Medway Council response to the “Planning for

the Future” White Paper

The Government white paper “Planning for the Future” proposes “the “most radical reforms to the Planning system since the end of the second world war”.

The White Paper opens up a whole series of thoughts and ideas for how the Planning system can and should be reformed. While there is a huge lack of detail to the proposals, which would then require further consultation and primary and secondary legislation, there are aspects in the proposals that are of merit while also others that give concern.

Medway Council does agree that the current planning system needs to be simplified and that it is far too complex. It is also agreed that there is a need for better use of technology and that there are many opportunities for a more standardised approach, particularly in the use of technology which will greatly assist in an understanding of the system and processes by the public and our planning customers. Medway also agrees that the public have and are losing faith in the Planning process and as a result in the Local Authorities that try to operate within the processes and system imposed on them.

However, Medway Council fundamentally disagrees with the premise in the white paper that the planning system is the fundamental block to delivering housing. This is a complete oversimplification of the many issues that inter relate and impact on the delivery of development – and not just housing.

It does agree that successive changes to the planning system have made it unnecessarily complex and that stripping away the complexity would be beneficial. However, this increased complexity is largely of the Governments own making and a wish to circumvent local authorities and permit housing on more land than is needed to meet commitments. The ever increasing permitted development rights may deliver housing but certainly does not meet the Governments ambition for delivering “the right housing in the right places” as a recent publication of a report highlighting the poor accommodation created by such rights demonstrates.

The increased complexity has brought with it an ever increasing number of legal challenges to decision making. There have been significant cuts to Local Authorities which has not only impacted on the resources and skill base in their planning departments, but on the ability to provide the services and infrastructure needed to serve the Countries growing population. Climate Change, biodiversity and ecology bring with them understandable challenges and potential delays to the planning process

Medway Council also agrees that the public are losing faith in the planning system. However, it disagrees that this is because of fundamental flaws in the system, rather it is because the public, particularly in the south east, are seeing a level of housing planning permissions being granted which has not been seen for 50 years, but without the level of investment in infrastructure necessary and the front loading of delivery of that infrastructure. There is also significant public concern over the poor

quality of housing delivered by permitted development rights in particular and an understandable lack of understanding on why their LPA has no or limited control over its delivery. What they are seeing with many PDR developments, is substandard housing – slums – in the wrong location, providing poor quality accommodation for occupiers and also impacting on the visual amenities of their areas as well as the amenities of those living next to or near to those developments. Indeed what the public are demanding is not deregulation of planning but re- regulation.

The introduction of mechanisms such as the 5 year housing land supply test and the presumption in favour of sustainable development have further undermined public confidence in the planning system. The consequence is that the anti-development lobby is increasing dramatically in the south east and will remain regardless of the proposed changes to the planning system.

Medway, as a proactive and positive authority has demonstrated that high quality developments can be planned for and delivered under the current system.

Rochester Riverside is highlighted in the Planning White paper, quite rightly, as an exceptionally high quality development that is being delivered at pace. Medway has also recently secured £170m of HiF money towards delivering road, rail and environmental benefits to facilitate the delivery of a new expanded market town providing for a sustainable community including 10,600 houses, employment, retail, community facilities, community parks, and sports and health facilities, but all being worked up within the existing planning system.

The real block to delivery is the development industries appetite to build at a level which will affect house prices and their profit margins. Nor will issuing an excess of planning permissions address developer delivery strategies as they will manage construction rates to maintain price and profit margins. Simply put the developer retains control over their market. The Government makes no substantive proposals to unlock this real issue through incentives or penalties on developers and instead simply looks for more land to be allocated or granted permission in the hope that someone will build and all that achieves is to even further undermine public confidence in the system and the growth of the anti-development lobby.

In addition, the proposals include numerous penalties on Local Authorities, either at plan making stage or, more fundamentally, at the development management stage that run contrary to the Government’s aim of building better building beautiful as the proposals play into the hands of the volume house builders and their standardised

product, with cash strapped Council’s not having the time to negotiate much needed improvements to deliver quality or fearing to refuse poor development due to the increasing threat of financial penalty on appeal.

Finally, before moving onto the specific questions asked in the white paper, while Medway Council appreciates the Governments concerns regarding “the housing crisis” the white paper seems hugely focussed on planning for housing and has not properly considered or reflected on the 4 key areas of sustainable development – social, environmental, economic and cultural. There is not sufficient consideration in the document about things other than housing and what really goes into place making – employment, care, retail, leisure (in all its forms) and culture. Culture for

instance is recognised as a sector that provides valuable economic and social outputs that support the growth of cities and strong healthy communities. These aspects have always been vital but never more so than now as we (hopefully) move out of covid and with Brexit.

# PILLAR ONE – PLANNING FOR DEVELOPMENT

## Q1 What 3 things do you associate most with the planning system in England

This is a seemingly loaded question seeking the words - complex, lengthy, litigious etc and while all those could be used, there are words and terms that could be equally used such as – fostering and developing communities; engagement; facilitating growth, delivering quality development.

It should not be forgotten that planners are self critical and will point out aspects of development that could have been improved upon, BUT the same system has delivered some amazing developments, pictures of which are littered throughout the white paper, and in Medway that includes Rochester Riverside, along with Chatham Historic Dockyard (a vibrant mixed use regeneration development of part of the former Chatham Dockyard ) and Victory Pier - which is a high density mixed use development of a former chemical works in Gillingham which was voted by the public of Medway as a its award winning regeneration scheme of the last 10 years. The number of Design and regeneration awards run throughout the Country highlight rightly the many successes delivered via the current planning system.

## Q2 Do you get involved in planning decisions in your area?

Yes

## Q3 Our proposals will make it easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

N/A as Medway Council is a LPA

## Q4 What are your three top 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 infrastructure/ protection of existing heritage buildings or areas/ other

As LPA it has to be them all plus more and again it seems the question leans towards housing as an answer but planning must be more than that, including place making, communities, culture. Planning is about setting a framework for the kind of future places people want to see and striking a balance between different considerations to achieve a delivery of that future in the short, medium and long term.

# PROPOSALS

**A NEW APPROACH TO PLAN MAKING**

## Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify 3 types of land. Growth areas suitable for substantial development; renewal areas suitable for development and areas that are protected.

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

The principle of a simplified Local Plan process is welcomed. The current local plan process has become far too complicated with the consequence increase in time taken to get to adoption and still far too many plans stumbling at the examination stage. The constant changes to the system over the past 10 years has fundamentally added to that complexity.

However, it is difficult to see how proposals for the whole of the country to be divided into one of 3 categories could work in practice. In urban areas in particular this could be quite complex particularly where you have potential renewal areas which also include conservation areas and listed buildings

In addition growth areas would also automatically be given outline planning permission, but this could only be properly assessed with a significant amount of up front work normally associated with an application. Medway is not sure how this increased amount of work sits with the reduced time frame for producing a Local Plan or whether this work is undertaken by the LPA or site promoter. If the latter, how would the local community properly engage in this, while surely it would also disadvantage smaller house builders/promoters.

Medway is unclear how the process will ensure that all types of development are met as, again, the consultation focusses mainly on housing.

## Proposal 2: Development Management policies established at National scale and an altered role for Local Plans

**Q6 Do you agree with our proposals for streamlining the development management content of Local Plans and setting out general development management policies nationally?**

Medway agrees that there is no need for Local Plans to repeat policies which are contained in National Policy and a set of standardised development management policies would reduce the length of local Plans and time for their production. Some

allowance for a locally defined approach where this can be justified would be appropriate and thus Medway supports the first alternative option.

The white paper puts a lot of emphasis on design codes and guides and the worry is that these could become lengthy documents taking considerable time to develop, that encompass policies excised from the Local Plan rather than working complimentary to the plan – again this points towards the first alternative option.

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

**Q7 (a) Do you agree with our proposals to replace existing legal and policy tests for local plans with a consolidated test of sustainable development which would include consideration of environmental impact?**

Yes, the principle of a simplified test for Local Plans is supported. However, again there is a lack of detail and so it is unclear how this would work in practice. Further consultation is needed on detailed proposals for the new test if and when the idea is developed.

A key test for Local Plans is whether their approach and policies are underpinned and justified by robust evidence. But we agree that the volume of supporting evidence associated with Local Plans has become over burdensome and keeping the evidence up to date is equally challenging. There is a need for balance in providing the evidence necessary without making it an industry and this balance needs further consideration than has been given in the paper.

The paper refers to planning for infrastructure and that a new data driven local plan will allow data driven insights to assess local infrastructure needs in terms of what and where. While this is supported in principle the delivery of the infrastructure is often outside the hands of the LPA and the providers often difficult to engage with. Thus the objective will be difficult to achieve unless this issue is addressed.

## Q7 (b) How could strategic, cross boundary issues be best planned for in the absence of a formal duty to co-operate?

Medway welcomes the removal of the duty to co-operate which has not been

effective in planning and has both resulted in stalemate between Council’s on the issue of housing numbers as both face similar challenges, while it has also caused many Local Plans to fail at the examination stage which simply cannot be supported.

However, there is a need to find an acceptable alternative to facilitate those important discussions on cross boundary matters particularly in relation to delivery of important infrastructure. The solution may vary from area to area though.

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

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

Medway Council was initially supportive of the introduction of the standard methodology, with so much time being taken up at examinations debating objectively assessed needs. However, the methodology is flawed and needs to be re- considered. The proposition that affordability is directly related to supply and the mechanism for capturing that is far too simplistic. We have areas where new housing has taken place in excess of need and yet affordability has worsened.

As a result Medway has concerns regarding a standard method and in this respect also a binding housing requirement. Local housing needs should therefore be identified, discussed agreed and set at a local level, based on locally sourced evidence of not just housing need but all needs with a local authority area including, but not limited to, employment, retail, leisure and open space. This will more accurately address local need and will engender the local buy in to meet that need.

Medway also does not support the retention of the housing delivery test, as LPA’s have very limited leverage over actual delivery. This is demonstrated in Medway where our action plan has had input from Stakeholders from the development industry, who have agreed there is no further action that Medway could take to promote delivery and yet we have not met our targets. Housing delivery is impacted by so many factors including the economy, and the current covid crisis, but is ultimately a matter for the development industry to build out the schemes they have consent for and at a faster rate. In Medway we have granted significant numbers of planning permissions over the past 5 years on a variety of sites – green field, regeneration, brownfield, small and large and yet the development industry has not delivered to meet the identified need from the standard methodology. The flaw is therefore in the methodology and housing targets or/and encouragement/facilitation of the development industry itself.

## Q8 (b) Do you agree that the affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

If the Government insists in bringing in a third version of the standard method then Medway would comment as follows on 6 bullet points in the white paper:

Size of existing urban settlements – potentially this is a desirable refinement of standard method but more detail and understanding is required before we can comment in a more informed way

Medway Council has reservations, as set out above, in terms of the weaknesses and issues with current standard method and affordability factor, but again we would need to know more detail before commenting further.

Land constraints – agree this should be a factor but not limited to green belt, flood risk zones and national designations but also consider adopted local area land constraints such as local recognised green spaces, nature reserves and green wedges, which LPA’s should be able to feed into the process by identifying local areas to be protected.

Brownfield land – Consideration should be given to the value of brownfield land available for development, maybe through a survey. However, development of brownfield land has been objective of previous Governments with mixed success but only the more viable being brought forward or sites that have financial input from Homes England or using grants. Issues arising from brownfield development can include displacement of existing employment or other uses while viability can impact on delivery of affordable housing or other S106 requirements. The vacant building credit needs to be reviewed as it results in double counting on viability and again impacts on delivery of affordable housing.

Greater densities may be possible but place making is vital and that includes design, open space, connectivity, mix of uses if appropriate and mix of dwelling types/sizes and tenures.

Land required for other non-residential uses – agree that is need to focus on more than just housing.

Provision of buffers – This needs to be locally set and consider deliverability of housing targets

# A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

## Proposal 5 Areas identified as growth areas would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre established development types in other areas suitable for building

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

An allocation in a Local Plan gives a degree of certainty to developers and may mean that they can go for a detailed application, particularly if site based policies and criteria, maybe linked to design guidance gives clear indication on what may be acceptable. However, if an allocation is to be the equivalent of an outline planning permission then far more work will need to be undertaken at the Local Plan stage covering issues such as scale, parameters, technical issues such as highways, flooding, surface water issues, archaeology, ecology, contamination etc. This requirement would not seem to fit well with the aspiration in the white paper to speed up the Local Plan process. In addition, who would do this work, would it be the LPA or would it be down to the land promoter? If it is the former how would that be resourced (which is already an issue for LPA’s – both financially and staff) but if it is the latter then how could local engagement be factored in?

If as seems to be the intention, part of the allocation process would necessitate design codes and guides then again this will have resource and skills implications for LPA’s as well as time implications in terms of engagement with local communities.

Medway’s experience of Local Development Order’s has not been great in terms of the time taken to produce them which has certainly not demonstrated any benefits over a standard application route so far.

## Q9 (b) Do you agree with our proposals above for the consent arrangements for renewal and protected areas?

Medway Council agrees that for protected areas the current application process should remain.

In renewal areas the presumption in favour of development specified in the plan would be expected, but the suggested varied types of application proposed in the white paper just seem to make the process more complex rather than clearer for potential applicants.

## Q9 (c) Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

Medway is not supportive of the NSIP route for new settlements as this centralises decision making and reduces local accountability and input.

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

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

Yes

Medway supports the proposal to make decision-making faster by streamlining and digitally enabling end to end processes.

Medway agree there should be greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with the planning service. In particular, the validation of applications should be integrated with the submission of an application so that the right information is provided at the start of the process, meeting the expectations of our customers and reducing the amount of invalid applications.

Medway aspires to delivering excellent customer service. By automating the initial part of the process and shifting the way we ask for information will take away the need for customers to read and understand legislation, determine what type of planning application is required and decipher the information needed to submit a valid planning application. This will enhance the users experience and potentially save considerable amounts of time and money for both Medway and the customer.

The software used by planning authorities for this front end automation should be government led and standardised for all planning authorities to provide a consistent user-experience nationally. Reducing the risk of errors, speeding up the time taken to validate an application and reducing costs currently experienced by Medway.

The standard application forms should be streamlined and machine-readable and a national data standard for smaller applications should be created so we can share, exchange and understand our data better. Also to improve our customer experience so that planning application information can be easily found and monitored at a national level and allow our customers and stakeholders to access and use the data in innovative ways.

In order to achieve the above significant funding would be needed to meet the requirements of the government. For example Medway would need to digitalise 50 years of microfiche which is a considerable financial constraint but essential in moving forward with a digital solution. In order to achieve a solution customers can trust resources will be required to assist build, test and maintain the solution which is flexible and has a seamless integration with back office systems and the planning portal.

Medway are very keen to see a faster, digitally responsive and flexible appeals process. Medway have moved forward significantly in the last 2 years implementing an electronic decision making process. However the process fails at the appeal stage especially public inquiries when reams of paper are used to print out documents required by the inspector and legal teams. This is resource intense and very costly.

Notwithstanding these positive comments, Medway Council is concerned regarding the proposals which will reduce democracy in the planning application decision

making process and thereby impact negatively on the public perception of the planning process. Expediency should not be at the expense of localism.

Medway is also concerned about the refund of fees suggestions. This will either lead to more refusals where currently a positive negotiated outcome is secured, which then runs contrary to the aims of the paper to speed up the process, or it will result in approving applications which would not currently be accepted resulting in poorer developments which again runs contrary to the aims of the white paper to improve design quality. The current process of Planning Performance Agreements works well in Medway as does appropriate use of Planning Extension Agreements, while the financial penalty of returned fee 6 months after validation where there is no agreed extension to time limits again works well. Indeed those major developers and SME’s that we regularly work with are very supportive of the positive engagement with Medway that is facilitated by PPA’s and the link to our pre app processes.

Medway also disagrees strongly with the proposal to automatically refund planning fees where an appeal is allowed following a refusal whether that refusal is made by Committee or delegated. While it is acknowledged that approximately 30% of appeals are allowed, this is in the context of 90% of applications being approved by LPA’s. So the 30% of allowed appeals only relates to 10% of the total number of applications. Of those 30% that are allowed, if a LPA has acted unreasonably then applicants can apply for costs and that can be considerable and in Medway’s view is enough to make LPA’s think very carefully before refusing an application. Therefore most allowed appeals relate to cases which are balanced. In those cases Inspectors recognise that LPA’s have understandable reasons for refusing an application but an Inspector (if allowing the appeal) just balances the determining issues slightly differently. There is no justification for penalising LPA’s financially in these circumstances and again this could result in LPA’s approving poorer schemes out of fear which again runs contrary to the aims of the White paper of improving development quality.

# A NEW INTERACTIVE, WEB BASED MAP STANDARD FOR PLANNING DOCUMENTS

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

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

Medway Council supports the proposals for more accessible web based local plans and would welcome the opportunity to partake in the series of planned pilots to develop innovative solutions to support plan making activities and make community involvement more accessible and engaging.

Medway notes that MHCLG intends to publish a guide to the new local plan system and data standards and digital principles well in advance of the legislation being brought into force. As it will take significant time to prepare for this digital transformation and to ensure that the correct systems and skills sets in place to deliver, it is vital that the guidance is issued early.

Medway does question though where the funding will come from as LPA’s do not have the finances available to deliver this. Similarly there will be a need to upskill the staff.

While Medway is supportive of the digital improvements there is a concern that this may exclude some of the population (up to 10%) from engaging in the plan making process.

As stated in an answer to a previous question, while Medway agrees on the need to lighten the burden of evidence necessary to support the plan making process, there is a need to still provide an appropriate level of evidence and the right balance needs to be achieved.

Finally while Medway supports the standardisation of local plans they must still remain locally distinctive reflecting the varied character and needs/challenges around the Country

# A STEAMLINED, MORE ENGAGING PLAN MAKING PROCESS

## Proposal 8: Local Authorities and the planning inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those that fail to do so.

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

While Medway does support the streamlining and speeding up of the plan making process, it has concerns in relation to the proposed 30 month statutory timescale for production.

This does not provide sufficient time to undertake all the key stages to produce a robust plan and therefore risks the quality and soundness of the plan. As stated previously the up-front work necessary to support an allocation which justifies an outline planning consent, along with design codes/guidance and local engagement on their production, cannot be undertaken properly within that 30 month period.

Clarification is required on how the proposed examination of the Plan would work and whether there would be a need for further public consultation if the Inspector made binding changes to the Plan.

Such a tight timeframe for production of a plan, notwithstanding the above concerns, could only be secured with greater resources – both financial and staff.

## Proposal 9: Neighbourhood plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.

**Q13 (a) Do you agree that neighbourhood plans should be retained in the reformed planning system?**

Yes

## 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?

It would be appropriate to align the tests for neighbourhood plans with the new tests for a Local Plan set out in the white paper.

The issue of neighbourhood plans being made out of date once a new local plan is adopted also needs to be addressed albeit that it is recognised there may need to be some form of review to reflect housing requirements.

# SPEEDING UP THE DELIVERY OF DEVELOPMENT

## Proposal 10: A stronger emphasis on build out through planning

**Q14 Do you agree there should be a stronger emphasis on the build out of developments? And if so what further measures would you support?**

Yes

While supporting this premise there is little in the white paper to support how this could be achieved. The housing delivery test is not appropriate as Council’s build limited number of dwellings and currently have little control over delivery. There is a need to re-look at aspects such as tighter time limits for duration of permissions, tougher requirements on what constitutes meaningful commencement and mechanisms for making build out schedules more binding.

Medway also supports the proposal to break up larger sites and encourage SME’s within larger developments. This will have numerous benefits including use of local labour, higher quality of development (raising standards through competition), mixing up dwelling types/tenures and speeding up delivery by having several developers within a larger site.

# PILLAR TWO - PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES

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

**Not sure or indifferent/ beautiful and or well-designed/ ugly and or poorly**

**designed/ there hasn’t been any/ other?**

Some is exceptional and award winning; some is ordinary (standard house types and designs from volume house builders); and some is poor – particularly those associated with permitted development conversions.

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

**Less reliance on cars/ more green and open spaces/ energy efficiency of new buildings/ more trees/ other.**

Medway agrees on the need to tackle sustainability, climate change, energy efficiency and biodiversity as well as responding to the need for healthy places for people to live including high quality visual and usable open spaces.

# CREATING FRAMEWORKS FOR QUALITY

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

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

Yes. This has the potential to add a degree of clarity and certainty to what is a subjective part of the process. However there will still need to be a judgement on whether proposals are in line with requirements. It is not clear who this will be and how it will be determined.

Whilst it is important that local character and vernacular informs design guidance and codes, Medway is concerned that this could encourage the ordinary and stifle innovation or the exceptional. There needs to be a challenge to generate debate (via public engagement) about how planning for the future may differ from what has happened in the past and thereby raise the bar and improve areas substantially.

There are resource implications in bringing forward design codes both from a financial point of view and at a staffing level – both in terms of numbers and skills.

**Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to**

**support the delivery of provably locally popular design codes and propose that each authority should have a chief officer for design and place-making**

**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. There should be a body to support LPA’s. Medway’s view is that there does not necessarily need to be a chief officer for design and place making but each LPA should have a suitably trained design team and there should be a design and place making Councillor Champion who should ideally sit on the Planning Committee and be suitably trained as well.

Medway would also encourage the promotion and use of independent Design Review Panels whose recommendations and comments with schemes which fit to a memorandum of understanding with the DRP, required to go through the process.

Any submission then needs to demonstrate how the scheme has been designed to take on board the comments of the panel or to explain and justify in design terms why comments have not been built in.

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

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

Yes

# A FAST TRACK FOR BEAUTY

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

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

Medway does not support this proposal as it is absolutely not clear who will be the determiner of “beauty”. It also depends on the quality of the design guidance/codes and the skills of those interpreting it. In addition final quality is in the detail and achievement of that needs to be carefully considered. Many in principle high quality developments have failed to deliver on that quality concept through getting the finer details wrong.

While gentle densification may sound good, it again needs to be carefully considered to mage impact on character of area and amenity as well as ensuring delivery of the necessary infrastructure.

Medway firmly reiterate our opposition to further extension of permitted development rights. The Governments own research has highlighted that PDRs such as conversion of offices and industrial buildings to housing have resulted in too many cases of substandard housing and too often in the wrong location – the antithesis of promoting beauty and sustainable communities. Medway sees no justification for

further extension of PDR’s and strongly urges the Government to drop the proposals in paragraph 3.19. The public are expressing strong concerns about such PDR developments and in this respect are asking for and indeed requiring re-regulation rather than de-regulation.

# EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

## Proposal 15: We intend to amend the NPPF to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits

Medway Council supports the strengthened emphasis on combatting climate change and the role that planning can play in mitigating and adapting to climate change.

However the Council would welcome clarity on the timetable for these changes as well as further detail as the main focus of this section seems to focus on trees.

Increasing tree cover is an important component of climate change mitigation but this section lacks any detail at all on the proposed changes to the NPPF.

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

Medway supports the need for a simpler and faster process for assessing environmental impacts and enhancement opportunities, while ensuring that the most valuable and important habitats and species in England continue to be protected and enhanced.

However, again there is limited detail or information in this section and Medway would welcome further clarity on the nature and scale of these changes and the timetable for their introduction.

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

Medway is blessed with an amazing historic environment. Managing change to historic buildings in a manner consistent with primary legislation and the NPPF is essential.

Medway considers that the current system allows for change where appropriate ensuring that the special historic or architectural interest of the heritage asset is protected. Recognising this Medway has two specialist conservation officers and also works closely with Historic England.

There are significant concerns over the idea where certain approved architects are authorised to carry out works to listed buildings without an application to the Council. Who gives accreditation to these agents, how can it be proven they are acting in the best interests of protecting the historic environment rather than their client and who is monitoring their decisions? In order to provide proper protection to the historic environment, Medway Council strongly asserts that decisions on proposals to these assets of public importance should be taken only by public accountable persons and bodies.

## Proposal 18: To complement our planning reforms we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world leading commitment to zero carbon by 2050

Medway supports the introduction of the future homes standard and awaits the response to the consultation in the autumn.

Medway agrees that new homes should not need to be retrofitted in the future, but where retrofitting is required it should also be to a high energy-efficient standard and take account of the feasibility of installing measures on existing homes.

Medway would though like further clarification with regards to the role that LPA’s can play in setting energy efficient standards for built development. While the Council supports the delivery of this it is concerned about the proposal to reassign staff resources to focus on enforcement of the delivery of this. Firstly with the additional work in relation to plan making and design codes/guidance, Medway does not agree that there will be staff resources to reassign and in addition the skill base for this lies with trained building control officers and not with planning staff. There will be a cost in terms of finance and time in training staff irrespective of the fact that Medway disagrees that staff time will be sufficiently freed up from other tasks, particularly as the cuts over the last 10 years have left planning departments significantly under resourced in terms of staffing levels.

# PILLAR THREE – PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES

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

**More affordable housing/ more or better infrastructure/ design of new buildings/ more shops or employment space/ green space**

Al of the above are required in order to deliver sustainable development and the creation of new communities, while ensuring existing communities benefit from and are not negatively impacted by proposals for new development.

# A CONSOLIDATED INFRASTRUCTURE LEVY

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

**Q22 (a) Should the government replace CiL and S106 planning obligations with a new consolidated infrastructure levy, which is charged as a fixed proportion of development value above a set threshold?**

Not sure

Medway has not implemented CiL as it wanted it to be demonstrated that CiL would deliver the necessary infrastructure to support and mitigate the impact of new development. That has never been demonstrated, indeed quite the opposite.

Medway does agree that S106’s are time consuming and can significantly delay the issue of planning permission. It accepts that this needs to be addressed. However, S106’s do not only deliver financial contributions towards the delivery of infrastructure but can also be used to control the use of land.

Medway supports the principle of securing at least as much affordable housing on site as is currently delivered through existing S106’s, while recognising the need to provide balanced communities.

While Medway is supportive of the need for a simpler and faster approach as well as capturing uplift in land value, Medway would like to see more detail on how the following can be addressed:

* How will final value be assessed?
* At what level would levy be set – nationally, regionally, locally or even different within local areas within one authority
* Governance and ensuring that money is spent on mitigation of development rather than focussing on one larger area of financial infrastructure need
* Levying charge at occupation creates a potential lag in delivery of infrastructure
* Suggestion that Local Authorities borrow against predicted levy shifts risk from developer to public sector and what happen if the development which the borrowing relies on does not happen?
* What if land value uplift is below levy threshold which would mean that absolves developer from making contribution and does not deliver necessary infrastructure.

The white paper does not address the problem/role of utility providers in delivering infrastructure which does cause a great deal of public concern, particularly with existing residents impacted by a development.

## 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?

More value

The current system has allowed volume house builders to post record profits whist forcing Local Authorities to make difficult decisions over which infrastructure should be prioritised as insufficient planning gain is captured to und all the necessary infrastructure.

## Q22 (d) Should we allow local authorities to borrow against the infrastructure levy, to support infrastructure delivery in their areas?

Yes

While the ability to forward fund necessary infrastructure has the potential to secure the delivery of infrastructure in advance of the development coming forward, the financial risk associated with slower than expected delivery or indeed sites not coming forward at all is passed from developer to public sector. Also what happens where values are low and viability is marginal in which case the levy may not produce sufficient funding to enable forward funding to take place?

## Proposal 20: The scope of the infrastructure levy could be extended to capture changes of use through permitted development rights.

**Q23 Do you agree that the scope of the reformed infrastructure levy should capture changes through permitted development rights?**

Yes

While Medway does not agree that PDR rights should be extended and that the Governments own report on impact of PDR rights proves too many substandard dwellings have been provided and many in the wrong place, it is totally agreed that if PDR rights are retained they should be liable to the levy. New residents have the same needs and requirements regardless of whether their homes delivered through PDR or subject to planning.

## Proposal 21: The reformed infrastructure levy should deliver affordable housing provision.

**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

## Q24 (b) Should affordable housing be secured as in kind payments towards the infrastructure levy or as a right to purchase at discounted rates for local authorities?

Medway feels further work is required on this area. Currently Medway looks at delivery on site in accordance with Policy. If for demonstrable reasons that cannot be achieved then it looks for the same delivery off site. Only then if that cannot be achieved would it consider a contribution equivalent to the affordable housing not secured. The recent consultation which promoted first homes as part of the AH provision caused Medway concern as it would not meet the AH needs in Medway. From the information provided in the white paper Medway is not at present able to properly respond to the above question and would need further information to fully appreciate which option (if any) best meets the AH needs in our area.

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

No

Were the in kind delivery approach adopted, in circumstances where the value secured through in kind units is greater than the final liability, then the developer should have no right to reclaim overpayments. Such “overpayments” would be theoretical/paper only valuations whereas any repayments would be at a direct cost to the public purse.

## 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

The Council is concerned a centralised set of quality requirements may not fully reflect our needs or those of the registered providers. Our preference would be to continue to agree site appropriate requirements with the developer informed by local plan policies on design and standards. If an in kind delivery approach is taken there will be a need for the Council to reject those properties which do not meet a previously agreed standard. There should also be no cost to the Council.

## Proposal 22: More freedom could be given to local authorities over how they spend the infrastructure levy

**Q25 Should local authorities have fewer restrictions over how they spend the infrastructure levy?**

Yes

Existing CiL restrictions can result in situations where both a developer and a community wish for a community benefit to be provided though this cannot be secured via the planning regime. There are also situations where previously identified projects are no longer viable and developer contributions cannot easily be redirected to alternative projects.

It is highly unlikely that there will be sufficient funding secured through the proposed process to enable reducing Council tax as suggested in the consultation.

## Q25(a) If yes should an affordable housing ring fence be developed?

Yes

# DELIVERING CHANGE

## Proposal 23: As we develop our final proposals for this new planning system we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so we propose this strategy will be developed including the following key elements:

Medway agrees that the cost of operating the new system should be principally funded by the beneficiaries of planning gain – the landowners and developers

Planning fees should be set nationally

Medway seeks assurances on how costs of additional work on local plans, design codes/guidance and increased enforcement, as well as upskilling and re-skilling staff will be funded.

## Proposal 24: We will seek to strengthen enforcement powers and sanctions

Medway totally supports the strengthening of enforcement powers and sanctions as this is an area that gives the public great concern in terms of powers available to Councils and time taken to resolve cases where those breaching control deliberately play the system.

# WHAT HAPPENS NEXT EQUALITIES IMPACT

## Q26 Do you have any views on the potential impacts of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the equalities act 2010?

No