

White Paper: Planning for the Future

Horsham District Council Response 29 October 2020

1. Horsham District Council has certain reservations about the **current** planning system and we are pleased that it is being looked at. We have a history of constructive engagement on past changes to the planning system including involvement in a previous task force. Our well-respected Planning Department has strong experience of producing Local Plans and we believe that we are ideally placed to provide 'coal face' constructive feedback on the proposals.
2. We have set out in our responses to the questions below which of the measures in this consultation have our support. Where we think that they can be improved, we have made suggestions and identified where further detail is required in order to make an informed comment.
3. In summary our main concerns are:
 - Whilst we appreciate that the housing requirements were part of a separate consultation, they cannot be considered in isolation and should form part of the considerations of the White Paper, particularly in terms of an authority's capacity to accommodate additional growth.
 - We understand the need for more housing, however the White Paper continues to focus on this issue over all other land uses and environmental issues. Greater emphasis needs to be given to these matters. The impact of climate change should be embedded in to the new system.
 - The high quality and sensitive environment of authorities such as ours that has high levels of need but lacks national designations such as Green Belt should be recognised. 'Protect' should cover all countryside that is not designated 'Growth' or 'Renewal'.
 - The new proposals appear to give rise to a system, which will generate insufficient funding to provide the necessary infrastructure or affordable housing that we desperately need. A robust system of providing infrastructure is needed as well as mechanisms to bring forward delivery of non-market homes.
 - Many of these proposals continue to penalise Local Authorities for the lack of housing delivery, yet housing delivery is not in our complete control. Many authorities, like ours have thousands of planning permissions not yet built out. It is essential that any new planning system ensures that the development industry plays its part. Financial penalties should be introduced for those who opt not to develop sites on which planning permission or permission in principle has been obtained.
 - It is essential that communities are able to be part of shaping the places where they live, work and relax and it is difficult to see how this can be achieved without changes to the current proposals.
4. Whilst we recognise that the aim of the White Paper is to set out high level proposals, as drafted we are at times left with more questions than answers. We understand that it will be necessary to develop further detail over time and would welcome being involved in any future discussions. We request that this process is not rushed unnecessarily to ensure that there the new system

does not immediately find itself having to correct consequences that could have been reasonably foreseen if sufficient time were made available.

5. We trust that the team of professional experts who prepared the White Paper are able to take on board comments received and further assist the Government in finalising its reform of the planning system. For the new planning system to be truly effective, it will be vital to ensure there is representation from Local Government as proposals are delivered. It is therefore suggested that a Local Authority representative is included on the expert panel to help inform and sense check next steps. A particularly useful exercise would be for Local Planning Authorities to have a worked up example of a Local Plan under the new system so that we may better understand how the new system is to be interpreted.
6. The remainder of our response sets out the detailed technical response to the questions set out in the White Paper.

Pillar 1 – Planning for Development

Question 1 - What 3 words do you associate most with the planning system in England?

7. Over-complicated. Developer-biased. Long-winded.

Question 2 - Do you get involved with planning decisions in your local area?

8. **Yes.** Horsham District Council is the Local Planning Authority. It should be recognised that the role we play is not simply preparing the Local Plan, determining applications and considering enforcement cases in our own district. We are involved with a range of other activities, including representing our position in respect of other local authority plans, county level waste and mineral plans prepared by West Sussex County Council, and determine applications on behalf of the South Downs National Park Authority under delegated powers. We also contribute to the preparation of other plans and strategies such as the High Weald AONB Management Plan. Most recently, the Council has formed a partnership with the Sussex Wildlife Trust, and part of the work of this wider corporate work includes ensuring environmental decision-making is fully embedded into our plan making and how we determine planning applications. It is therefore crucial to recognise this wider strategic importance of planning and the benefits it can bring.

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

9. Whilst we recognise that this question is more aimed members of the public who reply to this consultation, it remains vital that local authorities are informed by the Government about changes to the planning process in an effective and timely manner. We must also be given the resources to be able to do so. Where new technologies are put in place it is important that these can be implemented in a way that allows us to support our local communities to continue to engage effectively. There will be a continued need for a variety of communication methods with local residents.

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

10. 1- The right number and type of homes and jobs in the right place; 2 - Addressing climate change; and 3 – Protecting and enhancing biodiversity

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

11. **Agree in part.** Without sight of a worked up version of a new Local Plan it is however difficult to make a fully informed response. However, the Council agrees that land use plans should be simplified. We are of the view that Local Plans take too long to prepare and that the evidence needed to justify Local Plans is often unnecessarily expensive, and requires costly updates owing to changes outside our control. We also recognise that the current planning system is difficult to navigate – particularly for those that do not regularly interact with it. We accept there is scope for simplification and that people should be able to see what development could be acceptable in different areas without the need for a detailed understanding of the planning system.
12. No two places in the country are the same – districts have different characteristics, and face different issues – for example, Horsham District has a historic and rural character, and is a popular place to live. However, most people have jobs outside the District, which means that most of our climate change emissions are from transport. We are concerned that the oversimplification of plan making will make it much more difficult to ensure those parts of the district which are valued but not subject to any designation are protected. There is very little in the proposals that set out how our impacts on climate change can be addressed and we think the Government should be more ambitious in this regard and make clear how the planning system can deliver relevant provisions in the emerging Environment Act.
13. We support the proposed standardisation of terms. It would make sense for Councils across the country to use the same language. However, these will need to be clearly defined to ensure consistency in all authority areas. In our interpretation, ‘Growth’ areas would appear to be what we know as ‘strategic allocations’, ‘renewal’ areas appear to be areas that we classify as being within a built up area boundary (i.e. within an existing town or village), and ‘protected’ areas would seem to be areas outside of built up area boundaries – i.e. the countryside. However, it is unclear if ‘protected areas’ as outlined in this consultation are intended to be solely land which is designated for its importance – such as an Area of Outstanding Natural Beauty. We would strongly object if that was the case. We believe that all land outside of ‘Growth’ and ‘Renewal’ should be zoned as ‘Protect’. If this were not the case, much of the land in Horsham District will be outside the three zones identified and the planning regime in these areas remains unclear.
14. We agree that it is appropriate for areas identified as areas for growth be afforded some certainty that development will take place once certain standards have been agreed (i.e. quantum of development, different land uses, etc.). However, this is already afforded through a Local Plan allocation. We are concerned that an automated permission in principle for large-scale proposals could lead to poor outcomes in the long run. This is because large-scale developments tend to evolve over time.
15. **We do not support** the proposal for automatic permission in principle in Renewal areas. Just because an area has existing development, does not mean that development in urban areas is automatically acceptable. It will still remain necessary to consider heights and land uses,

infrastructure provision, impact on neighbours, parking, etc. A design code cannot cover all eventualities.

Recommendation

16. We prefer your alternative options whereby Renewal areas are also subject to 'normal' development management processes allowing applications to be judged on their merits, taking into account particular circumstances of different sites and proposals.
17. In light of the responses to this White Paper, it is suggested that once further work has been undertaken on how local plans should be prepared, a worked up 'dummy' plan should be produced for comment and feedback. This will help to ensure that when any new system comes into force, Local Authorities will have a clear idea of what is required. This will help to ensure the new system can be embedded quickly and efficiently.

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

18. **Agree in part.** We agree that there is a need to avoid unnecessary repetition and standardise some requirements so that there is a measure of consistency on key issues around the country. This could include issues such as the form and density of some land uses – like Gypsy and Traveller provision, for instance. However, without sight of the key list of policy areas that are proposed, it is hard to provide specific comment.
19. It is important to recognise that planning is about place and no two places are the same. Issues for different Councils will therefore vary, and this may therefore give rise to a for policy variation across districts. For example, Horsham District is located in a known area of water stress. To address this, our current Local Plan contains a policy that restricts the level of water use in new builds below the national standard. This has been recognised by our water providers as a very successful approach to maintaining adequate water supplies for all without recourse to hosepipe restrictions. We are therefore concerned that national policies will result in the loss of such local nuances, and lead to adverse consequences.

Recommendation

20. There is support for some national planning policies. Where these are introduced, there should be an opportunity for local authorities to input into their formulation to ensure key issues are not missed. However, we would wish to see an option for all Local Authorities to 'opt out' of national policies where it can demonstrate that there are specific local circumstances to warrant this.

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

21. **Agree in part** - In general, we are supportive of the proposal to reduce the tests in relation to the examination of Local Plans. We think the current tests of soundness are too complicated and convoluted, which ultimately holds back the ability of Councils to deliver sustainable development by requiring excessive evidence and time consuming Local Plan examinations caused, in part, a need to demonstrate the soundness tests have been met.

22. Overall we are supportive of the abolition of Sustainability Appraisals. This is because much of the process of considering the sustainability of the plan, and alternative options is ‘hard wired’ into the Local Plan process. As a consequence, the process tends to be somewhat repetitive, time consuming and expensive for little gain in terms of protecting the environment and ensuring the sustainability of plans. Nevertheless, we do consider that it will be necessary for Local Authorities to explain how issues have been considered to ensure that the planning process remains transparent. Further detail in relation to this matter is set out in our response to questions in pillar 2.
23. We also agree that less onus should be put on the deliverability of sites in relation to Local Plans and **support** the removal of the 5 year housing supply test. As we have outlined in many consultation responses to the Government, Councils cannot control when sites are delivered. This can only be done with the introduction of a charge on the developer for non-delivery. Instead Councils should allow the conditions to exist so that necessary development can be delivered. For this reason we **object** to the continuation of the Housing Delivery Test, as this is something which Local Planning Authorities have no direct control over.

Alternative suggestion / recommendation

24. We dispute the statement made in paragraph 2.17 that ‘sustainable development is... well-understood’. In our experience this is not the case, with different actors in the planning system interpreting this term differently. As such, we call for there to be a very precise definition as to what sustainable development is in any future legislation or guidance.
25. We also recommend that Councils should be judged on being able to demonstrate that they have put in place the correct environment to let development come forward – e.g., by identifying a large enough supply of land for development to occur in new-style Local Plans and through engagement with the development industry. It continues to remain unclear as to why local authorities and more importantly the local communities that they serve, should continue to be punished for non-development of those sites by the development sector. It is recommended that a charge or penalty system is levied on the developer for non-delivery of sites with planning permission or that other mechanisms are explored, like land value capture.

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

26. The Duty to Cooperate has failed to deliver effective cross-boundary results. Whilst this is sometimes because Councils are unwilling to work with neighbours, more often, it is because of issues beyond individual Councils’ control that the Duty to Co-operate is not an effective enough vehicle to overcome. We agree that the requirement should be removed.

Recommendation

27. Planning for cross boundary issues could potentially be delivered through a national, Government-backed planning service, set up to bring together local authorities and other bodies (such as the NHS, statutory undertakers, etc.) within a region and to work to deliver a definitive and agreed position, which should be confirmed prior to the examination of a Local Plan. This could identify housing targets / cross boundary infrastructure issues and the respective roles each organisation is required to deliver. It would be necessary to ensure that the assessment of cross

boundary issues is undertaken in a fair and objective manner by qualified professionals, resulting in high quality and transparent decisions.

28. This ruling would sit separately to the Local Plan examination process and therefore would not be subject to examination by a Planning Inspector.

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

29. **Agree in part.** In the direct experience of Horsham District Council, the preparation and examination of Local Plans are delayed by the need to determine a housing figure to meet not only the needs of our own residents but those of surrounding areas. This figure is challenged by both the housing developers and also by local residents. This places local authorities in a difficult position as they seek to find a balance between what are usually opposing views. The work to resolve this is time consuming and takes up a significant amount of Council's resources, in both undertaking technical studies and also in seeking to respond to residents' concerns.
30. We therefore agree that there needs to be a standard method for setting a housing number. However, it is imperative that any figure that is derived is fair and achievable for all. As has already been set out in our response to the Government in the recent 'Changes to the current planning system' consultation, any methodology that is used to calculate housing targets must
- a. Take account of the housing need of the local authority area
 - b. Use an approach which balances the need to provide new homes in the north and south of the UK
 - c. Not be solely focussed on affordability – this factor has been widely demonstrated not to bring down house prices. If it is still used, it may be appropriate to consider the disposable income of all ages of residents (retired as well as working age). This is because in Horsham District we have a significant number of retired residents who are still active participants in the housing market.
 - d. In addition to taking account of land which is protected, (e.g. AONB, national park), the wider environmental role of an area must be considered – e.g. flood attenuation / carbon sequestration.
 - e. The final calculation should also take into account affordable housing delivery as the successful delivery of affordable housing enables those from lower incomes to access the housing market.
31. We support constraints being taking into account when determining housing targets for different authorities. However, we continue to query why Green Belt would appear to be classified as an environmental constraint that cannot be overcome. It cannot be right that Councils not covered by the Green Belt designation, such as HDC, have to consider large scale development in countryside locations whereas some of our neighbouring authorities, who are heavily covered by Green Belt do not need to plan to meet local needs. Green Belts were largely established over half a century ago and their extent reflects the time in which they were made. We therefore think that Green Belts should be reviewed, with boundaries redrawn to reflect modern day policy goals. We note that Green Belts are locally popular where they are established – but the same is true of countryside locations in general. Indeed, we would assert that difference between Green Belt and the countryside is not well understood by the wider public – we've a number of recent

comments on our draft Local Plan which sought for us to protect their Green Belt, despite Horsham District not being covered by the designation.

32. As well as land constraints, the housing figure needs to take into account the ability of existing and proposed infrastructure to accommodate new housing development. There is already an infrastructure deficit in Horsham District. It does not benefit from a hospital with A&E facilities nor does it have any Higher Education institutions. It needs substantial improvements to transport infrastructure to accommodate large amounts of new development and is a water stressed area which will need increased infrastructure to enable a sufficient water supply to meet the needs of an expanded population. Should a second runway be allowed at Gatwick Airport (along with the consequent increase in flights and traffic), supporting infrastructure would be necessary to be located in the District and parts of Horsham District would be safeguarded from development. HDC is not responsible for the delivery of any of the above pieces of infrastructure and in any event, each individually may take a long time to come forward. As such, just because it is not 'land constrained' it should not mean that it is appropriate for unlimited development.

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

33. **No.** We remain concerned about the importance of affordability to the calculation of housing targets. As we detail in our response to the 'Changes to the Current Planning System' consultation document, the Council has delivered a historic amount of housing in recent years and we have the highest delivery rate (both in real and percentage terms) in the surrounding area. Over the same period, house prices have continued to rise in comparison to wages. This shows that house prices and affordability are not closely linked to the delivery of new housing development. The weight attached to this factor should be reduced and instead a much stronger factor in housing figures should be a multiplier for the authorities in the north where the growth and investment is planned in order to 'level-up' the country, helping to take the pressure off the south east and to reduce regional inequality. We are also of the view that the income of all age groups should be a consideration – this will reflect the aging population as a nation, and the fact that many of those who are retired have good incomes and are able to play an active role in the housing market.

Recommendation

34. Councils ought to be allowed to input into housing numbers with locally relevant information before the housing figures are set. This will ensure that local issues and concerns can be adequately reflected as part of this wider decision making process.
35. The final calculation should also take into account affordable housing delivery as the successful delivery of affordable housing enables those from lower incomes to access the housing market.
36. We also request that for local authorities like HDC, who have a National Park Authority that is the planning authority for part of its administrative area, that any housing target is disaggregated between the two authorities. Otherwise the current difficulties of separating out housing needs will persist. This will continue to lead to delays to the production of Local Plans.
37. Although this is not directly raised in the housing White Paper, it will be necessary for the housing figure for Local Plans to be fixed at an early point in plan making. At the current time it is common

for housing targets to shift as different datasets get published and some of the changes can be significant, necessitating fundamental changes to draft Local Plans. This causes delay, confusion and frustration to local authorities, key stakeholders and the general public alike and severely impacts upon plan production.

38. Setting the plan number at an early stage will ensure certainty and prevent delay to the plan preparation process and will ultimately help to speed up delivery. We consider that the housing figure for Local Plans should be fixed at the point by which Stage 1 of the Local Plan process begins.

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

39. **No. we do not support** the Government's proposal. The White Paper lacks sufficient detail to provide confidence that the system of 'automatic' permissions will still allow Councils to be able to ensure that sites deliver all necessary mitigation and infrastructure that a site would need and that development would come forward in a cohesive, rather than piecemeal way. Details such as layouts, access, design, changes to affordable housing, wildlife and biodiversity impacts, the provision of green space, etc. are relevant factors that should be given consideration and could result in applications being refused.
40. Notwithstanding the above we agree that once a site has been allocated/placed in a Growth Area for a specific amount and type of development that there should be certainty for the development industry (and all other stakeholders) that the principle of such a development not be subject to further challenge in a future planning application.
41. We are also concerned that speed would appear to be the factor by which good planning is to be measured against. For large sites or new settlements, the time taken to build out the site takes far longer than the consideration of technical issues – we are building places for future generations. We would also argue that frontloading consideration of site-specific constraints and working positively to overcome issues is worth taking time, given that it can help avoid unnecessary delays and costs once development commences.

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

42. **No.** We do not agree with the proposal to give automated permissions in Renewal Areas. Firstly, it is not possible to agree such major changes to the planning system without clear details of how the mechanics would work. Secondly, this process will mean that there are potentially several ways by which applications in Renewal Areas could be determined, (automatic consent, fast track, Local development orders, and specific planning applications) while still allowing the possibility of development to come forward counter to requirements in an adopted Local Plan. We therefore disagree that this would add clarity or certainty to the development industry or local community.
43. For most Councils, there is already a presumption in favour of development within built up areas, as development of brownfield land is encouraged and urban areas are considered to be sustainable locations in which to permit development. This is the position in the current Horsham District Local Plan, and has also been the position for at least the previous 2 plan periods (dating

back to the late 1990s). The same principle is also being carried forward into our new plan. It is therefore unclear what problem is being solved by this proposal.

44. Whilst the principle of development is generally accepted in towns and villages, this does not mean that all development proposals are acceptable. There still needs to be consideration of impacts on neighbouring uses and properties, transport, wildlife, biodiversity and so on, to ensure that good outcomes are achieved. Design codes and Local Plans cannot make an allowance for every single circumstance and therefore the Council believes that it is necessary for Councils to determine applications on their individual merits.

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

45. **No.** There is little detail in the White Paper to enable those answering the question to respond in an informed manner. What is the size of an 'exceptionally large site', for instance? What would the relationship with the new-style Local Plans be? Would it preclude Councils from identifying new settlements as 'Growth Areas' and therefore would an NSIP supported new settlement be allowable in 'Protected Areas', undermining the certainty the new system is designed to provide? Before anyone can give a comprehensive response, answers to these questions are needed.
46. Notwithstanding the above, the Council is concerned that new settlements could be allowed to come forward without the local input should they be allowed to go through the NSIP regime. This would be inappropriate given that local residents would be most affected by new settlements and therefore we would not support such a measure. It is our view that the correct process of distributing housing is through the Local Plan process.

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

47. **Agree in part.** The number one goal of the planning system should be to deliver positive outcomes based on sound decision-making. Many proposed developments will last for hundreds of years, permanently changing built and natural environments. The consideration of their planning applications take a fraction of this time and it is correct that their impacts are considered and that people are able to voice their opinions. This is time well spent.
48. We live in a digital world and agree that information regarding planning applications and Local Plans should be available online. At Horsham District Council planning information is already available on our website. We have an online proposals map showing where policy requirements apply and where certain constraints exist. However, Horsham is a rural district and there are areas which have very poor if any broadband connectivity. Before online engagement can be fully rolled out, it must be in place for all, to ensure that those in more rural or remote locations are not disenfranchised.
49. We are not against the principle of taking advantage of technological innovations in the sector. Though it is not clear from your proposals, if there is to be standardised software and if the end-goal is a national system for planning applications then we do have concerns over cost and usability. We think any costs of such a national project should be borne by central Government (or through new burdens funding). It will be essential to ensure that any system which is introduced can deliver the desired results. We are also concerned that the speed in which new

systems are provided may be slower than first imagined to take account of the necessary testing and roll out of any new technology.

50. We agree that timeliness is an important factor in determining planning applications. Horsham District Council has an excellent track record in determining planning applications against national targets. This involves close working with applicants and where appropriate, discussion and advice being provided through our pre-application service. The adequate resourcing of Local Authority planning departments is also essential as part of this process. In our view it is these factors in addition to new software or processes which will help speed up decision making nationally.
51. In relation to para 2.40 we fundamentally object to applications being permitted prior to determination (deemed consent) if they are deemed out of time. This will either lead to automatic refusals rather than engagement with site promoters to resolve issues, or to poor planning outcomes and further mistrust in the planning system by the public. We also question the assumption in para 2.40 that Local Authorities do not seek to ensure that infrastructure is delivered in a timely manner. It is important to highlight that the delivery of most infrastructure is outside the control of Local authorities and developers – e.g. the NHS or water companies. The delivery of these facilities and services is often complex and time consuming and relies on these organisations feeding into the planning process in a timely manner. This will remain critical.
52. We are supportive of any measures to speed up the determination of appeals. We are aware that at the current time, PINs are poorly resourced, unable to meet many statutory measures. Too many appeals go to Hearings or Inquiries when they could be undertaken with written representations. Adequate resourcing of PINs will therefore be vital.
53. **We do not support** the automatic rebate of planning application fees where applications are successful at appeal. Many applications are finely balanced decisions and the outcome is not always clear cut. This may lead to outcomes which lead to the benefit of the doubt being given in all cases and may lead to poor planning outcomes. This mechanism will also act as a disincentive for Councils and applicants working proactively together prior to appeal proceedings to overcome reasons for refusal which would result in better planning outcomes.

Recommendation

54. Should rebates be introduced, then to ensure fairness, the Council believes that applicants who are unsuccessful with appeals should automatically pay the full cost of dealing with the original application (as planning application fees do not cover the full costs), as well as any costs incurred in dealing with the appeal. This will act as a disincentive to submit/persist with inappropriate development proposals.

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

55. **Agree in part.** We agree that it would be helpful for all Local Plans to be accessible and are not against, in principle, a standardised way to present a Local Plan. Indeed this Council already has an online Proposals Map and Local Plan that is digitally accessible and allows people to find out where development is likely to happen and where, in line with the existing legal requirement for Proposals Maps to be available online. We are concerned about the financial burden of introducing any such system which will need to be functional and cost effective for Local

Authorities. Any new costs incurred will need to be supported by central government through new burdens funding. This needs to include ensuring that rural communities have the broadband access that is necessary to view plans and maps digitally.

56. Our view is that it is over simplistic for Local Plans to be presented entirely visually, which appears to be the intention from these proposals. There will be background information and data which also needs to be easy to view, including the key proposals and links to design codes. Too many documents could in fact make finding information more complicated.
57. We recognise, as does the White Paper, that those who regularly involve themselves in the production of Local Plans are generally those from an older generation who benefit from home-ownership, wealth and education. We agree that it would be beneficial if other voices were heard just as strongly. We are of the view however that this change is already in train – in our recent Regulation 18 consultation we received over 6000 comments on our plan, through an existing on-line system and through careful signposting to encourage that comments be made in this format. It should however be recognised that there will still be a need for wider in person community engagement as part of the Local Plan preparation process, and measures still need to be in place to ensure that all who wish to take part can have a say.

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

58. **No.** We agree that Local Plans currently take too long to produce. Much of this is as a result of the level of evidence necessary to support the plan, which often needs to be updated prior to Examination, to reflect changing national or local circumstances. Delays also arise from waiting for responses from statutory consultees, which is not within our control. Many of the changes set out in the White Paper, if implemented effectively will help to reduce plan preparation time.
59. However we do not consider that the process of Local Plan preparation can always be completed in 30 months. In areas which are a focus for growth, very complex and difficult choices have to be made, which are often controversial and time consuming.

Recommendation

60. We consider that a timescale for plan preparation needs to be set which is realistic and is flexible depending on the issues which are facing an area – more straightforward plans may be quicker to produce than those which are required to allocate for high levels of growth. To assist in setting realistic timescales, we outline key issues which our authority has experienced and should be taken into account to ensure timely plan preparation:
- Before any consultation can take place, sufficient information needs to be available to make this useful and informative. It will need to include set housing numbers / employment targets to ensure effective engagement
 - Prior to any consultation, the Council should hold a call for sites, so that we can consult on possible locations for growth. It is recommended that Councils charge for this process. Not only will this prevent sites being put forward where there is no serious development intention, it will also provide the local authority with resources to assess sites in an efficient manner. There needs to be flexibility in timings as for some Councils there will be few sites to assess,

while for other Councils, the assessment period could take some time. Areas with high development pressure may need 6-8 months to seriously consider such sites.

- There must be flexibility to take account of the level of feedback provided at a consultation. Authorities such as Horsham District Council, who receive thousands of comments will require longer to review issues, compared with those who only receive a few hundred.
- External organisations who input into local plan preparation must be adequately resourced in order to feed in to the plan preparation process. One statutory consultee, took six months to respond to our Regulation 18 Local Plan consultation due to significant resourcing issues within their organisation. Their response had the potential to be a ‘showstopper’ so we could not progress out plan without their active engagement. Local Authorities have no direct control over these organisations, some of whom (e.g. infrastructure providers) are private sector organisations.
- Under your proposals, there is no mechanism to amend or update the plan based on consultation feedback before examination – this may be necessary, unless informal consultation can be factored in at an earlier stage. The Local Plan preparation timescales need to reflect this.
- It is suggested that the examination will last 9 months. Whilst we accept that the proposals in the White Paper aim to ensure shorter and more straightforward examinations, the introduction of a new system where all plans are required to meet a set timescale and all authorities press ‘go’ at once is still likely to generate impacts on resources over a short timescale. If this timescale is to be met PINs must be subject to adequate resourcing.
- We support in principle the short timescales for adoption. However it should be noted that a 6 week limit may not always be practical due to the timetable of Council meetings, elections or similar. It is suggested that an 8 week timetable be more appropriate.

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

61. **Yes.** Neighbourhood Plans are locally popular and it would be unfair to undo the good work that communities in Horsham District and in other parts of the country by removing them and/or diluting their importance.
62. Notwithstanding the above, should the planning system be reformed, Government will need to be very clear in what Neighbourhood Plans can and cannot do and how they will fit with new-style Local Plans. This is not clear in the consultation documentation.

Question 13(b) - How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

63. In our experience, the people who involve themselves in the preparation of Neighbourhood Plans are committed and hardworking volunteers. However, this does not mean they will all have knowledge of new digital platforms, and have limited financial resources. We support the ambition of Parish Councils and Neighbourhood Forums, and planning in general looking to take advantage of technological innovation, but if this is to be achieved resourcing and training for local communities is required. It will also be essential that the existing resources that are in place to assist local communities with Neighbourhood Plan preparation remain in place. This includes providing resources to Local Authorities to provide the technical advice and support that is necessary.

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

64. **Agree in part.** We agree that development will come forward more quickly where there are more developer outlets bringing forward a variety of house types. However this is not something over which Local Authorities have any direct control. Forced splitting up of sites could lead to piecemeal development in Growth Areas and we are concerned that there would be confusion as to who is liable to fund or deliver necessary infrastructure. Councils should determine whether development is sustainable but it is not for us to judge who builds development.

Recommendation

65. We think that once a Council has an adopted Local Plan in place, there should be more incentive for site promoters to develop sites allocated. As such, there is merit in exploring financial penalties for those in the development industry who opt not to develop sites on which planning permission or permission in principle has been obtained. Perhaps 'use it or lose it' notifications can be given after a certain amount of time has elapsed or that site promoters are liable for Council tax once homes were scheduled to be occupied regardless of whether the homes have been built or not.

Pillar 2 – Planning for Beautiful and Sustainable Places

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

66. Recent development in Horsham District has been mixed in terms of design quality. Whilst there are some developments where this has been good, there are many examples where this has not been so successful. Much of this has stemmed from applicants seeking to 'water down' masterplan principles at reserved matter stages, or has been the result of applications being permitted in a climate which did not require high quality design to be built in. There should be no excuse for development, be it granted at appeal or through the plan to not consider design. This authority has also refused application on what was demonstrably poor design quality, only to have these matters overturned at appeal on the basis that other factors were considered more important on balance. High quality design simply will not take place unless all decision makers, at central or local level insist that high quality design is an essential requirement of all development.

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

67. Sustainability is a term that is hard to define and means different things to different people. Our priorities for sustainable development are well planned places, which are attractive, affordable and provide a high quality of life. This includes ensuring less reliance on the private car, healthy lifestyles built in, as well as being carbon neutral and bringing forward biodiversity net gain.

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

68. **Agree in part.** We are supportive of a planning system which includes design codes and/or guides, providing confidence to the public and certainty to the development industry about what development should achieve. The consultation does not provide enough detail to understand the full intentions and until this is available we are unable to form a complete view on the proposals.

Recommendation

69. We consider:
- clarity is required when using the terms design codes and design guides - these are sometimes used interchangeably within the White Paper but on other occasions not. Clarity on the relationship between national and local codes is also needed.
 - Greater understanding of the different routes by which they can be introduced, as this is not clear in the White Paper
 - An understanding of whether design codes for Growth Areas will be required to be twin-tracked with Local Plans or would this be optional? If design codes are submitted as part of the examination of a Local Plan, can Inspectors make changes to them? If design codes/guidance are not subject to examination, how do Councils adopt them?
 - Whilst local input to design codes is welcome, it is unclear how the process will be managed if disagreements arise in terms of aspirations – eg desire for traditional design, versus modern design or technologies.
 - Local Planning Authorities should be invited to input into updated proposals as they emerge in due course.

Question 18 Do you agree with our proposals for improving the production and use of design guides and codes?

70. **Yes** - We are supportive of your proposals for a new body. In the past 'CABE' (The Commission for Architecture and the Built Environment) provided helpful advice and guidance to Local Planning Authorities, support similar to this would be welcome. We agree that a Chief Officer is needed to highlight the importance of planning, design and place-making in Councils. Indeed, we already have a Director of Place at Horsham District Council.

Recommendation

71. It is suggested that a new body could be within a reformed and updated role for Homes England. Where it is felt that local knowledge would be of benefit, there should be support to grow a network of existing Design Review Panels that exist across the country. In our view, Chief Officers with responsibility for Place should be a member of an accredited institution connected with the built environment.

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

72. **Yes** - we agree that high quality design should be a consideration for a reformed Homes England. However, there must be a clear distinction between any land promoting arm of Homes England and this wider expertise to ensure that there is no potential for conflicts of interest to arise.

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

73. **Agree in part** – Beauty is a subjective term. It is critical that buildings that come forward are attractive to look at but are also fit for purpose – for example, new builds must still have doors wide enough for wheelchairs. How would fast tracking beauty work in this example?
74. In our view it is critical to ensure that developments that meet design requirements set out in Local Plans or established in design codes and guidance are approved. This is already an established principle within the existing development management system and we are supportive of ensuring it is continued. Any additional clarity to this in the NPPF/White Paper would be welcomed.
75. The second way you wish to introduce the proposal is to ensure that masterplans and design codes are required to support Growth Areas identified in the Local Plan. These proposals are confusing as it is not clear how masterplans/design codes will be produced and adopted. It is also unclear whether such masterplans are able to be amended should circumstances change in relation to a particular site or a key building within a site (e.g. a school) – for instance to further optimise site capacity and take advantage of new opportunities.
76. The third part of the proposal would widen permitted development rights in ‘Renewal Areas’ to allow developments to come forward where they accord with particular design principles. Pattern-books are mentioned in the White Paper for the first time, in relation to this proposal. Again these lack clarity in terms of purpose - Are these the same or different to design codes/guidance seen in earlier parts of the White Paper and how will they be adopted?
77. The White Paper then continues by explaining that if local codes/guidance/pattern books do not exist, developers will be able to fall on national codes. This appears to be contrary to the provision of ensuring design is locally popular in Renewal Areas (i.e. existing settlements) as each place is likely to have a unique character and design. It is therefore difficult to see how such an approach will protect local distinctiveness.

Recommendation

78. Whilst many of the proposals are potentially sensible, more information is required. We would welcome further discussion and input into this process.

Proposals 15-18

79. We note that there are no questions asked in relation to the above proposals and it is not clear why this is the case. Nevertheless, we are generally supportive of the measures suggested in this section and as set out earlier consider that a revised Environmental Assessment process will still ensure that environmental impacts are considered, without the costly process that currently takes place for little added value in terms of an improved plan. In our view the assessments/appraisals referred to (including the HRA) need to be reformed, combined and simplified, while still ensuring that Local Plans and developments consider their individual and cumulative environmental impacts. It will also be critical to ensure that outcomes are transparent and the public can see how conclusions have been reached.

80. Whilst noting and largely endorsing environmental principles included within the White Paper, the idea of automatic planning permissions may make it difficult to achieve positive environmental outcomes. This includes biodiversity net gain and improvements to existing habitats, which will be specific to individual sites and therefore cannot be captured by generic codes.

Pillar 3 – Planning for Infrastructure and Connected Places

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

81. It is simply not possible to identify one single priority as to what is needed to support development within Horsham District. It depends on the type and location of the development (homes, employment, or a tourism proposal). Overall however, there are a number of critical issues which the district is facing, **all of which need to be resolved**. Our key concerns are the huge infrastructure deficit, which leaves us with GP surgeries that are vastly oversubscribed, with no new land to move to, lack of land for new schools, leaving existing facilities oversubscribed and children being educated in cramped buildings that are not fit for purpose. Our roads are also heavily congested, plus, we also experience overcrowded rail services with minimal public transport services, that do not effectively interchange with the rail services which are in place. We also need to ensure that new development provides affordable homes and is environmentally sustainable. Whilst planning has a role in in this, it is not the sole answer.

Question 22a- 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?

82. **Agree in part.** We are not fundamentally against the Levy being directly related to the overall value of a development or reforming S106 payments and CIL into one payment. The consultation is very high level and there is limited detail on how any proposal may work. The new system does not set out how any meaningful proportion of funds would be provided to local communities as is currently the case for CIL – with increased funds for communities who prepare neighbourhood plans. Any new system that is phased in will also need to be aware that S106 and CIL cannot be phased out straight away as agreements which have been entered into ‘run their course’. This will leave local authorities will be dealing with three parallel regimes, each with its own monitoring requirements, triggers and regulations. In the short term this has the potential to increase pressure on resources. Having three separate funding streams will also generate additional digital requirements for local authorities as new or improved software will be necessary to enable administration of each of the regimes.
83. Charging based on the final value of a development will require necessary assessments to take place. There is not clarity around developer or local authority responsibilities or how any dispute may be resolved. This may also require a change in the expertise needed within local authorities and would need adequate resourcing to put in place. Additionally there is no definition as to how the point of occupation is defined. This will need to be clearly set out in any future framework.
84. All development will impact on infrastructure and therefore even small (or less valuable) development should help to fund infrastructure that it will utilise. There are however cases for

very small scale development where the cost of the administrative process is greater than the levy collected. Any threshold which is set should therefore take this into account.

Recommendation

85. We do not support any proposals that would yield less infrastructure funding than the current system given the issue's importance to our communities. It is critical that any solution provides sufficient finances in a timely manner to provide the infrastructure needed to support development. It will also be critical to ensure that certain site-specific mitigation requirements (rather than funds) are secured for relevant developments and that sufficient resourcing is provided to local authorities to implement these changes. Clear guidance will also be needed as to how the new system will work.

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

86. **Locally.** As we've stated consistently in this response, places across the country are different. Councils will have different infrastructure requirements and infrastructure issues may be more acute in some areas than others. We believe that therefore the rates should be set locally to allow for this and to ensure that local viability can be taken into account when rates are set.
87. If Government feels that rates should be centrally imposed, then they should as a minimum set rates for different areas, reflecting different values across the country – with the ability of Councils to use different rates if this can be justified through an established process.

Question 22c - 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?

88. **More value** - The new Infrastructure Levy should aim to achieve far more nationally and for each individual authority on a per dwelling basis than is currently collected from CIL/S106. Infrastructure deficits exist in all parts of the country and the current system is insufficient to address infrastructure issues caused by new development. This situation is particularly frustrating for District Councils who often have to trade off using CIL to fund one important piece of infrastructure over another, when the reality is that both are needed.

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

89. **No.** This Council fundamentally object to this proposal. Borrowing against potential future income, which is unknown and depends on market factors beyond our control. This is effectively asking local authorities to gamble and this would have disastrous financial consequences if Infrastructure Levy monies are not received. One significant risk in relation to this issue is the potential for development companies to go into liquidation, or to seek to changing names or set up shell companies to avoid liabilities. Unless the Government introduces a financial penalty to developers who do not deliver and fully compensate Councils in such situations Councils are unlikely to take such risks on which this proposal is based upon. This will mean development comes forward with no infrastructure, or does so with a very significant delay.

Recommendation

90. Ultimately, we believe that the development industry itself should provide or directly fund necessary infrastructure needed to support development. Instead of asking Councils to take the risk, it is perhaps worth considering whether it is possible for the development industry to borrow money against expected profits. If not this, the Government should act as a guarantor to any borrowing to ensure that Councils are not impacted if expected funds from the new Levy are not received.
91. Further clarity is required in relation to these proposals - it is not clear who is expected to pay the Levy. Is this the site promoter or the developer? If it is the latter and there are multiple developers on the site, how can Councils ensure that each pay a proportionate amount? Forward funding of such infrastructure is preferable as this removes doubt and potential dispute.

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

92. **Yes.** New development, whether it comes through a formal planning permission or through permitted development rights, is likely to rely on existing and new infrastructure and it is correct that such schemes should help fund such provision.

Question 24a - 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?

93. **No** - Throughout the White Paper and the related changes to the current planning system consultation, it is recognised that there is a need to provide sufficient housing to meet needs and that affordability is hindering the ability for some to live in places that they desire. As such **the ambition should be to exponentially increase** affordable housing delivery.

Recommendation

94. That the Government set out a minimum target of affordable homes that it expects to be delivered in the new planning system. This should apply to sites of all sizes over 5 homes.

Questions 24b 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?

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

Question 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?

95. We do not feel we are able to comment in detail on these questions in the absence of example financial figures relating to different types of schemes to present how the various suggested proposals could work.

Recommendation



96. It is critical that development delivers affordable housing and necessary infrastructure. Therefore all schemes should be able to fund both a required amount of affordable housing and necessary infrastructure. Councils should not be forced to choose between one or the other when there is a clear need for both.

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

97. **Agree in part** - The Infrastructure Levy should be used to fund infrastructure and funds received must be ring-fenced as such. However within this there should be flexibility as to how and when spend takes place to fund the necessary infrastructure provision.
98. In general we are supportive that funds can continue to be made available to Parish Councils. However, this should not be at the expense of larger more strategic scale infrastructure schemes. Any revised system should not lead to a situation where large-scale development such as new settlements, provides very large sums of money to Parish Councils for use in more local schemes, whilst leading to a 'gap' in the pot of money which provides larger strategic scale infrastructure. This would lead to wider infrastructure funding deficits and consequently either frustrate development or lead to unsustainable development coming forward.

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

99. **Yes** - As outlined above we think that all funds collected for infrastructure need to be ringfenced. This should further apply to funds allocated for affordable housing, which should be ring-fenced for that function.

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

100. While the move towards greater digital data is welcomed, it should be recognised that a move away from traditional consultation methods may have impacts upon the older population who are not as conversant with digital technology and deprive those from being able to engage with the planning system about issues which will impact them.
101. As outlined earlier in this White Paper, there is an increased emphasis on online plan making. This may well have an adverse impact on the elderly community, if they do not have the necessary IT skills. The proposals will also adversely impact those who live in rural areas with poor broadband connections. This is likely to affect a cross section of society including those with protected characteristics.

Proposal 23 – resourcing impacts

102. There is no question posed in relation to this proposal, but we are pleased to see that the document has identified that resourcing of the new system will be critical. Given that many of these measures will have direct impacts on local government we would welcome further dialogue to ensure that issues we will face to implement any new system can be adequately addressed.
103. We think it is critical that planning is sufficiently funded to ensure that Councils are able to continue to balance the needs for competing land uses and infrastructure in a sustainable way.

Fees associated with planning applications should be commensurate with the cost of processing them. This will also include ensuring sufficient resources to enable the production of design codes, guidance associated with the new Local Plan.

104. As we detail in response to Question 12, we think that those promoting sites for inclusion in the Local Plan should be subject to charges relating to the cost of assessing their sites against key criteria as well as the development of site-specific design codes. We are supportive of increasing the cost of planning application fees to help pay for the preparation of Local Plans but this should not be at the expense of the proper funding of Development Management.

Proposal 24

105. There is no question posed in relation to this proposal but we welcome any speeding up of enforcement procedures. We would welcome further discussion on any measures which emerge in due course. **It is recommended** that enforcement should be made a statutory function and that the current financial cap at Magistrates Courts should be increased beyond £20,000 with further penalties introduced to discourage breaches.