

White Paper: Planning for the Future

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

1. Necessary
2. Democratic
3. Multifaceted

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

Yes, as a local planning authority (LPA), Tamworth Borough Council engages at national, County and district level together with cross-border working.

Q2(a). If no, why not?

N/A

Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? *[Social media / Online news / Newspaper / By post / Other – please specify]*

Any access to plans and proposals would have to take into account changes to the Data Protection Act through the GDPR in May 2018 and people's access to different technology, along with the skills necessary to use it. Projected population changes in Tamworth show that there is a significant increase in all age ranges over 60 up to 2036, most notably in the 80plus age range. The ageing population and the projected decrease in the population under 35 will require a package of measures to ensure all parts of the community in Tamworth have equal access to plans and planning decisions.

Q4. What are your top three priorities for planning in your local area? *[Building homes for young people / building homes for the homeless / Protection of green*

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

Tamworth's top three priorities for planning are:

1. Provision of appropriate infrastructure for residents of Tamworth
2. Provision of genuinely affordable housing for residents of Tamworth
3. Regeneration of the town centre, making it fit for the 21st century

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

On the face of it having each piece of land categorised as one of three area types could be considered a simplification of a local plan. How these three area types, in particular Growth and Renewal areas, will work in practice is, to a large extent, yet to be determined and is not without complexity. There will be the need for a much finer grain, with sub-areas within each category such as creating areas for self and custom build homes and establishing differing permitted densities. Identifying distinct areas around high streets and town centres and introducing design codes will inevitably result in 'policy layers'. This complexity is unavoidable within a meaningful planning system; to imply that every area of land can neatly fall into one of three categories is misleading. The detail of the accompanying text needed for the Growth and Renewal areas is of particular concern given the proposed 12-month plan production window.

There are many unknowns remaining within the proposals with terms and parameters yet to be defined, such as 'substantial development' and 'important constraints'. What is substantial for one area will not be substantial for another. The definition will need to be set out in national policy.

The 'important constraints' that would be excluded from Growth areas unless the risk can be fully mitigated, have not been specified. Regarding mitigation, would the

need for mitigation need to be proven at the point of submitting the site within the first six months of the plan process and if so, would this case for mitigation then need to be determined within the 12-month plan production period? Demonstrating successful mitigation requires substantial up-front financial resources, however, at that early stage of the plan process, with no certainty of an allocation, a landowner/developer might not be able to afford to take the risk. Similarly, it is not clear when masterplans and design codes will be prepared in the plan process. If there is to be any significant level of detail to support an allocation of a Growth area, this is not compatible with a 12-month plan production timeframe.

The proposals as they stand would result in the local plan policies map looking very choppy, with Protected areas to include gardens and the dwellings themselves within the curtilage likely to fall into a Renewal area. The plotting of the interactive map would simply not be achievable if gardens and dwellings are to fall within different areas. As such, there needs to be a recognition that protected areas will 'wash over' existing properties which might otherwise be seen as previously developed land, normally suitable for 'renewal'.

The introduction of a wholly interactive local plan policies map is supported, however, detailed guidance would be required to ensure that a set standard applied across the country. This extends to a clear set of criteria for whether policies are defined by polygons and/or icons or shading. For LPAs to prepare for the changes proposed, the new NPPF would need to be published well in advance of new legislation. Transitional arrangements will need to be considered in detail – perhaps to the extent that any new NPPF only applies once a new-style Local Plan has been adopted.

It would be advisable that pioneer LPA's would be given longer than 30 months to produce these new style Local Plans as they will need more resources (time, money

and expertise/training) to produce. Also it is unclear where the gap in fee income would come from, as most of the cost of securing outline planning would be at plan making stage, instead of the traditional (and income generating) application process.

Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

Seeking to reduce the duplication of national policy within Local Plans is understandable and many policies are adequately covered by the NPPF e.g. Heritage, and Green Belt. However, general development management policies only being set nationally, does not allow local authorities to respond to local issues/priorities in ways which they think are appropriate and reflect the distinctiveness of an area. Authorities will instead be constrained by National Policy requirements. The new system needs to reflect the fact that there are always going to be certain local issues that will not be covered by the NPPF. It would be preferable if the NPPF sets out what is covered nationally and does not require further policy to be set, although effective consultation on the wording of these policies will be required - particularly with practitioners who are expected to apply them. Local authorities could pick up on topics which the NPPF cannot cover.

It is likely that by removing general development management policies from the Local Plan, Local authorities will add many requirements within the design guide and codes, to ensure that local priorities will be taken into account. Therefore, instead of the information being contained within the Local Plan as separate policies, the information will be contained within the design guides and codes, with this route being time consuming and expensive to achieve, without the same level of scrutiny.

The premise of development management policies and code requirements being written in a machine-readable format, is understandable. However, funding and software training will need to be provided to local authorities to enable the implementation of this. In addition, can LPAs compete with the private sector to attract skilled individuals into a quasi-planning/software developer role?

In terms of the alternative options proposed, limiting the scope of the policies local authorities can write, could again stymie local authorities ability to respond to local issues/properties and again does not sit well alongside the premise of the Localism Act, nor the concept of the White Paper enabling better engagement. The idea that local authorities can set their own development management policies (without duplication of the NPPF) is supported. This should reduce the number of policies within Local Plans and ensure that local authorities have the opportunities include policies which are locally distinctive, if they so choose.

The status of the NPPF would alter to being part of the Development Plan. We believe it is important that provisions will be made to ensure that future revisions of the Framework would undergo a rigorous and transparent testing through a similar examination process.

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?

In the main yes, but with some qualifications.

The environmental assessment process is complex and unwieldy. It has become so partly because of the requirements included in legislation and partly due to the fear of Councils or their consultants that a failure to address the specific requirements of the Strategic Environment Assessment (SEA)/Sustainability Appraisal SA processes

will be used to challenge the validity of the Plan by aggrieved third parties either during examination or following its adoption.

However, there is much that is positive about the environmental assessment process and there can be no doubt that having an understanding of the likely environmental, and other effects of delivering the Plan leads to better Plan-making. It also assists with and ratifies the selection of sites when there are numerous competing opportunities. There are a number of key elements of the SEA/SA process that should be retained.

1. A brief appraisal of the spatial approach identified by the authorities explaining the options for spatially distributing growth and why the chosen approach has been selected.
2. A brief appraisal of the housing delivery target options (only if deviating from the standard method)
3. A concise assessment of sites put forward for growth (preferably against a specified and limited number of mainly environmental constraints which could be set by central government) to allow potential environmental effects to be identified and to stop the future sprawl of the scope of the SA into other matters
4. The identification of mitigation measures to help reduce the adverse effects/improve the beneficial effects of bringing the reviewed sites forward
5. An explanation of why the chosen sites have been selected.

Trying to restrict the assessment to these key issues and the controlling the scope and complexity of the environmental appraisal will reset the assessment process towards one which is easier to understand and undertake. This could increase the number of assessments done internally by planning authorities (and reduce the need to engage more expensive consultants) and in doing so strengthen the link between plan-making, environmental protection and accountability. If the scope and content of appraisals were carefully controlled and optimised by those with expertise in this

sector, many of the benefits of the current SA process could be retained, whilst many of its failings related to its complexity, its resource intensive nature and in particular its use as a vehicle to slow down or frustrate the plan-making process can be addressed.

In addition to the points raised above it would be beneficial for the Government to clearly define what 'sustainable development' is, if this is the test that plans have to meet. The phrase 'sustainable development' has a multitude of different meanings to different audiences. Due to its interpretation - if not clearly set out, this has the potential to be the main arguing point and will be the catalyst for plan making delays.

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

Tamworth has used the Duty to Cooperate process successfully for some time, using it to help deliver our housing need in the current Local Plan, with our nearest neighbours. As a small and constrained authority going forwards we will need some form of cooperation with neighbours to deliver the ambitious housing targets the Government have set out for England.

In the absence of regional planning, one mechanism to deliver strategic infrastructure and address other cross boundary issues could be to mandate joint working between Housing Market Area (HMA) or other authorities to prepare a Sub-Regional Infrastructure and Cooperation Strategy. This could be akin to proposals in the Environment Bill which requires groups of authorities to prepare a Local Nature Recovery Strategy. Asking authorities to collaborate to identify cross boundary infrastructure needs and requiring that this evidence feeds into planning making and decision taking of individual authorities could allow cross boundary issues to be adequately incorporated into individual plans. This could become complex, however, if authorities are part of multiple housing market areas. Tamworth would prefer the Duty to Cooperate mechanism to be retained and strengthened, so that housing,

employment and associated infrastructure need can be delivered and not just identified.

As mentioned above Tamworth have used the DtC process to ensure that our unmet need is delivered by neighbouring authorities. What we cannot control, however, is significant development on our border that goes above and beyond our unmet need. For example our unmet need for the current plan period is 1825 dwellings whereas nearly 3000 dwellings are planned or permitted next to our administrative border. Tamworth have very little influence over these allocations which in effect are extensions of the town, with little or no improvement in health, leisure, education, transport or highway infrastructure. Any replacement for DtC should mandate authorities to agree where infrastructure is needed (whether cross-boundary or not) and provide it through developer contributions or central government funding. To reiterate we believe that the DtC process should be strengthened, not abolished and in the short term should be retained until such time as a viable alternative is proposed.

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

Tamworth is a small, constrained district which is committed to delivering significant housing growth and is performing well in achieving substantial housing completions over several years. It is right to simplify the way in which housing needs are determined to provide certainty to Council's, communities and developers regarding new local provision. However, the proposed standard method appears to have no regard to the capacity of districts or indeed local communities to accommodate ever increasing growth. Tamworth borough consists of one large town with a very limited amount of surrounding countryside it. Most of the undeveloped land remaining in the borough is either protected open space, functional flood plain or Green Belt. Tamworth simply will not be able to sustain the same level of growth it is currently

delivering, as very soon there will be no available space remaining. If constraints are not considered at a sub-regional or local level, the majority of Tamworth's growth over the coming years will be delivered in neighbouring authorities, meaning that Tamworth will have no control over delivery timelines or infrastructure. Constraints should reflect the physical amount of undeveloped land left in a Borough/District, as well as the potential regeneration of areas and gentle densification (yet to be defined). This should be done at a district level.

In addition, constraints should not only reflect the environmental capacity of local areas but also the social capacity of an area. Exceptionally high levels of growth can undermine community cohesion particularly where this growth is not supported by the necessary infrastructure which is costly and time consuming to provide. The more significant the growth, the more significant are the time and costs associated with providing the necessary infrastructure. Where high very levels of growth are required over long periods the government should do more to support existing communities to adapt to growth or help facilitate the creation of new settlements, for example through funding the creation of new infrastructure including social and green infrastructure.

Looking only at regional or sub-regional constraints will inevitably drive more greenfield development on the border of Tamworth, with the associated lack of community cohesion, no control over infrastructure, increased pressure on existing services and a lack of re-development of the centre of the town (as brownfield sites are not as attractive to the private sector).

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?

These are relevant considerations, but it is unclear how the standard methodology proposed effectively achieves this in respect of Tamworth. Tamworth is a large town

of just under 77,000 people but the borough is very small at less than 12 square miles, with very little developable space left. Affordability is very poor in the town, with the median house price being 8.3 times more than the median workplace-based gross annual earnings for full-time workers. We agree that truly affordable homes are required for existing residents in the borough and ensuring homes are more affordable is a key aim.

With regards to the extent of existing urban areas; this may work well in areas where household projections are similar to, or exceed the 0.5% growth scenario, but in areas such as Tamworth, where household projections are significantly below 0.5% growth it has the effect of artificially inflating need before any adjustment factor is applied.

Whilst we understand the purpose of and assumptions behind the 0.5% of housing stock baseline, for areas like Tamworth that are tightly constrained and predominantly urban, this proposal would be unsustainable in the long term. At just under 12 square miles, Tamworth is one of the smallest boroughs in the UK and currently has approximately 33,256 dwellings. 0.5% growth would therefore equate to 166 dwellings per annum against a household projection 72 per annum, an increase of 130%.

Whilst Tamworth is currently delivering around 1% growth in housing stock, this is as a result of three sustainable urban extensions (SUEs) coming forward at around the same time. These SUEs represent the majority of the developable land remaining in the borough and once they are completed it will become increasingly difficult to deliver 0.5% growth per annum even before an adjustment factor is applied.

There is a danger that using just two factors to look at housing need simplifies what is a complex process which includes many more factors including demographics, community capacity, economic growth and constraints, to name a few.

Using a top-down approach to housing need and not fully understanding the local constraints and conditions will result in LPA's having unrealistic housing targets to achieve and therefore being sanctioned. Some elements of housing need should be standardised but there will also be an element of local input that is vital if housing targets are to become deliverable and not just aspirational.

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

No. The body of work which would need to be undertaken at the local plan stage to underpin an automatic outline permission cannot be assembled within the current resource limitations of the planning system. The due diligence necessary to gain the certainty that sites can be delivered and map out the general approach to development does have to happen at some point but to suggest that small planning teams can undertake the depth and breadth of necessary evidence gathering across many sites within the time frames set out is totally unrealistic.

The work that underpins an outline permission does have to happen at some point if it were to form part of the plan making process it will not be possible within 30 months. Moreover, the very significant costs currently met by developers will be transferred to Council's (and hence local communities). It is unclear how this additional resource burden could be clawed back given the general approach muted in the white paper that the costs of planning should be borne by the beneficiaries, not by existing communities.

It would be better to have a permission in principle fall out of the back of the Local Plans process this will provide increased certainty for the developer to progress the

site design and work up development proposals (informed by a design code if these are required) and will give communities an understanding of the scope and likely timing of development. In short there needs to be the right detail at the right time. There has to be an acknowledgement that there is a significant role for the developer to come up with the detail after they have the comfort of having the allocation/permission in principle in place.

It should be noted that, should the government want LPAs to produce local design codes, or Local Development Orders to speed up decision taking later on in the process, at the same time as reducing plan preparation time, and increasing the due diligence necessary to underpin permission in principle being given through the plan making process there will need to be a very substantial increase the resources available to Council's.

There is also a contention in using developer/promoter material in evidencing allocations and in turn a permission. Public trust is needed through the process, and it cannot be seen that an allocation is 'bought' through solely developer/promoter led and funded evidence.

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

Up to a point, however it will be necessary to have the flexibility to deal with proposals for all types of uses as and when they arise. When you factor in the applications that come forward in renewal areas will often be small scale and whilst a presumption in favour of sustainable development should apply, it is not likely to be possible to create a framework for prior approval requirements which can provide the level of certainty the government is striving for. Moreover, much of this approach seems to ape the governments approach to permitted development which is regarded by many stakeholders as leading to poor quality and inappropriate

development, and increasingly inaccessible to the general public as the legislation becomes more complex. There is a contradiction between asking for plans that are short and asking for detail to be included about the renewal areas.

There needs to be a realisation that development coming forward in renewal areas is more likely to suffer from existing constraints across a broad range of topics, many of which will need conscious assessment on a case by case basis to ensure impacts arising are well balanced.

Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

No. Whilst the creation of new settlements may be large-scale developments they are not nationally significant infrastructure and they are typically proposed to meet local housing needs. Furthermore, it is unclear how taking decisions on the appropriateness and location of new settlements from existing communities is either desirable, or possible given the resource constraints faced by the Planning Inspectorate.

The local community should be properly involved in decision taking. It is crucial that the delivery of such communities be informed by local views on design, layout, housing mix, open space, public private realm etc. New settlements should not be entirely focussed on infrastructure and delivery. The Nationally Significant Infrastructure Projects (NSIP) would basically be determining a reserved matters application for a new settlement, however this should be determined locally where schemes are of local importance only and will not have clear and significant cross boundary effects. In addition having new settlements would not only lead to the loss of control of decision making by a democratically accountable body but would also

deprive councils of the opportunity to shape the scheme as well as the fees that follow applications of this nature.

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

No. Rigid deadlines with no possibility to extend will result in Council's having to refuse applications simply because all the information has not been provided in a timely fashion. This will leave applicants having to re-submit or an increase in appeals. The key point is an **agreed** extension of time as it actually benefits all parties. This will not speed up the process, it will slow it down.

The principle of faster decision taking is supported and the integration of technology into decision-taking can help achieve quicker processing and determination of applications. However, it is not possible to provide certainty in every case, or speed up all proposals. Nor is it possible to create a piece of software that exercises planning judgement – these things cannot be distilled down to an algorithm. Constraints do not capture everything, and different scenarios and issues come into play of each application.

The White Paper includes proposals for the delegation of detailed planning decisions to planning officers where the principle of development has been established [at the plan making stage] as detailed matters for consideration should be principally a matter for professional planning judgment. In the view of officers and members this is wrong. The real goal should not be to disenfranchise local communities and remove the right of elected Councillors who are democratically accountable to the communities they represent to influence decisions. Instead the government should seek to establish a system which manages the uncertainty and the delays that can arise when complicated and often controversial decisions need taking. Local people should have a voice in shaping their communities and this should be heard, even if it

is not possible to reflect the views of all. Moreover, it is not for the government to interfere with individual Council's delegation arrangements.

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

In principle yes, as interactive, map based Local Plans are long overdue.

It is important that a web-based approach is genuinely accessible for all as per the requirements under the Equality Act 2010. The White Paper indicates that to support open access to planning documents and improvements to public engagement in the plan-making process, plans should be fully digitised and web-based following agreed web standards rather than document based. This is a major shift from the current approach to consultation and will need to be supported by significant training, investment in software and possibly investment in staff with the appropriate level of IT expertise. At present most local authorities do not necessarily have the resources or knowledge to create something using the current design and technology level that is required within individual Planning Departments and attracting appropriately qualified IT staff to such a niche and newly evolving sector could prove to be difficult.

It will be a benefit for most members of the public to be able to view Local Plans easily at a time and place of their choosing by clicking on a web-based map to see what proposals will have a direct effect on their local area. However, this eliminates the possibility of the opportunity for the Planning Officer to be able to take the time to explain the reasoning and evidence for the decisions to the member of the public as they would during a consultation event. As not everyone can be engaged through Social Media and other digital platforms, which are proposed. There are still aspects of the consultation process where provision will still need to be made for and guidance given for how these hard to reach groups, whose view must be heard, and matter can be engaged.

Having policies accurately and clearly with set boundaries for each element on interactive layers it will provide clarity for all (developers, LPAs and members of the public) when it comes to applications and appeals. This might even reduce the amount of wasted applications appeals that are faced through a misunderstanding of the policy position relating to developments.

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

No. The proposed 30-month timescale for the preparation of a Local Plan is unlikely to be realistic for LPAs to achieve, especially in the short-term whilst local authorities are skilling-up. The proposals require that local authorities draw up a Local Plan within 18 months and assemble the evidence to grant outline permission for Growth areas, when many local authorities already have limited/stretched resources including staffing and funding. The proposed timeframe significantly underestimates the scale of the challenge for local authorities – especially where collaboration and agreement between multiple authorities and stakeholders is required.

Although Local Plans will no longer contain generic development management policies, Planning Authorities will still need to collect a substantial amount of evidence to help determine and justify the identification of land into the three categories. 18 months to collect robust evidence, make decisions on the three land categories based on the evidence collected and resolve any technical issues is unrealistic within the constraints of current resources. Particularly as the level of detailed required to effectively granted outline planning permission for Growth Areas, is likely to be substantially more than that currently required for Local Plan Allocations.

Given the level of detail required to effectively grant outline planning permission for Growth Areas within the timeframe suggested, clarification on how local authorities will be supported would be welcomed. Is a substantial amount of information and master planning expected to be provided by developers from the 'call for sites' submissions (with Local Authority inputting once sites are submitted), or are local authorities expected to prepare this work, with the cost transferred from the developer to the Local Authority? Either way existing Local Authority resources will be stretched and are unlikely to be adequate to meet the increased workload in the timeframe proposed. More advice should be given by Government on what the development industry should be expected to provide when promoting a site, to enable the Local Authority to assess the site in enough detail to for the Local Plan. A fee may be applicable at this point so that Local Authorities are not missing out on an important source of income. The White Paper does not go into any detail about how these new style Local Plans will be funded. With most of the technical work for sites being done up front rather than at (fee earning) outline pp stage there is a very real risk that LPA's will be stretched in a time when there are already unprecedented strains on resources.

Local authorities' success in being able to meet the 18-month timescale for plan production, is influenced by outside agencies providing information and helping to resolve technical issues in a timely manner. Furthermore, there is a risk due to the tight timescale, potentially incomplete responses from consultees could be provided, meaning infrastructure planning may not be considered and addressed as fully as it should.

The White Paper states that sanctions will be imposed on those local authorities who do not meet the statutory deadline. Clarification is sought on what the sanctions would be. As mentioned above the proposed timeframe is very challenging and it

would be ludicrous if local authorities could be sanctioned if the delay was down to statutory consultees not providing timely information.

Furthermore, financial sanctions would hit already resource stretched planning departments and could potentially affect the production of a Local Plan.

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

The principle of retaining NDPs should be supported but there is a lot which could be improved in terms of how the plans are prepared. Tamworth is not parished and has thus far not had any forums designated. The rules on the designation of neighbourhood forums should be looked at to incentivise communities to come together to produce NDPs. Currently the process is skewed in favour of parish councils, who have the set up and often the funds and time to undertake the preparation of a neighbourhood plan.

There is also needs to be a mechanism whereby the policies and proposals of NDPs can be spatially displayed and available to members of the public and other stakeholders both during their preparation (and consultation) and once adopted (as proposed in Q11), given their status as part of the development plan. Moreover, should the Government move towards having nationally prescribed policies there will be a need for NDPs to restrict policies included in their plans to those of only local relevance or towards the inclusion of specific allocations or designations.

The more centralised 'top down' approach to housing need will result in far less NDPs coming forward as the high level of development will be prescribed. This approach plus the inclusion of most DM policies in an updated NPPF will give communities hoping to write NDPs little chance to influence planning and their area.

This is an about turn on the Localism agenda brought in 10 years ago and will disenfranchise many local communities.

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?

Any reform regarding digital tools and local plans should be replicated for NDPs. However again resources and training regarding implementation of this needs to be considered.

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, there should be a stronger emphasis on the build out of developments once permission is in place. Research has shown that there are between 800,000 and 1 million homes that are permitted but not built out in England. The housebuilding model is inefficient and the 10 or so volume house builders, operating over land and housing markets, limit the number of homes built each year to keep prices high, 'land-banking'. In the year to June 2019 377,000 full residential planning consents were granted across England but only 241,000 were built last year¹. This disparity is not the fault of LPAs, but the development industry.

The legal definition for commencement of development; "*development is taken to be begun on the earliest date on which a material operation is carried out*" is a problem. Limited development needs to occur to meet this requirement. Consequently, there is no incentive for developers to build out sites quickly, as once a material operation has commenced (however small), planning permission does not lapse. Changing the definition of what implements a permission could encourage faster build out rates. Developers for example could have to spend money in order to implement a

¹ <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=f53db0a4-b78d-4898-80e4-647080dad84b>

permission, e.g. land value tax from the date of permission. Once developers are ready to build, it needs to be in their financial interest to build out without undue delay or break sites up to facilitate delivery by multiple housebuilders. Unless there are sanctions for developers sitting on permissions, there is nothing the Local Authority or regulatory bodies can do to speed up delivery.

With the focus of work now being at plan preparation stage policy and primary legislation should be introduced to force developers to build out sites at an agreed rate. Currently there are no sanctions enforceable to ensure developments are built out at an agreed rate.

Planning teams also need to be properly resourced to handle the discharge of conditions and obligations. Whilst councils can charge for the latter, the current fee for a conditions discharge is negligible when there is scope to seek approval of multiple conditions at once on a large site. It would be prudent to set a higher charge 'per condition applied for', justifying councils resourcing speedier approvals and subsequent monitoring of implementation.

It is worth noting that the White Paper overwhelmingly looks at the Local Authority planning system as the barrier to building more homes, with the radical reforms it proposes and sanctions on LA's if targets for plan making and housing need are not met. There is very little in the consultation document about what incentives and sanctions (if any) are being imposed on the development industry. Local Authorities have no control over the build out of sites, introducing a mechanism by way of conditions on a planning permission that puts the emphasis back on the developer to build out sites in a timely manner would help. Until there are sanctions on developers they will continue to sit on sites with permission until their profits are maximised.

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

It generally does not reflect local character or vernacular. Most new homes are built by large developers who have value engineered housing types which they seek roll out across the Country.

The same broad layouts, materials and house types built in Tamworth are built out elsewhere. This is clearly beneficial to developers as they know the costs and delivery rates of sites but it harmful to local character. There is a general reluctance to design for local site characteristics or conditions using local materials because this increases development costs and uncertainty for the developer. This is especially true in areas with lower land values.

However, design is more than just materials and house types. Too often development fails to adequately respond to the opportunities and constraints offered by sites. There has been some improvement in the quality of the design in some larger developments (though not all) and improving accessibility, delivering sustainable drainage, providing on site habitat creation and on site tree planting or providing open space and creating local centres and social infrastructure can all help to improve the design quality and liveability of new development.

However, the quality of many sites is often undermined by developers failing to build out as consented, rowing back on commitments to deliver some components of development for viability reasons or failing to ensure that infrastructure and open space is appropriately managed post construction.

There needs to be recognition that good design increases developer uncertainty, costs and will add a degree of bureaucracy and red tape to the planning system which could affect the speed of delivery of new development. Some of these things

can be partially mitigated through the creation of design codes and clear policies. However, in the end there needs to be recognition that red tape is not a bad thing if the things it secures provide greater value than costs it imposes.

There also needs to be recognition that carbon reduction should be embodied in good design principles, with developers forced to adopt the Building Regulations standards in force at the time of commencing that particular dwelling – not allowing an entire site of 1,000 to be built at standards from 10+ years ago due to that being the commencement date.

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

Tamworth's priorities for sustainability are far reaching in that all new development should be as sustainable as possible, which includes providing housing specifically for the needs of future generations, less reliance on cars, more green and open spaces, mitigating the impacts of climate change and increasing biodiversity.

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

Yes, but with adequate resourcing. The production and use of design guides and codes will likely be complex and put additional pressure on resources in Local Authorities. This would likely result in delays and uncertainty that the Government are trying to avoid with these proposed changes. More detail is required on who would be responsible to produce these design guides and codes, with a mechanism for private sector/developer involvement if necessary, to speed up any delays.

Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Yes to both but as above with resourcing. If this resourcing is not in place, then these proposals will be counter-productive (particularly the Chief Design Officer) as they will raise public expectations regarding an increase in design quality of schemes without the means to achieve it. With no additional funding there is a real risk that Council's will add the title of 'Chief Design Officer', to an existing post, without that post holder having the specific design expertise or the team to deliver on it.

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

Yes, any measures to raise the status/profile and importance of design are supported and Homes England projects provide useful pilots, point of reference and best practice.

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

No. Effective planning for great places requires collaboration, genuine input from a wide range of local interest groups, potential use of design review or similar tools, and refining schemes until the necessary quality is in place. This takes time. In addition, whereas it is possible to gain broad consensus on good functional design, whether a place or building is 'beautiful' will always be a subjective matter and open to interpretation. It will not be possible to come up with an effective measure of this on a national scale.

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

Our priority is to provide sustainable new developments for our residents, which includes more affordable housing, infrastructure and services, open space better

design, retail provision, employment space, schools and community facilities. There needs to be sufficient flexibility to allow Council's to come to a view and potentially change their mind as circumstances change.

Top on the list of infrastructure requirements are improvements to highways infrastructure. Piecemeal development along arterial routes both in the borough and adjacent is putting major pressure on the existing road network, with no joined up action plan between authorities to tackle it.

Local councils, which are democratically accountable should have a significant role in decision making to establish what is important in the locality. No one element could be prioritised over another on paper but in *practice it is a balance which requires negotiation on a case by case basis.*

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?

No. While a system that proposes to increase the revenue levels nationally, takes into account contributions across all use classes, and is more effective at capturing increases in land values and more reactive to economic downturns is welcomed, a continuation of Section 106 is preferred in the District in order to maximise the delivery of local priorities. A move away from a S106 approach would dilute this and our preference would be to seek changes to the existing S106 system that incorporate the Government's policy aims.

The proposal would mean assessing a schemes viability at the outset, based on the cost of the build and a fixed rate for land costs. To ascertain what, if any, contribution the scheme should make towards the local community. Assessing

viability at any stage other than detailed design is inherently flawed and is not likely to capture site specific barriers to development that will, if uncovered, impact on the level of the levy received. As such, this gives local communities no greater assurance than the current system on the level of contribution to be expected. Thought also needs to be given as to who should complete this work, the ability of staff on both capability and capacity grounds.

Where there is negative site viability but a great demand for local infrastructure, there should be a mechanism for central funding but the consultation has no details about this. Also, with the funds being payable to District/Borough councils, how would strategic infrastructure be secured? Tamworth's infrastructure pressures will increasingly come from development adjacent to our border; what would the mechanism be for adjacent LPA's such as TBC to access some of the money to cater for additional pressures caused in the area as a result of development on the boundary? All this requires additional clarification.

The proposal gives no indication of the financial threshold to be used, it is therefore impossible to judge the impact of this on different councils. However, it should be noted that despite Government claims to the counter, it is hard to see how affordable housing delivery won't be negatively impacted upon with the move to apply the contribution to only the proportion that is assessed as being over the threshold and not, as previously, the whole site once this threshold is reached.

The removal of section 106 also raises concern over how councils can ensure the long-term management of public areas and drainage features, noting that most developers now rely on a transfer of ownership to a management company rather than the local authority. S106 agreements are often not just about financial obligations, they often include phasing and delivery obligations that can't always be

conditioned. There is no detail in the consultation as to how obligations such as these will be dealt with in the absence of s106's.

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

Locally.

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?

As much as is locally viable, based on local land values and property prices to maximise the amount available to spend on local priorities, but not hinder development.

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

As a Borough Council, borrowing against the Infrastructure Levy to support the delivery of large infrastructure projects would create large levels of uncertainty as to when, or even if the Levy would be received. Therefore if the development doesn't actually take place, or it take a lot longer than expected to reach the trigger point for collecting the Levy then the interest that is built up from the borrowing can amount to a substantial amount of money that many borough/district councils or smaller Authorities will not want to bear the added cost of.

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

Yes. If the reformed Infrastructure Levy is to be imposed, then the Levy should capture change of uses through permitted development rights. This is to ensure that change of uses contribute to infrastructure delivery and help reduce their impact on the community. Without this local authorities are missing out on opportunities to

collect funding for infrastructure projects, despite the fact that these changes of use will use the surrounding infrastructure and could potentially exacerbate any existing infrastructure provision problems, such as overcapacity of schools.

It could also be seen as unfair if a new built development of the same final value as a change of use (through permitted development) was charged a Levy, however the change of use was not charged.

As Permitted Development rights are being extended further within England, through the changes made through 'The Town and County Planning (General Permitted Development) (England) (Amendment) (No.2) & (No.3) Order 2020'. It means there are new ways of residential accommodation to be delivered without planning permission needing to be sought (only prior approval). Either through the addition of new storeys on a dwelling house or a replacement dwelling. All of these could have a larger floor space than the original development therefore the charge should be applied to offset the extra impact the new development could have. Whether that be residential or commercial floorspace as then the funding goes towards helping the Local Authority deliver the infrastructure that is needed to support the growth within the area.

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

Yes, there is already an overwhelming need for genuinely affordable homes, particularly at social rent levels, and homes that meet a diverse range of differing needs. Demand for this type of housing will only be exacerbated by the economic downturn. Provision of truly affordable housing can assist in the economic recovery of the nation if adequate investment is made in its provision.

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

No. Whilst we acknowledge that affordable housing is a significant issue both nationally and locally, it would not be right to consider affordable homes as part of the infrastructure levy to the extent that they are prioritised over all other forms of infrastructure that are required to make development within the borough sustainable. We therefore consider that affordable homes should be secured via an alternative mechanism that does not prejudice the delivery of other essential infrastructure by using a significant proportion of the levy to provide affordable housing.

With the exception of a small number of recent developments by the Council on its own land, almost all affordable housing within Tamworth is provided on-site by developers through s106 agreements. The Council currently only acquires a very small proportion of these dwellings with the majority being acquired by a variety of registered providers (RPs) for affordable rent. Under the current proposals, the price paid by an RP to a developer has a direct impact on the amount of levy the Council would receive and any additional discount received by an RP would effectively be paid for by the Council. The level of uncertainty this creates would be unacceptable.

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

We are unclear as to who this question is aimed at, whether public, local authority or developers therefore more clarification would be needed before we can make a comprehensive answer.

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

Yes, there should be additional controls as quality is not the only aspect of affordable housing provision that needs to be in legislation or policy. The specific local needs within the borough would need to be set out and adhered to in terms of tenure, size, mix, design, layout etc, to ensure that any 'in-kind' delivery approach provided either a product or funds equating to the local need. This would need to be included given the considerable variation between 'affordable housing' products. This could be in the form of an 'affordable housing scheme' that would need to be approved by the LPA as part of the application process if a payment in kind delivery approach was to be adopted.

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

Yes. Currently there is already a wide range of infrastructure that the levy can be spent on to help mitigate the impacts of the development by meeting the tests as set out in the CIL Regulations 2010 (as amended). This already has a large flexibility in place to support the infrastructure needs of the Local Authority.

Up to 25% of this gets passed to the local neighbourhood for spending on priorities within the area where the development occurred. However, if more flexibility is allowed it will be up to the authority to choose if they take up that flexibility for items proposed.

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

No, we firmly believe that affordable housing provision should be outside the Infrastructure Levy legislation, please see our answer to Q24b.

Q26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Through the introduction of a more digitalised planning system it would need to be ensured that all members of the community could access the system, this would necessitate careful consideration surrounding potential impacts on persons with protected characteristics including age and disability.