may be required. Some consultation methods may not be accessible to residents, due to their age, location, ethnicity, a disability, or access to broadband. Therefore, a variety of methods should be used to ensure that Local Plans are accessible to everyone.

The Council recognises the invaluable input and local knowledge that Town and Parish Councils bring as consultees on planning proposals and wishes for this to be retained as part of the digitalising the planning process. As noted in response to question 3, the Council believes that face to face consultations continue to add value to the planning process, alongside the use of technology to access hard to reach groups.

Notwithstanding the importance of ensuring the planning system should remain accessible to all members of the community, we welcome the proposals for accessible, web-based Local Plans.

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

Whilst the Council agrees there is scope for greater efficiencies in the plan making process, it is not supportive of a 'one size fits all' statutory timescale, which fails to take account of local circumstances. We suggest that local authorities should be given a 'margin of appreciation' to formulate a timescale that reflects the complexity of the plan area, for agreement with the Government at the outset of the process.

The process outlined on page 40 of the White Paper does not provide an opportunity for members of the public or other key stakeholders to comment on an emerging Local Plan until after the document has been submitted to the Secretary of State. This approach represents a fundamental departure from the current

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arrangements, which seek to ‘front load’ consultation at the start of the process. The Council is concerned the proposed approach will damage local democracy and risks alienating local communities.

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

Community involvement within the planning system is becoming increasingly important and Neighbourhood Plans offer the opportunity for a community-led plan, setting out policies on the development and use of land in a parish or neighbourhood area. Neighbourhood Plans can also be used to promote much needed local housing and infrastructure.

Whilst promoting community involvement in the planning process, Neighbourhood Plans simultaneously encourage beneficial communication between Local Stakeholder Groups, Town and Parish Councils and the District Council. We have found that, as well as strengthening working relationships between neighbourhood planning groups and local authority planners, this can have a positive impact on community understanding and collaboration on the future of local areas.

There are currently no adopted Neighbourhood Plans in Sevenoaks District. However, there have been 11 neighbourhood area designations of which 7 are currently making progress.

13b. 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?

A Neighbourhood Plan is developed to support and build upon local planning policies. The Plans add “local flavour” and allow communities to directly influence how the local area is developed. With the proposed removal of local Development Management policies, it is unclear what role a Neighbourhood Plan would play in shaping the development of an area. The Council’s views on the use of digital tools in neighbourhood planning reflect those provided in response to question 3 of the White Paper. Finally, it is unclear how the proposed Design Codes referred to in Pillar 3 of the White Paper would relate to the Neighbourhood Planning process.

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

Yes. Whilst the Council makes every effort to ensure that sites allocated for development are genuinely deliverable, there are situations where sites do not come forward as planned, which has a negative impact on the Council’s housing delivery against its housing requirement. This also negatively impacts the Council’s Housing Delivery Test result, leading to additional sanctions on housing

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requirements. A stronger focus on build out (and commitment from developers) will help ensure non-implementation is kept to a minimum.

The Council has a responsibility to process and determine planning applications within a given timeframe, however what happens following the granting of planning permission is outside of the Council's control. Currently, planning permissions expire if work has not started within a given timeframe. Unfortunately, this can lead to partially built out sites or building sites, for a number of years with the development never being completed.

The Council is aware that in London and across the UK, there is a sufficient 'pipeline supply' of homes with planning consent to make a significant contribution to meeting housing needs. This indicates that the planning system is 'doing its bit' to address the issues and the challenge for the Government in this White Paper is to ensure that the pipeline comes forward, rather than using the planning system and those who work within it as a scapegoat.

In order to place a stronger emphasis on the build out of development and to ensure development is completed, it is suggested that the expiry date of a planning permission should be linked to the completion of the development, rather than the start.

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15. What do you think about the design of new development in your area?

Making well designed buildings and places a priority within the planning system and giving LPAs the opportunity to be proactive is welcomed. Development in Sevenoaks reflects the reactive nature of development within LPAs and developers' priorities. Elevating the expectation of well-designed buildings and spaces within the system and supporting this through policy will give Developers and communities more certainty about the quality of development that should be delivered.

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

Sustainability is commonly understood to be made up of three elements, economic, social and environmental. Our local polices reflect all three of these but the White Paper only focuses on the environmental factors. We are very supportive of conserving and enhancing our high quality natural environment, and tackling the causes and effects of climate change, but the sustainability of the District also includes economic viability and strong, vibrant communities. It is important that Government policy reflects all three of these elements as well.

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

Front loading the development process so that the priorities and standards of development is established and published should make it clearer and easier for all stakeholders. However, we would not want to see innovation stifled, both in terms of technical advances and evolving tastes. Design Guides and Codes would need to be updated on a relatively regular basis and further information and timeframes on this should be provided.

In a District with a wide range of urban and rural characters and 41 conservation areas we would not want this to be lost or diluted with the potential uniformity of the requirements of a Local Design Code. Local design details are extensive and varied in the district and this must be remain the highest priority. We would still expect applications to demonstrate a rigorous attention to the immediate context.

Further information on the content and extent of the proposed Design Guides is required.

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18. Do you agree 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, it is appropriate to support the development of design codes to ensure consistency of quality of content nationwide and that good practice and innovation is shared and disseminated.

A national specialist organization would do this best, rather than a new part of Homes England or within Design South East because it has a new radical agenda. Extensive design guidance and code production needs senior management support and responsibility

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

Yes. It is important that all stakeholders involved in delivering development have the same objectives to ensure clarity and avoid conflict within the process that can cause delay (which is contrary to the purpose of the White Paper)

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

The word ‘beauty’ could be misleading and doesn’t easily represent all the elements that contribute to well-designed buildings and spaces.

The principle of a fast-track system where the local planning authority is pro-active in setting out development and design principles that have been developed with community engagement could make the Development Management process clearer. However, widening permitted development to create ‘pattern book’ development could see a uniformity of design and stifling of innovation, unlike the proposed intention.

Design encompasses more than just aesthetics but supports other agendas (like health for example) New policy must ensure that these elements are acknowledged.

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

There is concern over the determination of listed building consent outside of the LPA. The specific proposal outlined is the ‘earned autonomy’ from listed building consents for suitably experienced architectural specialist for ‘routine’ listed building consent. Clarity would be needed as to what ‘routine’ means because the NPPF directs local planning authorities to make decisions based on the special

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interest of each building. A small 'routine' replacement in one building could, in a different building result in serious harm.

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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 main priority for Sevenoaks District Council (SDC), with any new development in an area, is that it meets the requirements of the Local Plan, unless material considerations indicate otherwise. In drafting the Local Plan, a local authority considers a large amount of evidence, they also consider the input of the community as well as infrastructure providers, which leads them to determine the planning priorities for District through its policies. A Local Plan covers a wide range of planning issues.

SDC would therefore expect any development that happens in our District to meet our affordable housing requirements, addresses a local need (e.g. employment space), that the design enhances the site and surrounding area and that there is sufficient green space for example. On the larger sites, in addition to the above, SDC would expect that adequate and appropriate infrastructure is provided on site or off site including education or health. This creates a successful development and we would therefore not see one element as more important than another.

Our Local Plan has undergone a viability assessment to ensure that developers can provide all that is required in our policies and that the developments will remain viable.

It is worrying that the Government should look to prioritise a particular area of a development, as this could mean that whilst the design of a scheme is prioritised or the correct amount of infrastructure is provided, that other very important issues are compromised such as employment land, green spaces, ecology, sustainable building materials, infrastructure or biodiversity, which would be unacceptable.

In particular, SDC would be concerned if the Govt decided to encourage developers/local authorities with the clear focus on Affordable housing, as whilst this will provide for one need, this would not work for the community, as it would mean that roads, schools, employment or health care etc. that are also needed to support a development would not be prioritised. We do not want to end up with large amounts of housing with nothing to support it.

Sevenoaks District Council would therefore ask that when assessing a development or allocating the levy that Local Authorities are given the authority to assess each

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development on its own merits, on a site by site basis to ensure that it has the correct design and facilities for that specific area and that it is supported by the appropriate infrastructure for that development.

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.]

Not sure.

The role of CIL and Section 106s are different. They have clear distinct roles. SDC would support allowing local authorities to capture a greater proportion of the development value, but would be concerned with the loss of 106's (Legal Agreements) completely as they do a lot more than just secure money for affordable housing.

We would therefore suggest, if a new Levy were introduced that there still be an option to create a legal agreement to control ownership, landscaping, ecology and also the tenure of affordable housing units as this is the most secure way to provide all the elements which would make a scheme that would normally be unacceptable, acceptable. Completely taking away the ability to agree a 106 agreement would remove a much needed element of the planning system and would mean that a lot of planning applications would become unacceptable without these in place.

SDC would also welcome the proposal to have a fixed proportion of development value set as a low threshold as this would mean that Local Authorities would benefit from more income, as we would be able to capture the up lift on the sales value of each development rather than have a set charge across the District. This seems sensible.

SDC would however be concerned as to how the threshold is set. SDC would ask that the threshold should be set very low. A significant proportion (approximately 30%) of new homes in or District are on sites of 9 units or less. This is due to the constrained nature of the District having over 93% Green Belt and large areas covered by AONB, which reduces the ability for larger sites to come forward. If the threshold was set at 10 houses or above this would considerably reduce the amount of Levy and affordable housing that could come forward. This would be, and has already proven to be, damaging to the District and community.

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In addition to this SDC, is extremely concerned that if a threshold is set for 10 units and above for example, that we would receive a high number of applications for 9 units to exclude them from paying the Levy. What legislation could the Government put in place to ensure that developers maximise development on a site and also ensure that developers do not apply in stages or submit a number of applications to keep the amount of each application under the threshold.

If the Govt decides to set the levy based on an increase in value, SDC would like further information as to how the value would be sought and assessed. If the onus is to be put on the Local Authorities to understand the value and uplift, officers would need significant training or would need to be provided with money to employ someone who is qualified to assess the value of developments. If it is for a developer to provide this financial information, this would be quite onerous if it is a small firm and Local Authorities would still need to employ a qualified person to check the information. Planning/Council Officers for example would not be qualified to understand if a developer has artificially raised the costs of development, which would mean that there was less of an uplift in value at the sale stage. So SDC would welcome further advice as to how this uplift is to be understood, monitored and enforced.

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

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

It is SDC's view that the new Infrastructure Levy rates should be set locally.

Infrastructure requirements and the amount of value that can be gained from each development differ between areas and also between sites. It is considered that setting the levy at a national level is too broad and will not allow Local Authorities the freedom to consider local and on site issues. Locally setting the rate would also enable the policies laid out in the Local Plan to be taken into consideration. It is considered that setting a levy charge, taking into account all local issues and considering the potential levy value for development are better understood and implemented locally, scheme by scheme.

It is SDC's view that guidance for setting rates could be set nationally. For example, to define the types of development, and how it should be applied to each development, but the actual threshold above which the new levy would be implemented and the amount of uplift that should be applied and how it should be applied to each development should be determined locally.

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In addition to the above, SDC would also like to better understand what the Govt mean by area specific rates and how they will be worked out. But the main concern of SDC is that we would like to flexibility and authority to set rates and decide how and where the Levy is spent at a local level. SDC would also support the setting of a threshold locally. This means that the threshold could be set to ensure that the maximum amount of the levy could be sought and also ensure that development would remain viable as the viability would depend not just in the Levy but also all the other requirements in our Local Plan.

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

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

More value to enable Local Authorities to invest in infrastructure, affordable housing and local communities.

Currently due to the set CIL charge there is no flexibility in the CIL charge as this is set through the CIL Charging Schedule and cannot be amended if development increases in value. In addition to this, the fact that a number of CIL exemptions have been introduced, has meant that the amount of CIL income is not enough to enable SDC to make large investments towards the infrastructure in the District. Most of the CIL contributions that SDC have made have been top ups and towards small scale infrastructure projects. This means it has reduced the amount of CIL that has been made available to support some of the larger more strategic projects in the District or cross boundary initiatives. We have also had to reject a number of bids that have come forward, due to insufficient funds.

SDC would welcome a greater income to better support much needed infrastructure in the area. SDC also considers that this money should be for Infrastructure only (with the exception of the neighbourhood payments) to ensure that all the income goes towards supporting development in the area. Any flexibility to cover the costs of service provision or reducing Council tax would reduce the amount of money being spent where it is needed.

Whilst SDC supports the increase in income, we would however require more information in regard to our role in delivering and securing infrastructure. Whilst SDC would be happy to have authority over setting the charges and deciding where the levy will be spent, we would not want to have play a greater role in actually implementing the infrastructure. SDC would therefore like clarification as to their

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role in this new structure. Whilst SDC are happy to work with infrastructure providers they would not wish to overtake that role.

SDC would also question whether the Government would consider is looking at how the different values across different types of land would be considered. For example, considering how the levy would address the difference between land value increases for greenbelt release land versus prime real estate near highly sustainable locations. There is considerably more potential for an uplift in developer profitability for projects based on land purchased at agricultural values but these developments would also require significant infrastructure (of all types) to make them liveable in. It is also much cheaper to develop on virgin land. SDC would therefore recommend that any exceptional circumstances greenbelt sites should have a much higher levy contribution as they would require more infrastructure to be put in place to support it.

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

SDC is very concerned that borrowing against the Levy would put SDC and local authorities at a very high risk of being unable to pay the money back. As the 'levy' is proposed to be paid much later in the process than CIL, it increases the risk that sites will not be built out and payments not forthcoming, therefore reducing the ability to pay the money back. The Govt should not put local authorities in this position.

Linked to this, Sevenoaks District Council are also concerned, with the proposals that the 'levy' will be paid later and yet we are required to ensure that the appropriate infrastructure is in place before development commences. This appears to encourage Local Authorities to borrow against the Levy. This considerably increases the risk to Sevenoaks District Council which is of a concern. Local Authorities could end up with borrowing money, securing infrastructure and then the developer decides not to complete the development or occupy units, leading to no income. Sevenoaks District Council therefore ask that help is given to Local Authorities to reduce their risk.

In light of these concerns, it would therefore be helpful for the Government to clarify what they expect Local Authorities to do, their role and the level of risk they expect them to take. If for example the Govt expect Local Authorities to borrow, to provide infrastructure for every project this would involve then

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spending large sums of money which would clearly put them at great risk which would be unacceptable.

Due to the fact that Local Authorities have no control over when development commences or money through the levy will come forward, it should be recognised that this will also increase the risk in being able to pay the loan back. SDC would therefore ask that these loans at the very least are long term and also allow flexibility if the situation changes.

In addition to this, whilst it is understood that Local Authorities would be expected to assure themselves that this borrowing is affordable and suitable, SDC would ask that clear guidelines are put in place by the Govt, to help understand what a suitable project would be. Also guidance on what they consider to be affordable, for example Local Authorities could look at past 5 years income of CIL and how much they could borrow against that etc.

It would also be helpful to understand if the Govt plan to draft any consequences where Local Authorities cannot pay or need to defer payments so the risks can be fully understood.

SDC also consider that whilst it may be helpful to be allowed to borrow against the infrastructure levy, rather than this being an option (as described in the white paper) we are concerned that this will be expected to ensure infrastructure is provided. We would therefore seek clarification as to whether borrowing would be an option or required.

As Local Authorities are not the party that would deliver the Infrastructure Levy one suggestion would be whether the infrastructure providers themselves could borrow against the Levy, reducing the risk to Local Authorities.

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

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

Yes.

SDC consider that it is essential that the reformed Infrastructure Levy captures the changes of use permitted through permitted development rights. New development allowed through permitted development rights, for example new dwellings, would generate a need for new or improved infrastructure to support it. The only way that infrastructure can be funded to support new development allowed as permitted development is to allow the levy to capture uplift in value from these

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developments. Some of the developments in our District, where there has been a change of use from offices to residential under permitted development, have resulted in considerable profits to developers, with no requirement to pay CIL or contribute to the infrastructure required to support the new housing. It is SDCs view that it would not be unreasonable to expect some of that profit to be paid back through the 'levy' to support the infrastructure requirements for these permitted developments.

SDC would however ask for more details as to how this could be implemented as currently the CIL payments/liability are triggered by planning applications so it would be helpful to know how and when Local Authorities would apply the levy for permitted development for example. This advice should also include how Local Authorities can take enforcement action and what interest if any could be charged if the levy is not paid.

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.

Through evidence produced by SDC, through their Local Plan process, there is a clear shortfall in the amount of affordable housing that is being provided, so any legislation that ensures that the same amount or more affordable housing is being provided, particularly on site would be welcomed.

To ensure that the same amount or more affordable housing is provided on site SDC would ask that the 'threshold' for levy payments is set very low. Recent changes to legislation in regard to affordable housing, has meant that the Council has lost a considerable of funding and on site provision of affordable housing. If the Govt set the threshold high, this would follow the previous change and result in a loss of a significant amount of income to SDC. As explained before, we have a large amount of smaller sites coming forward where if the 'threshold' was set high, it would result in no levy being paid and no affordable housing being provided for over 305 of sites in our District. The Levy and threshold really needs to be set a local level to reflect local circumstances. SDC has a clear Housing Strategy, which includes precise information to inform us as to the type and tenure of housing that we require in the district at a local/ward level. SDC would therefore ask that the Govt introduce flexibility into this system to allow for us to be able to deliver against these identified needs at such a micro level.

Any proposal to allow the affordable housing to be less or lost in time, would however be strongly objected to by SDC. It would appear that the Govt is keen to

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provide an increased number of affordable units on site, and yet also give the developers flexibility to revert these units back to market properties as soon as the market changes. This would lead to a number of affordable housing units being lost at a time when they are most needed. SDC therefore strongly object to this proposal.

It is SDCs view that allowing any flexibility with affordable housing would defeat the aims of securing more on site at the outset and the aims of getting more affordable housing on site. The affordable housing that is provided by each development needs to be retained in perpetuity.

SDC would also request that clear definitions are provided as to the types of affordable housing that could be provided through the Levy. They would also request that Local Authorities have the authority and flexibility to request and ensure that the types of affordable housing that is needed in each area is provided. It is also suggested that the Govt provide an appropriate means of securing the housing for the purpose needed e.g. legal agreement.

Whilst it would appear that we can still work with local housing providers to ensure that the right tenure of affordable housing is put in place, SDC would be keen to know exactly how the Govt, with this new process, would control the tenure of each unit, ensure that a nomination procedure is followed and most importantly that it remains in perpetuity and affordable. Any proposal to allow the affordable housing to be lost either at the initial stage or through time would be strongly objected to by SDC.

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.

Securing payment in kind would mean that affordable housing takes priority over other forms of infrastructure. As the provision of affordable housing in kind would mean that less money would be available for other forms of infrastructure needed to support the development. This may not be appropriate for every development. SDC would therefore suggest that flexibility is brought into this proposal, to ensure that the amount of affordable housing is appropriate for a particular development and that other options can be considered if it is not.

SDC would ask that the amount of 'in kind' payment be implemented on a case by case basis, allowing the Local Authority to determine what the most appropriate form of infrastructure is for each site.

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As part of the changes, the Govt has suggested that development without infrastructure in place cannot go ahead, surely it must be part of the Local Authorities responsibility to determine what must be in place for each site. If for example, a large amount of money from the levy is required to support transport improvements/access improvements then the provision of affordable housing may not be the priority for this site.

In addition to this, if the amount of levy is off set (reduced) due to affordable housing being provided on site and the market changes and these units are lost. We have lost the benefit of affordable housing and also the Levy income that we would have got for a site. In the long term this would result in a reduction in income and the amount of affordable housing, which would be unacceptable.

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.

It is assumed that you refer to a situation where value secured through in kind units becomes greater than the value of the levy that should be paid at the end of the development and whether a developer can re-claim payments.

SDC would support a proposal where the developer would have no right to claim over payments. They would however appreciate the Govt drafting legislation that prevents over payments from occurring in the first place.

SDC would welcome standardised agreements to show how risk sharing would work in this way. We would also welcome advice as to how this risk could be reduced through policy design. More information is needed as to how this would work before we could comment fully.

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.

SDC consider that working with Housing Associations, an appropriate step would be to set up design codes/policy to ensure that the properties that are being provided

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are of an appropriate size, design and quality. Properties would only be accepted 'in kind' if they met all the criteria laid out.

In addition, SDC also consider that clear and strong enforcement procedures are put in place if the design codes/policies are not met. Whilst the Govt suggest financial implications if standards are not met, it would also be helpful to have enforcement procedures in place to ensure that any units built, that do not meet the required standard, can use enforcement procedures to ensure that they are amended to meet the standards. Just providing financial consequences or allowing the Local Authorities the opportunity to buy these properties will not achieve the aim of bringing them up to standard and being able to be occupied. There needs to be strong enforcement procedures in place for this to work.

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

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

No.

SDC are extremely concerned with this proposal, as there is currently insufficient funding to cover all the infrastructure project currently required.

If there were fewer restrictions, which allowed the 'levy' to be spent on projects and services that were not infrastructure, it is likely that not all levy would be spent on Infrastructure or could be frittered away on smaller vanity projects, improving other services or reducing Council tax. In particular, SDC would support any legislation that sought to ensure that the majority of the levy money was spent on larger infrastructure projects e.g. roads and schools to support development allocated in the Local Plan. If, however, smaller infrastructure projects were to come forward that clearly provided a strong local or community benefit and supported new development, SDC would like the flexibility to be able to contribute to these projects through the Levy.

SDC supports the fact that Parish and Town Councils would still receive the neighbourhood share of the Levy as it is important that some of the levy is spent to mitigate the clear local impact that any development will have.

The Government needs to ensure that the money is spent of infrastructure only and that it supports the impact that development would have on an area as that was what generated the money and that is what will benefit the community the most. If there is fewer restrictions SDC is concerned that the money will not be spent where it is most needed.

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If the Government does decide that it wants to be more flexible over how Local Authorities could spend their CIL money, then Sevenoaks District Council request that authority be given to each Local Authority to determine how they spend that money and they decide on the priorities for spending.

In addition, as part of this new structure SDC would also still require the ability to part fund projects as there is not enough money currently in CIL to fully fund projects and cover all the infrastructure needs.

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

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

Not sure.

There is such a need for affordable housing and in many Local Authorities there is an under provision. Any legislation that helps to protect the amount or provide an increase in affordable housing and retain it in perpetuity would be welcomed. However, this should not be at the expense of other infrastructure. SDC would not want to see affordable housing set as a priority as this would mean that the majority of the levy would be spent on this, without ensuring that other necessary infrastructure would be provided. Developers should understand that in providing affordable housing they will still be required to contribute to other forms of infrastructure that the site needs. SDC would ask that Local Authorities have the flexibility to determine what is appropriate for each site.

Other comments

1. Sevenoaks District Council is very concerned with the following statement:

“in the event of a market fall, we could allow Local Planning Authorities to ‘flip’ a proportion of units back to market units which the developer could sell, if Levy liabilities are insufficient to cover the value secured through in kind contributions”

Sevenoaks District Council would not support the possibility of ‘flipping’ units from affordable to market, as the affordable units would then be lost. Affordable housing units are much needed in our District as we have over 800 families on our housing register and a great need for socially rented units. Therefore, any proposal to reduce the amount provided especially on site would not be supported. Even if the levy is insufficient to cover the provision of affordable housing, on site other options should be considered first such as providing payment in kind or providing options for Affordable Housing providers to buy the stock or amending the type or size of the

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housing should all be considered before the housing is lost to market housing.

If the Govt were to implement this option, they would need to define what they consider to be a Market Fall and at what level they would consider that the developer could sell them at market level. It would also be appropriate that to determine when the 'flip' could occur. SDC would suggest that this occurs before the properties are sold or occupied, as this would put Local Authorities and Housing providers in a difficult position. SDC consider the option to revert back to market housing can only occur once much more detail has been provided in regard to definitions and stages at which this can occur. The Govt should provide clear restrictions to ensure this only happens in extreme circumstances and not on every site.

2. Sevenoaks District Council would also ask that clear definitions should be provided in this context as to what affordable housing is. What types the Govt consider there are and provide clearer guidelines as to how these can be retained.
3. SDC also note the comments made in regard to publically owned land and the Government strategy on how land owned by Government can be managed and released more effectively.

It is understood that much of this type of government and publically owned land is likely to be highly valued open spaces or recreational land which need to be protected. SDC would therefore request that these areas need to be protected in any policy that is drafted in regard to publically owned land.

Whilst SDC supports this proposal in principle, we are concerned that this strategy could lead to publically owned land just be taken over. It would be helpful if the Govt could provide more details in regard to these initiatives and their intentions as SDC would not want to use well used and profitable land, nor would they want to jump through a number of hoops to keep it. SDC would welcome more clarification to confirm that local authorities will still have authority to determine how these sites are used.

4. SDC are also concerned that in the Government's insistence that the SME builders are being disproportionately penalised by the current CIL system. No evidence has been provided to support this claim. In this highly restricted District (93% Greenbelt), where many of the developments are on the small side and where we therefore probably have a higher than average proportion of SME builders, we also have no evidence that this is preventing them from developing sites or that they are being unfairly penalised against

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larger developers. SDC would therefore like to see clearer evidence to support this claim and if this is provided how these new proposals specifically address this issue.

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