

LONDON BOROUGH OF RICHMOND UPON THAMES

Planning for the Future – Planning White Paper Consultation Response

Detailed responses submitted online on 29 October 2020 and sent via email to:
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Are your views expressed on this consultation your own personal views or an official response from an organisation you represent?	Organisation: London Borough of Richmond Assistant Director of Environment & Community Services (Planning and Transport)
What region of England are you located in? (Select one) <input type="checkbox"/> North East <input type="checkbox"/> North West <input type="checkbox"/> Yorkshire and The Humber <input type="checkbox"/> East Midlands <input type="checkbox"/> West Midlands <input type="checkbox"/> East of England <input checked="" type="checkbox"/> London <input type="checkbox"/> South East <input type="checkbox"/> South West <input type="checkbox"/> Don't know/ Prefer not to say <input type="checkbox"/> I/We operate nationwide <input type="checkbox"/> If another country (please specify):	London – London Borough of Richmond

General comments on the Planning White Paper

While we would welcome reforming the planning system to improve quality and efficiency, we have significant concerns regarding many of the proposals set out in the Planning White Paper. Evidence for some of the stated problems is not given, and we do not think the changes proposed would achieve the stated desired outcomes. We do not believe that an entirely new planning system is needed.

We are concerned that the fundamental basis of the Town and Country Planning Act 1947 is being broken apart. Planning has always been about striking the right balance between different competing needs, demands and interests, and on the whole, we consider that this is working. The current system also allows for some flexibility and for local circumstances and issues to be taken into account. The system has been subject to much piecemeal alteration and modification in recent years and we agree that there is now scope for some consolidation and simplification. However, we are deeply concerned that many of the proposals such as the proposed zoning in Local Plans are damaging and involve a movement of decision making to national level.

We need to have a planning system in place that responds to the particular qualities, needs, opportunities as well as challenges of different localities. Richmond upon Thames is a constrained borough; we have a successful local economy but very high land values and a general shortage of land suitable for development, with a severe shortage of affordable housing. The best outcomes can only be achieved through a system that allows a flexible and tailored response to local issues.

High level proposals with lack of detail and overly focused on housing

This is a general theme throughout the Planning White Paper. Whilst we appreciate that the details haven't been developed, the proposed reforms as set out in the White Paper seem unlikely to achieve the stated intentions. We would expect a 'White Paper' to be a document that sets out proposals for future legislation whereas the present document only sketches out broad proposals. Due to the lack of detail and the fact that there are so many unanswered questions and lack of understanding of likely consequences, this Paper couldn't be used as a basis for future legislation without a further stage of consultation prior to that.

We are concerned that some of the proposals would achieve an effect opposite to the stated intentions. An example on this is the stated intention of achieving 'more democracy', yet the proposals as presented in the White Paper clearly go in the opposite direction, restricting public involvement to just one stage of the plan-making process and removing public consultation and the role of the Planning Committee on individual applications. We cannot see how the removal of the consultation stage and a reduced function for the Planning Committee would lead to increased engagement and a more democratic process. On a similar token, it seems to be proposed that 'substantial development' will be defined nationally; this will have implications on what 'growth areas' authorities will be defining and due to the national definition we do not consider that this will lead to 'more democracy'.

Coupled with the unrelenting wave of changes to the planning system, most notably the significant changes to the Permitted Development Rights, we are concerned that the government views the planning system as a restrictor of growth rather than an enabler of placemaking and high quality and sustainable development that allows for genuine community involvement to help shape local areas.

Climate change and natural environment

As it stands, the White Paper has not grasped the opportunity to propose a reformed planning system that will help tackle the climate emergency and play a key part in the country achieving the UK net zero carbon 2050 target. There is the potential for the UK to be a vanguard in tackling the climate emergency by comprehensively addressing it through both plan-making and decision-taking functions as well as guiding development and growth, but this is not achieved in the White Paper.

The proposals in the White Paper are overly focused on the provision of homes and streamlining and simplifying the system, rather than better and more sustainable planning. Whilst Richmond borough in particular is a strong advocate for high quality design, we are concerned that the overall vision for 'beautiful and sustainable' places has too much emphasis on design and little or none on the underlying natural environment. The overly simplistic approach of three zones or categories fails to demonstrate an understanding of the complexity of planning and placemaking, for example the potential impact of development off-site or the biodiversity value of brownfield sites. In addition, it appears that under the system of the three zones/areas, the 'protected' area will tick all the boxes when it comes to the green agenda, but there is lots of uncertainty how green spaces and biodiversity would be safeguarded and enhanced in 'growth' or 'renewal' areas.

Despite some mere references to the 25-Year Environment Plan and Biodiversity Net Gain, we are genuinely concerned that the government hasn't taken the opportunity to use the planning reform as a tool to deliver on our biodiversity commitments and the UK's zero carbon target. Healthy communities need access to nature and green spaces at their doorstep, and the pandemic has very starkly emphasised the contrast between those living in flats with limited access to outside space and those living in more roomy accommodation with gardens and the ability to adapt to home working. Economic recovery is understandably at the forefront of the government's agenda, but profits and speed must not be the only imperative. Government has committed itself to reversing wildlife declines, for which a successful planning system is crucial. We therefore urge the government to put both the climate and wildlife crisis at the heart of the new planning system.

Evidence base

The White Paper suggests that 'newt counting' is causing significant delays to the planning system, and that with this White Paper we will 'build better, greener and faster'. However, no evidence has been provided that the system is broken. In the last decade, Local Planning Authorities have granted permission for over 2.5 million homes, and over 1.5 million have been built. In the last year alone, 371,000 permissions for homes have been granted, and 241,000 delivered. In London alone, there are approximately 300,000 unimplemented units at present. We therefore have a fundamental concern with the White Paper as it fails to acknowledge that the planning system and Local Planning Authorities themselves do not deliver and build houses. As already mentioned in our response on the 'Changes to the current planning system', submitted on 1 October 2020, neither of the consultations proposes any measures to get housebuilders to build out their permissions. There is a wide range of factors why dwellings with permission remain unbuilt that have nothing to do with the planning system. We therefore strongly recommend that government explores ways to speed up delivery by setting out parallel proposals for developers and landowners. One approach would be to further consider the report on the "Independent Review of Build Out" (2018) by Rt Hon Sir Oliver Letwin, which makes recommendations on how to close the significant gap between the number of housing completions and the amount of land allocated or permissioned on large sites in areas of high housing demand. In addition, the July 2020 Housing Delivery Recovery report of London's Housing Delivery Taskforce contains some proposals worthy of further consideration.

The quest to speed up delivery and the radical changes proposed to the plan-making process do not appear to be evidence based. The government [consultation](#) published on 1 August 2020 clearly states that 91% of local authorities have now plans in place; yet the Housing White Paper states that only 50% of local authorities (as of June 2020) do. The figure of 50% has not been backed up with evidence, nor has the statement that it takes an average of 7 years to produce a Plan. Whilst we appreciate that some authorities take a significant amount of time to produce Plans, Richmond has a track record of producing and successfully adopting Development Plan Documents, most recently the 2018 Local Plan, which was produced in a total of 2.5 years (from issues to adoption by Council); we are now in the early stages of producing a new Local Plan and are intending to consult on the first draft of the Plan next summer.

Health and wellbeing

Other than two mere references to 'health' in the introduction of the White Paper, we are very concerned that this is not at the heart of a revised future planning system, bearing in mind, for example, obesity issues nationally. In contrast, the word 'beauty' is mentioned abundantly throughout the White Paper. The opportunity should not be missed to make sure that a revised planning system, at all levels, plays a crucial role in creating environments that enhance people's health and wellbeing, promoting and supporting healthy and active lifestyles and introducing measures to reduce health inequalities. In light of COVID-19, we may also need to reconsider how we plan our homes and neighbourhoods, particularly as the likelihood and frequency of pandemics is expected to increase. In addition, we would have expected to see more around the wider benefits of inclusive design at neighbourhood-scale as well as a requirement for well-designed, accessible homes that meet space standards rather than just 'beautiful' homes. Many local authorities have tried to embrace the opportunities that planning provides to support and promote the health and wellbeing agenda, particularly in Local Plans, such as requiring Health Impact Assessments for major schemes etc. However, with the constant tinkering with the planning system, this has become difficult to achieve. A prime example is the expansion of Permitted Development Rights over the last years, with Councils and communities not able to have their say on a range of developments that shape the environment they live in. The recently published report commissioned by MHCLG [Research into the quality standard of homes delivered through change of use permitted development rights](#) (July 2020) highlighted the poor health outcomes experienced by those living in homes created through Permitted Development, and yet such rights were subsequently expanded further (although we acknowledge and welcome the recent change on requiring such conversions to meet space standards).

Together with the shortcomings and the uncertainty around the delivery of future affordable housing, we need to consider the needs of all people and groups in our society, including the needs of older and disabled people. We cannot ignore the fact that our population is ageing, and part of good design and placemaking will be to take account of demographics and ensure a range of housing typologies and tenures are built, and that our public realm is inclusive to all. Ultimately, if we manage to address the needs of particularly the most vulnerable in our society, we will be able to meet other longer-term requirements, including savings to be made in delivering housing, health and social care.

Planning for Infrastructure

This appears to be by far the least developed and thought through pillar in the White Paper. In fact, the proposed new Infrastructure Levy is ill-thought-out, and we would question whether government itself has doubts that this will be more effective than the current system. There are so

many questions, uncertainties and a whole raft of unintended consequences (such as in relation to our ability to secure affordable housing but also around securing measures to make development acceptable and new occupiers potentially inheriting Infrastructure Levy liability) that we are concerned that there would be fundamental issues that would impact on the delivery of infrastructure. Government is making an assumption that local authorities would take the risk and borrow against future Infrastructure Levy income.

At a time of great economic uncertainty and with the financial pressures resulting from the COVID-19 crisis, we really do not think this is the time to significantly shake up the way we secure infrastructure and affordable housing.

The proposals in relation to securing affordable housing are deeply concerning, given that s106 agreements will no longer have a role to play as they currently provide the primary mechanism in legal terms to guarantee the delivery of affordable housing. Coupled with the proposal consulted on in the 'Changes to the current planning system', i.e. the raising of the threshold to 40-50 units, this would mean that our ability to secure affordable housing units or in-kind contributions would be entirely lost from smaller sites. As stated in our response of 1 October 2020 to the parallel consultation, if the threshold had been raised to 50 units for the last 3 years, only 26% or 30 out of the 116 affordable units permitted would have been secured in this borough. Moreover, we will be losing out further with the introduction of the requirement for "first homes". Fewer affordable and social homes will likely lead to more homelessness issues and acute affordability issues for many families and local people. In addition, it will affect our ability to move homeless households out of temporary accommodation arrangements.

We therefore strongly encourage the government to continue giving local authority the flexibility to seek affordable housing contributions from all sites, where the need for this can be locally justified and demonstrated as part of a Local Plan examination. Furthermore, if s106 agreements will be scrapped, then there needs to be a proper legal mechanism to secure and guarantee delivery of, or financial contributions towards, affordable housing. Therefore, rather than ploughing ahead with the proposal of a single Infrastructure Levy, we recommend that the proposals are revisited to ensure we are not risking the ability to provide for affordable housing.

We also want to highlight that despite the good intentions set out in the paper for all proposals, including those through Permitted Development Rights (PDR), we urgently need a change to the system to ensure all those developments created under PDR contribute adequately to infrastructure needs. Our inability to secure affordable housing contributions amongst other things from prior approval applications means that we are unable to address the cumulative impacts and strains put on our existing infrastructure.

Matters and proposals for which no questions are asked

Finally, we would like to point out that the White Paper makes reference to, but does not ask specific questions on the following matters:

- **Planning fees:** It's a long-term issue that planning authorities are under resourced and the fee levied for each type of application does not cover the cost to the Council of determining that application. Previous governments have suggested local setting of fees. Detailed work by the Planning Advisory Service indicated a much higher fee is needed than is set nationally. We are encouraged by the statement in the White Paper that "Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking." We are however concerned about

the word “continue” as this implies that fees are already set at a level where they cover the full costs of processing applications. It is evident that this is not currently the case; for example, prior approval applications have to be processed, consulted upon and determined in the same way as a household extension and the fee associated with them (£96) is lower than a planning application fee for a householder extension (£206). The same applies to listed buildings and conservation areas, where applications attract no fee. Broadly speaking, the numbers, types and scope of applications continue to increase but fee income does not by the same rate, yet the call on resources required to process those applications is also greater. This includes access to expertise in areas such as environmental protection and biodiversity.

- Skills strategy: We note the reference in the White Paper to the development of a comprehensive resources and skills strategy for the planning sector. This is considered essential to support the implementation of the reforms; however, it will also need to come with significant financial resources and government funding as local planning authorities will be at the heart of implementing the new reforms. It is worth noting that the planning sector is heavily reliant on a wide-ranging spread of statutory and non-statutory consultees, many are similarly challenged by lack of resources.
- Enforcement: We support the strengthening of planning enforcement powers and sanctions; this will assist in helping to uphold a rules-based system and to provide confidence to communities that where there is a breach of control this will be appropriately dealt with in a suitable timeframe. The current lack of priority given to Planning Enforcement Appeals by the Inspectorate is not assisting in providing that confidence that enforcement is an integral part of the process.

Pillar One – Planning for Development

Q1. What three words do you associate most with the planning system in England?	No comment
Q2. Do you get involved with planning decisions in your local area? (Select One) <input type="checkbox"/> Yes <input type="checkbox"/> No	Not applicable as responding on behalf of London Borough of Richmond
Q2 (a) If no , why not? (Select One) <input type="checkbox"/> Don't know how to <input type="checkbox"/> It takes too long <input type="checkbox"/> It's too complicated <input type="checkbox"/> I don't care <input type="checkbox"/> Other (please specify):	Not applicable as responding on behalf of London Borough of Richmond

<p>Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? (Select One)</p> <p><input type="checkbox"/> Social Media</p> <p><input type="checkbox"/> Online News</p> <p><input type="checkbox"/> Newspaper</p> <p><input type="checkbox"/> By post</p> <p><input type="checkbox"/> Other (please specify)</p>	<p>No comment</p>
<p>Q4. What are your top three priorities for planning in your local area? (Please select only three answers)</p> <p><input type="checkbox"/> Building homes for young people</p> <p><input type="checkbox"/> Building homes for the homeless</p> <p><input type="checkbox"/> Protection of green spaces</p> <p><input type="checkbox"/> The environment, biodiversity and action on climate change</p> <p><input type="checkbox"/> Increasing the affordability of housing</p> <p><input type="checkbox"/> The design of new homes and places</p> <p><input type="checkbox"/> Supporting the high street</p> <p><input type="checkbox"/> Supporting the local economy</p> <p><input type="checkbox"/> More or better local infrastructure</p> <p><input type="checkbox"/> Protection of existing heritage buildings or areas</p> <p><input type="checkbox"/> Other – please specify:</p>	<p>No comment</p>

<p>Q5. Do you agree that Local Plans should be simplified in line with our proposals?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>We agree that there is scope to streamline the plan-making process and simplify Local Plans. The Local Plan Expert Group made some positive recommendations in this regard which have not yet been carried forward, for example, streamlining the Sustainability Appraisal process; these merit further consideration. We also agree with the principle of making Local Plans more visually engaging, interactive, map-based and accessible in a range of formats. We also concur in principle with the notion of simplifying the approval process at examination, reconsidering the duty to co-operate and in general reducing the amount of evidence needed to justify an emerging Local Plan.</p> <p>However, we are concerned that the proposals are going too far in their aim to simplify the plan-making process. Whilst the process and final outcome of a web-based interactive Local Plan may look simpler and more accessible to the general public, their role is certainly not simplified as to a large extent they seek to replace some of the planning application process. In this respect they could become more complex with an even more detailed, technical evidence base required which will have to be conducted by the local authority. The proposals seem to suggest that the onus on doing the work that is effectively needed to support an Outline application under the current system would need to be covered by the local planning authority, particularly for larger sites, and potentially the need to undertake EIA screening opinions for these sites. At the same time,</p>
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	<p>the plan-making process needs to be completed in a much shorter period, i.e. up to 30 months only in total. As an authority that has an up to date plan and is embarking on a comprehensive new local plan, we are aware of what is required to be in this position. Based on our experience, we do not think this is a realistic expectation and we would question whether this would lead to genuinely better outcomes and more certainty in the process. There appears to be a direct conflict between the idea of Local Plans granting Outline permission / Permission in Principle (PiP) in ‘growth areas’ and the relaxation of evidence needed to support a Local Plan. The proposals suggest that the plan-making system would be used to circumvent the need for Outline / PiP, but we are concerned that a lot more evidence would need to be produced by the local planning authority to support this move. This links to resourcing and access to relevant expertise.</p> <p>Richmond is a very constrained borough. Around two thirds of the borough would fall under the protected areas by purely applying Green Belt and Metropolitan Open Land designations; some of these areas are designated Ramsar (i.e. wetlands of international importance) and/or Sites of Special Scientific Interest as well as a World Heritage Site. The borough also has 85 conservation areas. If the conservation areas were to be considered to fall under the protected areas, around three quarters of the borough would fall under the protected category. In addition, due to the fact that the River Thames and several of its tributaries cut through the borough, large swathes of the borough are in flood zones 2 and 3. It is not clear whether government envisages ‘growth areas’ in constrained urban areas like Richmond, where almost all development takes place on previously developed land rather than on greenfield sites. We are mindful that it has yet to be determined what the definition of ‘substantial development’ will be – it is assumed that this will be contained in a future NPPF. However, we are concerned that a national one-size-fits-all definition will be applied to what should be defined as ‘growth area’ as this will have fundamental implications on local authorities, with little opportunity for local engagement on this matter.</p> <p>Therefore, we recommend that the proposals are amended to ensure there remains some flexibility in terms of categorisation of land into three areas (with the potential use of local sub-areas if needed), and that developers and landowners, i.e. those promoting sites for development, should carry out all the necessary evidence base to support an allocation as ‘growth’ area. Further consideration should be given to the definition of ‘substantial development’ perhaps making use of the data that MHCLG currently collects on the types of district and county applications.</p> <p>Lack of strategic spatial planning</p>
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	<p>We are deeply concerned that the proposals set out in the White Paper effectively diminish a local planning authority's ability to design and deliver a locally based strategy; the focus seems to be the location of development rather than adopting an effective spatial planning approach that integrates plans and programmes with the aim of improving a local area and meeting identified local needs (not just for housing). There needs to be an ability for local authorities as part of the plan-making process to not just focus on location and design, but on wider placemaking initiatives and interventions that can collectively deliver positive change that can be sustained through the necessary infrastructure to support such change. In this way plans can properly consider matters which transcend administrative boundaries, or themes like health and wellbeing which have other geographical boundaries.</p> <p>Three categories in Local Plans – too simplistic</p> <p>Any revised planning system therefore needs to have the ability for local authorities to develop and set out a spatial strategy, including how to identify suitable locations for different types of developments and uses across an authority. The proposed simplification into 3 categories/areas does not allow for an overall spatial strategy. For example, should town centres that are covered by conservation area designations be categorised as 'renewal' areas or would they be 'growth areas' if there are significant number of potential opportunities within a town centre? How could we continue our existing spatial strategy approach in terms of steering town centre uses into these areas rather than in other locations of the borough which are outside of town centres yet potentially identified as 'growth' areas or 'renewal' areas? By categorising or allocating each parcel of land in the borough, would we be setting out a certain mix of uses for each of those areas, without being able to have an overall spatial strategy?</p> <p>As mentioned elsewhere in our response, in urban areas, there are no clear-cut boundaries; protected areas could be renewal areas and vice versa, particularly as many town centres are designated conservation areas. In addition, significant transport infrastructure and assets such as underground stations and railway stations are often listed or locally listed. We therefore think that urban areas in particular are simply too finely grained for the proposed categories to operate effectively. Within the option of 3 categories, a lot of areas would neither fit into 'gentle intensification' nor 'growth' areas and they might fall into something in between (although this still depends on what the definition is for 'gentle intensification'). Even if a finer grain were to be added, one would end up with a patchwork jigsaw of piecemeal zones/allocations, and still completely lack a strategic approach to plan-making.</p> <p>We also question how for example to apply the flood risk sequential test in the proposed approach, where the challenge is to look for</p>
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	<p>alternative sites across the borough in an area of lower risk, and on a similar token, the retail sequential test and impact test, which has already become more challenging with the recent change to the Use Classes Order. Whilst we understand that this is a consultation only at this stage and MHCLG is looking for views on the draft proposals and suggestions, we recommend that government carefully considers these nuances, as there is a risk that these could be lost to a less flexible system, which is in our opinion not desirable in our placemaking agenda. In the context of climate change, we are sure that Government would not wish to produce a system which involves greater levels of building in areas vulnerable to flood risk.</p> <p>‘Growth’ areas</p> <p>With respect to the proposed three categories/areas, it appears that ‘growth’ areas would effectively be large sites where ‘substantial development’ is envisaged (however that will be defined), and therefore it would most likely contain some of the larger site allocations from our current Local Plan. Then within the growth areas, one would effectively grant Permission in Principle (PiP) through the plan-making process. As set out in our response to the ‘Changes to the current planning system’ submitted on 1 October 2020, we have reservations around the PiP consenting process. In a heavily constrained borough like Richmond, it is likely that the details are important and key to the acceptability of a scheme. It is not clear how for example the flood risk Sequential Test and Exceptions Test requirements could be met using a PiP. We note that the White Paper suggests that areas of flood risk should be excluded as ‘growth’ areas unless they can be fully mitigated; it then goes on to say that areas of significant flood risk should be included as ‘protected areas’. Unless a developer or landowner pays for a site-specific Flood Risk Assessment to understand the specific nature of the flood risk and whether this can be mitigated, which would require a lot to be known about the proposed development, we cannot see how this would work in areas at risk of flooding.</p> <p>We are also not clear on the suggestion of having sub-areas within growth areas and how this would work in practice.</p> <p>A move away from outline permissions, which were simply a red line around the site to a requirement to produce parameter plans then to return to a similar process (which is less onerous in consideration), would not be an improvement. We are therefore unsure what the scope of the Local Plan’s growth areas is apart from simple guidance around uses, heights and density for growth areas. It certainly does not allow us to deal with the complexities of placemaking for an existing urban area or indeed balancing different competing needs and demands for land uses.</p> <p>‘Protected’ areas</p> <p>With respect to the ‘protected’ areas, we feel that there is still a lot of detail missing in terms of how they are intended to operate, or what for example the statement ‘more stringent development controls to</p>
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	<p>ensure sustainability' would mean in practice. Is the current system of submitting planning applications similar to what is intended for 'protected' areas? Is the intention that the policies of the new NPPF will apply to those areas, and that therefore the only purpose of the Local Plan is to simply 'identify' or 'zone' the protected areas? We are concerned that this is an overly simplistic approach, particularly as the reasons for protection or designation of certain land will be wide-ranging, and there will need to be an ability to take local issues and circumstances into account. We would also like to point out that the suggestion in the White Paper appears that development management policies are required in 'protected' areas to ensure sustainability; this appears to be a very narrow view of what is considered to be the concept of sustainability. From a practical perspective, we are not sure how the idea that conservation areas are 'protected' areas should be applied. Many parts of Richmond, including some of its largest town centres, like Richmond town centre, as well as some larger sites with development potential are located in conservation areas. We are concerned that the government's simplistic approach of allocating parcels of land into one of the three categories will lead to different expectations from communities, landowners and local authorities in their role as place-makers. For example, a local authority might want to define parts of a town centre with scope for development albeit designated as conservation areas as 'renewal' areas rather than protected areas. However, local communities are likely to expect such areas to be 'protected' areas due to their conservation area status.</p> <p>In terms of areas for protection, the suggestion this might cover anything from green belt to conservation areas fails to understand what it is about each of these areas which is valuable, and an authority might wish to protect. The borough has 85 conservation areas, and within some of these areas there could be capacity for change to accommodate development in the future and having regard to comments in the white paper around heritage assets. It is not clear where the current statutory test to preserve or enhance might fit. The solution is not to remove conservation areas from the 'protect' zone; instead the finer grain of our built environment demands a greater degree of understanding than just three generic zones.</p> <p>We think insufficient thought has been given to the unintended consequences, and to the significant challenges that local authorities will be facing when trying to pigeonhole parcels of land into separate categories. We strongly recommend that whatever system is proposed, regard must be had to the local issues and circumstances, including the expertise that many local authorities have built up over decades in terms of management of development in existing urban areas.</p> <p>'Renewal' areas</p> <p>Depending on the definition of 'substantial development' which will largely define the 'growth areas', it is considered that large parts of</p>
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	<p>Richmond borough would be categorised as ‘renewal’ areas, as the White Paper implies these areas are ‘suitable for development’, such as existing built areas where smaller scale development is appropriate. As mentioned above, it is not clear how the categorisation of land would work in practice, particularly as many built up areas with smaller scale development potential are also designated conservation areas, and thus could also be considered as ‘protected’ areas. Once a ‘renewal’ area has been identified, we are significantly concerned about the prospect of automatic approvals for certain forms of development, which appear to be predominantly a design-based decision, making use of pattern-book development of popular and replicable designs. This approach will not allow for the consideration of local context and setting, including site-specifics such as heights, set-backs, amenity etc. In our view, importing pattern-book developments into ‘renewal’ areas runs the risk of creating standardised developments that could be built anywhere, having no due regard to the local circumstances.</p> <p>In effect, this will be a significant extension of permitted development rights, and whilst we agree that this could lead to the ‘intensification’ of our towns, we do not think this is a ‘gentle’ approach to intensification (whatever ‘gentle’ is supposed to mean in the context of the White Paper) and risks eroding character and beautiful design. The White Paper’s reference to such proposals enabling an ‘industrialisation of housebuilding’ is of concern; it is not clear what is meant by this.</p> <p>Therefore, we do not think that there should be a general presumption in favour of development in these areas. A local planning authority, which has the detailed knowledge and understanding of its local characteristics and context, needs to have the ability to apply good placemaking and design principles / criteria to weigh up and balance the social, economic and environmental impacts, and thus ensure sustainable development. The underlying assumption in the White Paper that any development in renewal areas will be positive is fundamentally flawed and needs to be amended.</p> <p>Tackling the climate emergency</p> <p>Whilst we accept that some changes are needed to improve the effectiveness of the planning system, we are deeply concerned that the proposals will be detrimental to the fight against climate change. We are particularly concerned about the proposed inability to set local policies with respect to tackling carbon emissions and requiring zero carbon standards as well as other climate related policies, such as requiring the energy hierarchy to be followed. Despite the statement that new homes will be ‘zero carbon ready’, we question why the results of the Future Homes Standard consultation hasn’t been published.</p> <p>We appreciate that the White Paper is only a consultation and the detail is still missing; however, it is largely silent with regard to the</p>
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	<p>climate emergency and what role planning has to play to tackle this (with the exception of a few token references to combating climate change). We are particularly concerned that the White Paper does not even mention or refer to the Future Homes Standard consultation earlier this year, which we criticised in our response for the lack of ambition in setting stringent carbon standards and allowing local authorities to continue setting their own standard.</p> <p>The next generation of Local Plans will not just need to deliver new homes and other development; they will be the most crucial ever for tackling the climate emergency, particularly in relation to achieving the UK net zero carbon 2050 target as well as creating healthy and resilient communities. The proposed new planning system will determine whether planning becomes a genuine part of the solution to tackling emissions. Therefore, we strongly urge the government to consider a new system that will:</p> <ul style="list-style-type: none"> - Require that all Local Plans help deliver the net zero target under the Climate Change Act, which will require a genuine alignment of the Planning Act and Climate Change Act in a meaningful and direct way; - Set out stringent carbon emission reduction targets in the proposed new national Future Homes Standard, which will operate as the floor and not the ceiling so as not to hinder ambitions by local authorities to exceed those Standards (particularly where this can be justified through local evidence); - Continue allowing local authorities to pursue carbon emission reduction requirements and specifically net zero carbon targets in their Local Plans; - Ensure that design codes will be able, and indeed required, to deal with key climate and sustainability elements, for example masterplanning to achieve a mix of uses that consider transport infrastructure and active travel that facilitate healthy lifestyles. Also requiring developers to integrate energy planning into proposals, such as around district heating networks, potential requirements for energy storage and the continued rollout of electric vehicle charging networks as well as integrating green infrastructure to ensure it delivers multiple benefits including climate adaptation. <p>Biodiversity and environment</p> <p>We are concerned that overall, there is little consideration for the natural environment and biodiversity in the proposals. The Paper does say that we must “take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance” and that there will be a separate, more detailed consultation published later in the year. However, nothing further of substance is included in the proposals. There seems to be a very disjointed approach across government departments. We would have expected more detailed proposals to be contained within the Paper, such as the requirements for</p>
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	<p>Biodiversity Net Gain (i.e. mandating this), reference to the forthcoming Environment Bill that is currently going through Parliament and that Nature Recovery Networks would be a key element of a proposed new system. We anticipate a further consultation on how the proposals will incorporate the Environment Bill’s proposals on net gain and improvement plans, particularly how biodiversity net gain would be secured in a growth area or through a PiP and in the absence of the section 106 regime.</p> <p>Whilst we acknowledge that a streamlined system is likely to be welcomed by many developers, we are deeply concerned that the proposed approach appears to remove the need to conduct formal Strategic Environmental Assessments (SEA) of the Local Plan as required under EU law. The SEA process is designed to assess reasonable alternatives and determine how adverse effects may be mitigated, especially in terms of the higher level strategic approach, but there is no detail as to how the simplified process will continue to provide the same level of protection. The granting of automatic outline planning permission or PiP is particularly concerning in this regard, without the need for SEA requirements at the plan-making stage.</p> <p>Given there is likely to be far less scrutiny on impacts at the development stage, it is crucial to ensure that proper regard is had to whether the proposed local plan is likely to have any significant effects on the environment, and how these are mitigated and enhanced. The proposals suggest that an Environmental Impact Assessment (EIA) will not need to be carried out at the development stage; with the lack of SEA requirements at the plan-making stage, it is entirely unclear how the environment will continue to be protected and enhanced. Speed of decision making cannot be at the expense of unforeseen adverse impacts on the environment.</p> <p>We are also concerned that the proposal of dividing land into three categories implies that impacts can be neatly contained in the respective areas, and that the ‘protected’ areas will tick all the boxes under the green agenda. How will environmental sensitivities, biodiversity and green space be safeguarded and enhanced in either the ‘growth’ or ‘renewal’ areas, and how will these fit with the Nature Recovery Networks? Nature, biodiversity and movement of species does not adhere to boundaries or rigid approaches. From the proposals set out in the Paper, it is not clear how green spaces outside of ‘protected’ areas should for example be addressed and considered, and there is concern that the biodiversity value of brownfield sites is underestimated, particularly when they are allocated as ‘growth’ or ‘renewal’ areas. When reforming the new system, it needs to be made clear how habitats and species will be protected, particularly when they are outside ‘protected’ areas yet still critical to the natural environment and green infrastructure network, and how the proposals will be compatible with the Environment Bill’s proposals on net gain and improvement plans.</p>
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	<p>Web-based plans and maps</p> <p>We support the idea of a Local Plan being an interactive web-based map, where data and policies are easily searchable and more accessible for all. We are yet awaiting to hear details around additional resources and support for local authorities to implement the White Paper proposals. Whilst we fully support this idea, government needs to be mindful that the current systems and facilities available for local planning authorities are limited, and that officers in plan-making teams do not currently have the knowledge or skills to implement the proposed move towards interactive web-based maps. It is questionable whether the envisaged technologies are sufficiently ready to align with the 30-month plan-making window aspiration and whether suppliers will be able to undertake necessary development work to enable systems to deliver.</p> <p>We also acknowledge that the White Paper’s promotion of mapping mirrors certain aspects of the Environment Bill, such as increased habitat mapping and the creation of Local Nature Recovery Strategies, and this is welcome.</p> <p>Statutory consultees</p> <p>The White Paper is incredibly light on detail on the role of statutory consultees, such as Historic England, Environment Agency and Natural England, in the plan-making process. There are some references to statutory consultees needing to transform the way they operate and become more self-financing. As a local planning authority, we regularly liaise with the statutory consultees and note that their resources are heavily stretched. We consider that their expert roles need to be fully considered and brought into the reforms in a transparent and streamlined way to ensure they continue to have meaningful statutory functions in the plan-making process and are sufficiently resourced to do so.</p> <p>To conclude, the competition for land and land uses in a high value borough like Richmond is fierce, and going forwards, there will be even greater pressures to deliver housing, particularly affordable housing. However, we cannot see how the proposed new plan-making system will help us to deliver this or how it would assist us in balancing the uses and infrastructure that is needed to support the overall growth and development in the borough. Our existing Local Plan has finely balanced policies in terms of directing certain types of developments and different uses towards suitable areas and locations in the borough, all of which together help us to deliver the spatial vision, objectives and spatial strategy.</p> <p>Whilst we fully acknowledge the desire to speed up decision making, we have significant concerns about the plan-making proposals, which will result in greatly increased pressures to produce sufficient</p>
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	<p>evidence to justify the granting of Outline / PiP upon adoption of a Local Plan. Elsewhere in the Paper the proposal is to simplify the Local Plan examination process, but overall, we fear that too many corners are cut without the opportunity for meaningful public engagement and scrutiny, particularly as a result of fast-tracking developments in renewal and growth areas once the Plan has been adopted.</p> <p>Lastly, the White Paper’s focus on speed in developing a Local Plan, with local authorities having to meet the statutory timetable and get new Plans in place within 30 months in total, is very concerning. The fact that there will be sanctions for those who fail to complete their plans within the given timeframe implies that the statutory deadline is far more important than the engagement with local communities and our efforts in securing their buy-in. Decision making cycles in local authorities are constrained and factoring in necessary scrutiny of plan-making therefore can impact further on the amount of time available to prepare and consult. There is also a lack of acknowledgement of the implications of bringing forward a new local plan process to all authorities in the country at the same time – this includes impacts on statutory consultees as well as the Planning Inspectorate. We question whether this is feasible and manageable by all involved in the process, but particularly PINS. The same pressure will reoccur each time the Local Plans across the country need to be adopted. It would be preferable to focus pilots on areas that have previously struggled to deliver a Local Plan and ensure that transitional arrangements adequately cater for local authorities currently at an advanced stage in plan preparation, for example within a year of submission when the legislation takes effect.</p>
<p>Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Whilst it is acknowledged that some matters can be effectively dealt with at national level, such as Green Belt and Local Green Space policy or heritage assets, in many instances development management policies are directly related to the spatial strategy and the overall aims and vision of a Local Plan. In the borough of Richmond, as an example, our Local Plan has finely balanced policies due to the very limited availability of developable land and the constraints, justified and supported by local evidence that reflect local circumstances, issues and concerns. For example, we have a locally derived policy on diversifying the housing stock and housing mix, which is based on our local evidence and need around housing, reflecting the needs of different groups, the local market and the local population. Similarly, the policies within existing Local Plan are equally relevant and understandable to small scale proposals, such as residential extensions, right up to the major strategic developments.</p> <p>The proposed system does not appear to allow for much flexibility, whereas we know from our experience that flexibility in policies is often needed to reflect the local circumstances and evidence in order to achieve a desirable outcome. Whilst we are mindful that MHCLG representatives mentioned in various online forums that design is more than just appearance of development, this proposal seems to</p>

	<p>narrow down aspects of design under local control to height limits and scale/density. It is inconceivable how compliance of proposals could be assessed and determined against a national checklist. Equally it is unclear how small-scale proposals, such as residential extensions and change of uses etc, will be assessed (and the ease of understanding the policy framework by applicants). Judgements about good urban design and negotiations on schemes with the aim of achieving improvements are key features of the development management function, which require local expertise and understanding of the local context, to weigh up potential benefits against any shortcomings. We would be very concerned if a proposal were to be assessed against a simple question such as “Does this comply with the height and density for this zone” and some other basic national policies that have no due regard to local character; this will not achieve good urban design and placemaking (which is very different to designing ‘beautiful’ buildings). The NPPF strengthened the role of design review; Richmond has a very successful panel of independent experts to ensure good design is achieved in the specific context of Richmond.</p> <p>The notion that development proposals will be able to demonstrate compliance with planning policy by using automatic machine-readable technology is deeply concerning, both for us as the local planning authority as well as for stakeholders, including residents surrounding development proposals.</p> <p>If we are to meet wider aspirations and objectives, such as on tackling climate change, protecting our biodiversity, supporting the local economy and providing much needed affordable housing, then we need to have the ability to develop Local Plan policies that can be sufficiently detailed and tailored to local circumstances, challenges and opportunities.</p> <p>We also need to be able to apply professional judgement to reach a recommendation and advise Councillors on the planning balance, with reference again to local circumstances. It is unlikely that schemes for substantial development will satisfy every policy in a plan, a balanced assessment is therefore important.</p> <p>We disagree with the White Paper’s statement that Local Plans are ‘long lists of general “policies”’; this indicates a profound lack of understanding of the purpose and knowledge of what Local Plans actually are and how they are used. Local Plans set out a vision for an area, including objectives of how to achieve them, and a spatial strategy that sets out how we intend an area to develop as a whole. This is followed by a set of detailed and locally-specific policies; in the case of Richmond borough, the Local Plan sets out place-specific policies for town centre uses, a unique response to flood risk and the sequential test, a locally specific policy on sustainable transport and car-free developments, housing mix and tenures, and necessary infrastructure to support for new development etc. The proposed concept of the NPPF containing detailed policies at a national level that cover nearly all eventualities is inconceivable, e.g. a rural</p>
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	<p>authority in the countryside with lots of designated Green Belt will face entirely difficult scenarios and issues compared to an urban authority that is generally built up and already developed.</p> <p>Richmond borough has generally high potential for developments to be viable, which in turns means that when we undertake whole-plan viability testing of our Local Plan, more stringent requirements can be afforded throughout the borough, such as in relation to setting requirements for affordable housing as well as carbon dioxide emission reductions and other environmental improvements that will help us tackle climate change, such as green roofs. Viability however significantly varies by area, and a set of national policies in the NPPF will mean that the ability for local authorities to set more stringent standards where this is justified through local evidence and it would not affect the viability of development is completely lost in the proposed system.</p> <p>Therefore, we strongly support the alternative approach which will allow local authorities to have a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the NPPF would not be allowed. It should be noted that local authorities are already discouraged from duplicating policies in the NPPF in the Local Plan; however, the current NPPF is national guidance and does not have development plan status, and hence a lot of authorities repeat some of the national policies to give them the development plan status.</p> <p>We would also be supportive of a hybrid approach, with some policies dealt with nationally, as we acknowledge that lots of Local Plans repeat national policies, such as on Green Belt, heritage and flood risk. However, we need to have the discretion and ability to justify a different approach to national policy if local evidence and justification supports this. A one-size-fits-all approach across the country does not work, and in complex areas in particular, there needs to be the ability for a bespoke response.</p> <p>A further suggestion is that the NPPF sets out in an Appendix the standard DM policies for the country, and that there is then an expectation that local authorities will follow these unless they have a reasonable justification as to why a deviation is necessary due to local circumstances.. For example, in Richmond, we have successfully adopted a locally justified affordable housing policy, which deviates from national guidance and seeks a contribution towards affordable housing on all housing sites, which was supported by the Inspector at the Local Plan examination.</p> <p>You may recall that there used to be standard conditions set out in a relevant Circular, this could be considered also.</p> <p>Another alternative may be to limit the scope of local development management policies to specific local matters, and perhaps standardise the way such policies are written.</p>
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	<p>In the context of London, it will also need to be clarified what the future role of the emerging London Plan is under the new system (assuming it is adopted), particularly in terms of deciding on and overseeing the strategic distribution of housing requirements and how applications that are called in by the Mayor are assessed – particularly the relationship between the London Plan with the Local Plan, design codes and masterplans. However, under a stream-lined plan preparation process designed to take no longer than 30-months, there is limited opportunity for the Mayor to engage. In a new zonal system, it is far from clear what role the Mayor might have in strategic applications in future. There are instances where the referral of applications to the Mayor has resulted in delay and the production of a scheme which does not have local support.</p> <p>Whatever route is chosen as the preferred one, there needs to be the ability to set out local policies where local circumstances necessitate a locally defined approach.</p>
<p>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?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>There is very limited information contained within the Paper to answer this question. Specifically, it is not clear how the single ‘sustainable development test’ for local plans will work in practice, and how it will factor in environmental limitations. The White Paper is heavily focused on housing; however, in the context of the binding housing targets and the housing delivery test, it is becoming increasingly unclear what weight the other pillars of sustainable development, i.e. economic, social and environmental issues, are given in a revised planning system. How will the housing targets factor in environmental limits, such as designated open land, flood risk, air pollution etc.?</p> <p>The proposed single statutory 'sustainable development' test appears to ensure the plans strike the right balance between environmental, social and economic objectives; however, this completely misses the point that sustainable development is about integrating environmental, economic and social objectives, not trading them off against one another.</p> <p>In principle, a simplification of the process would be welcome; it is a fair analysis to say that the current arrangements and processes around Sustainability Appraisals, requirements under the Habitats Regulations and Environmental Impact Assessment are lengthy. However, we would like to point out government’s commitment that “outside of the EU, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.” Any revised system should ensure that it’s not just about the process but that the focus is on outcomes. A significant advantage of the current Sustainability Appraisal process is that it sets out an audit trail of what options and alternatives have been considered. Arguably this is seen by some as an unwieldy and lengthy process; however, for local communities and key</p>

	<p>stakeholders, including statutory consultees, this sets out clearly the Council’s thought process that goes into deciding and weighing up the various issues and options.</p> <p>It is also essential that the new test fulfils the requirements of UK and international law and treaties. Local Plans and, where appropriate, Neighbourhood Plans should continue to be subject to Strategic Environmental Assessment, as now. National planning policy should undergo Strategic Environmental Assessment or a similar exercise, to ensure environmental effects are appraised and alternatives considered and subject to public consultation.</p> <p>It is appreciated that a lot of detail still has to be decided, and we are particularly interested to see how government is intending that environmental impacts will be assessed, judged and controlled when designating land as ‘growth’ areas. We also strongly recommend that the single sustainable development test will incorporate a requirement for new development to be zero-carbon as otherwise it will not contribute to creating sustainable places.</p> <p>Government should also ensure that the other pillars of sustainable development, such as the social and economic factors, are fully incorporated into a new sustainable development test so that the focus will not only be on environmental considerations. Setting out potential impacts (both positive and negative) of options on other non-environmental matters, such as on equalities and protected characteristics, considering aspects of health and wellbeing, are incredibly important and will help demonstrate transparency to local communities. These factors will be particularly important in dealing with the longer-term implications of the current pandemic and taking forward positively into future place-making.</p>
<p>Q7. (b) How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>	<p>Richmond borough is in the fortunate position of being part of London and therefore working under an effective regional planning tier. In our experience, the Duty to Cooperate with neighbouring authorities outside of London has been difficult, particularly as they tend to be heavily constrained by Green Belt, so in many ways it has resulted in a tick-box exercise. In the context of London, the new proposed Method results in an unrealistic figure of 93,532 homes per annum; without the duty to co-operate and given long term delivery rates in the capital are demonstrably constrained at around 30,000-40,000 homes per annum, what will happen to the excess need?</p> <p>Therefore, we consider that removing the duty is not going to result in the problem going away; some authorities will continue to be significantly constrained by environmental limits, such as Green Belt designations (particularly as the White Paper does not propose a strategic review), and they will not be able to deliver the homes derived by the Standard Method.</p> <p>If the government’s ambitions in relation to providing the number of homes the country needs are to be realised, we think consideration should be given to implementing an effective strategic planning tier,</p>

	<p>also in areas and parts of the country where there are no elected mayors or combined authorities. Without having some sort of mechanism or arrangement for proper consideration of more than local issues, there will be no means for effective planning at geographies above the level of local authorities.</p> <p>We strongly urge the government to fully consider the proposals set out in the RTPI's Priorities for Planning Reform in England (April 2020). Recommendation four is for “a clear direction for strategic planning”, and it highlights that the replacement of regional planning with the ‘duty to cooperate’ has seriously reduced the ability of councils to plan for homes and infrastructure, health and wellbeing, and climate change.</p>
<p>Q8. (a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>A Standard Method has already been introduced, albeit not one that takes into account constraints. In principle, we support the use of a Standard Method and there are a number of advantages to this, such as the removal of the complexities at Local Plan examinations around deriving a need figure for housing.</p> <p>However, we have significant concerns with the Standard Method that was consulted on as part of the ‘Changes to the Current Planning System’, to which we responded to in full on 1 October. The proposed revisions to the Standard Method are fundamentally flawed, and we are concerned that in the White Paper, there is very little detail as to how this would change. Will there be additional factors that will be considered, and will there be changes in the weighting around affordability? The methodology as set out in the White Paper is overly simplistic. As mentioned in our response on 1 October, we fundamentally disagree with the idea of focusing housing in areas with the highest prices and land values, which also tend to be areas with the greatest shortages of sites and where there are also major constraints to development and redevelopment, not just physical limitations and constraints such as Metropolitan Open Land, but also the constraints due to infrastructure capacities. In addition, areas with affordability constraints are not necessarily the most sustainable locations to develop; and conversely, some places in the country with less affordability issues would benefit from inward investment but they become neglected under the latest proposed changes to the Standard Method.</p> <p>Whilst some authorities will greatly benefit from taking constraints into account, we are genuinely concerned as to how government is going to practically do this and incorporate the concept of constraints in a new Standard Method. To date, local authorities have established a housing need figure, including for different groups, by following the Standard Method. This does not then however directly translate into a housing requirement or target as part of the Local Plan; instead, local authorities have then considered the local housing land supply, past and likely future patterns of development, availability of sites, knowledge on sites and developers’ ambitions to translate the need figure into a realistic target taking account of local</p>

	<p>knowledge as well as constraints. In London, the targets are derived in the London Plan, underpinned by a Strategic Housing Land Availability Assessment, where all potential sites for development are fully considered and constraints taken into account.</p> <p>Government will also need to consider what will happen in the absence of the duty to co-operate, particularly if a local authority is failing to meet the new nationally set housing number for its area that supposedly takes account of local constraints, and there is no opportunity to engage with neighbouring boroughs to see if anyone would be willing to take on an authority’s unmet need.</p> <p>We are also concerned that the proposal will lead to a pressure on local authorities to capture and maintain constraints data at a national level – for the London-wide SHLAA this is a significant exercise which is only carried out for a range of sites with development potential rather than the borough as a whole.</p> <p>In addition, government needs to recognise that the importance of character and identity of a specific local area cannot be overestimated. Richmond has a particular combination and wealth of natural and heritage assets. In contrast, there will be parts of the country with very few or no international or national designations and areas of importance. However, local communities in all areas will value their settings and land-/townscapes. It is therefore important that any new planning system recognises this variation in character and identity.</p>
<p>Q8. (b) Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Whilst affordability is an important factor, we disagree with the government notion that homes should be built in high demand areas. This does not assist in the government’s aim of ‘levelling up’ prosperity across the country. The country’s housing crisis will not be addressed with the government’s proposed solution to simply inflate housing numbers for these higher value / less affordable areas to improve affordability. Just building more homes in high value areas will not make them more affordable, especially as developers and landowners are unlikely to flood the market to a level that would make house prices fall.</p> <p>We would therefore argue that the capacity of places to accommodate sustainable development should be the primary objective, and this will need to take into account other factors such as infrastructure availability (e.g. transport, sewer capacities etc.), availability of resources (e.g. water) and any other constraints (e.g. constraints resulting from heritage assets or topography). The quantity of development planned for should be based upon an assessment of local need and places’ capacity to accommodate development in a sustainable manner.</p> <p>Overall, we are of the view that the inclusion of constraints within the calculation of the nationally binding housing target is not adequate to indicate the quantity of development that could be accommodated.</p>

	<p>We are also concerned that the alternative option suggests that the main option proposes something it does not actually set out, i.e. it says that the calculation of how much land to include in each category could be left to local decision.</p> <p>Whilst we can appreciate the merits in having nationally set housing targets in terms of reducing discussions at examination, we simply do not know how the Standard Method for calculating the housing requirement is to be turned into a land quantity. There are so many local factors at play that we genuinely believe this exercise can only ever be done locally. We strongly urge the government to pursue the alternative option as we cannot see how this proposal could ever be done in a meaningful way at a national level.</p>
<p>Q9. (a) Do you agree that there should be automatic outline permission in principle for areas for substantial development (<i>Growth areas</i>) with faster routes for detailed consent?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>The Council fundamentally disagrees with granting automatic permission in principle (PiP) for areas of ‘substantial development’. As mentioned in our response to the ‘Changes to the current planning system’, it shifts all of the detailed consideration to the Technical Details consent stage at which point there may be matters of detail which make the scheme unacceptable in planning terms. It should be noted that Brownfield Land Registers and the ability to apply for Permission in Principle consent have now been in place for a few years (since 2017) and the above is likely the reason that it is not commonly used. Simply put it gives no certainty that the proposal will ultimately be acceptable, and construction would be able to begin, developers therefore continue to use the planning application system. In a heavily constrained borough like Richmond it is likely that the details are important and key to the acceptability of a scheme. It is not clear how for example the flood risk Sequential Test and Exceptions Test requirements could be met using a PiP, or at what stage and by whom assessments such as in relation to transport, contamination, air quality, noise, archaeology etc. are undertaken.</p> <p>We consider it would be crucial for the process to include a provision that a developer will be required to undertake these either prior to the local planning authority allocating the site in the Local Plan. If however the proposal is for the planning authority to do these assessments, then this would have significant impacts in terms of resources, both financially and professionally, and it would become entirely impossible to complete the new style Local Plans within the ambitious 30-month timeframe. We therefore urge caution with this proposal because if these assessments are not carried out when allocating such ‘growth’ areas, then it may mean that the principle of development is unacceptable or the amount of development that could be provided in a growth area is overestimated, which would therefore hinder our ability to genuinely plan for the needs of the borough.</p> <p>We are also concerned that the process of allocating such land as part of the Local Plan process will not allow for the full scrutiny; given</p>

	<p>these automatic permissions are intended for ‘substantial development’ we think it is the right of the local community and our democratically elected Members to fully scrutinise proposals and understand the potential consequences as well as opportunities, which in turn would require more scrutiny of proposals, not less.</p> <p>Whilst we do not wish to repeat all the points made in our response on 1 October 2020, we do want to highlight the fact that statutory consultees have to be consulted as part of this process, and that sufficient level of information will need to be available to make such an important decision on the principle of development, particularly as this is aimed at ‘substantial development’. We therefore fear that this process would not achieve a ‘faster route for detailed consent’ without compromising the quality of developments coming forward and genuinely engaging with the local community to secure their buy-in. It would also not achieve the government aim of local plans providing more certainty and flexibility for allocated sites than they currently do.</p> <p>In addition, whilst we understand that there will continue to be an expectation for Local Plans to be reviewed at least every 5 years, there also needs to be some flexibility in this. Presumably there will be a mechanism by which a landowner/developer could put forward an alternative use / proposal to that already identified/allocated in the Local Plan? How would this work in practice? Would it be similar to the current application process in terms of providing all the necessary robust assessment to support an alternative use?</p> <p>In addition, there needs to be clarity as to what would happen in the absence of a masterplan / design code for a growth area; i.e. if there is only an allocation as part of the Local Plan, but the Council (e.g. due to resources, capacities) has not been able to progress the Masterplan / design code? We are aware that this is an area that MHCLG representatives have been questioned on in virtual events, and it appears that yes, you could still have a growth allocation in the Local Plan and thereby grant Outline consent without a Masterplan, but then surely the allocation would touch on only the broad principles, with a lot of detailed to be agreed at a later stage. In any event, it is just not feasible to progress the Local Plan allocations/categorisations into three areas, plus produce design codes/Masterplans for areas/sites etc. within the 30-month timeframe.</p>
<p>Q9(b). Do you agree with our proposals above for the consent arrangements for <i>Renewal and Protected</i> areas?</p> <p><input type="checkbox"/> Yes</p>	<p>As already stated in our response to Question 5, we disagree with the presumption in favour of development in renewal areas.</p> <p>In addition, without a greater level of detail – which we appreciate is still being worked on by MHCLG – it is not clear how these arrangements are going to work in practice. For the process in renewal areas in particular, significant resources would need to be given to local planning authorities to achieve this aim; there needs to be financial and professional support for upskilling of current</p>

<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>planning officers in the Councils’ planning departments as well as additional resources. Without additional resources, the propositions set out in the White Paper are highly unlikely to be realised.</p> <p>A specific matter of concern to Richmond Council is to ensure that schemes will lead to environmental improvements, and the Council strongly supports the Biodiversity Net Gain requirement. The relationship of the proposals set out in the White Paper to the Environment Bill provisions, e.g. biodiversity net gain requirements, is not clear at all.</p> <p>We would support the principle of Local Development Orders, but again, this has significant resource implications. We do not currently have experience in Richmond borough to produce LDOs as they are lengthy to complete and would require full engagement with the landowners/developers. The resources needed to produce extensive LDOs, pattern books, design codes etc. should not be underestimated; these resources are not available within planning authorities and unless a significant amount of resources and a programme of upskilling planners in the public sector is provided, local authorities will not be able to deliver the government’s ambitions. To date, we have found that the existing planning process has been successful in achieving sustainable development and growth in the borough, and developers tend to prefer submitting full applications preceded by a pre-application process.</p>
<p>Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>No comment on this as it’s of limited relevance to a borough like Richmond.</p>
<p>Q10. Do you agree with our proposals to make decision-making faster and more certain?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>We support in principle the notion of faster decision making and government’s ambitions and aims in this regard. However, we are unable to support the proposed specific proposals. We also want to emphasise that most authorities already try and determine planning applications as quickly as possible, subject to work pressures and resources. In Richmond in particular, we will always seek to negotiate amendments with developers where appropriate to achieve acceptable schemes rather than refuse permission.</p> <p>Our concerns can be summarised as follows, some of which overlap with comments made elsewhere in our response:</p>

	<ul style="list-style-type: none"> - Determining applications within fixed and unextendable deadlines is a concern as we will simply not have the amount of staff and people/planners in the authority to do so. - Determining applications within an unextendable deadline puts 'speed' before the 'quality' of decision. The authority may be forced to refuse applications that are negotiable due to lack of time, which may lead to an increase in appeals and repeat applications, where a fee may not be applicable, and overall the time taken to achieve a successful planning permission ready to be built out would be longer. - The quality and quantity of materials to be submitted is likely to be poor and potentially leave out necessary detail, particularly in relation to the proposed maximum 50-page standardised planning statement. Sufficient information will be necessary to enable a robust appraisal by the planning officers and to understand the associated impacts, and setting an arbitrary word limit is not considered to be appropriate at all when everyone involved in the process wants to achieve good places and design for people, with good outcomes for the environment. - Given that allocations made as part of the Local Plan for e.g. 'growth areas' will be supported by limited details, new constraints and hurdles could come to light at the application stage, such as in relation to contamination, during the determination process, leading to delays and ultimately refusals if the deadlines are unextendable. Depending on the size and complexity of a scheme, we consider that the information needed to support an application cannot be standardised or dealt with through a one-size fits all approach, but it should be commensurate to the type and scale of development proposed. - We have genuine concerns that government does not envisage any time to be taken for negotiating schemes, which may be necessary in relation to mitigation measures. Such applications will most likely have to be refused then, and long delays to the development would occur subsequently if the application will have to be determined by the Planning Inspectorate. - It is not understood how design codes can be made digital and enable assessments of plans against the code. The system shouldn't be sped up at the expense of environmental considerations, for example where a scheme's environmental harm is not fully mitigated. - It is unclear how the process will manage applications that deviate from the design code – will an architecturally distinct, beautiful and sustainable building suffer from 'computer says no?'. - It is not clear whether the role of statutory consultees has been fully considered in the proposals. Considerable work is undertaken by other bodies in the assessment of potential impacts, such as the Environment Agency in relation to flood
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	<p>risk matters, Transport for London on highway matters, Sport England, and Historic England in relation to archaeology and other heritage assets. This work and engagement with statutory bodies is absolutely essential, and it allows us to engage productively with landowners/developers to help them seek necessary amendments to proposed schemes as well as seeking the necessary infrastructure, services and mitigation measures as required.</p> <ul style="list-style-type: none"> - The White Paper implies that the delays in the current process are largely down to local planning authorities and there is little recognition that developers/applicants may also be the source of delay, for example through the lack of information, poor quality submission, unacceptable aspects of the proposal and time taken to turn around amendments. There should be proposals to hold applicants to account for failing to meet more rigid timescales proposed in the White Paper. - We fail to see the disadvantage of ‘flexibility’ the current planning system allows with the ability to secure extension of time to applications where both parties agree. Such flexibility allows for the right decision to be made, avoids unnecessary appeals and repeat applications and the costs and unnecessary delay for both the planning authority and the developer. - The proposed timescales undermine the democratic process in the form of consulting residents and taking applications to planning committee, especially as the Paper suggests that detailed planning decisions should be delegated to planning officers where the principle of development has been established. (Residents and neighbours are unlikely to show interest in a scheme until the detail is outlined and matters of design, neighbour amenity, trees, biodiversity and transport matters are realised). - It is not clear from the proposals what the future role of the Planning Committees will be; it appears that they will have a significantly reduced role and deal with principles of development as opposed to the detail. - The automatic rebate of the planning application fee following a successful appeal raises significant concerns. It could deter cash-strapped local authorities from making justified refusals and potentially open up approvals to challenge where it is deemed a decision is made on non-material planning considerations (fear of a fee rebate) rather than determined on material planning considerations. There will always be matters that are not necessarily black and white, particularly in relation to ‘beautiful’ design, potential impacts on the local character or heritage assets such as conservation areas, and everyone involved in the current planning system knows that some of these matters can be subjective. We therefore consider that the automatic rebate should only happen where the Inspector agreed that a refusal
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	<p>constituted ‘unreasonable behaviour’, or the developer was subject to unnecessary or wasted expense in the appeal or unreasonable behaviour by the Council, similar to the existing ‘costs process’</p> <ul style="list-style-type: none"> - The threat of ‘deemed consents’ (as outlined in the White Paper) if an application is not determined within a timed period has the potential to result in poorer decisions, developments of lesser quality than originally sought, potentially unnecessary refusals and appeals where matters could be have been overcome if time were allowed for negotiations and planning committee dates). - Overall, the proposals will certainly not lead to ‘more democracy’ as the timescales are too short for committee process and prevent decisions being made in the public domain. We believe that there is a danger that some of the key and integral elements of the English planning system, i.e. public participation and democratic scrutiny, will be lost through the proposed “reform”. <p>With regard to the proposal for greater digitalisation, we are generally supportive of this. However, this will require significant investment, support and resources. The proposed nation-wide spatial database of local policies, design codes, historic or legacy data (e.g. extant planning applications etc.) sounds in theory like a good idea to assist developers, but government needs to be mindful that it will require an enormous migration process of data and constant monitoring of potential changes.</p> <p>On a similar token, the aim of standardising data at a national level is supported. However, we do have concerns in relation to standardised data for developer contributions and viability. Contributions, particularly in relation to affordable housing, where Richmond has a locally justified policy, cannot be based on averages and they have to reflect local circumstances and policies.</p> <p>Finally, we would like to note – as already set out in our response on 1 October 2020, that the White Paper’s proposals do not seek to address the issue of ‘land banking’. This Council is of the view that there also need to be measures proposed to get housebuilders to build out their permissions across the country in order to meet the 300,000 new homes target. Setting housing targets on its own and all attempts in speeding up the system will not help to deliver the homes that the country needs; it simply adds to the number of consents. In the last decade, Local Planning Authorities have granted permission for over 2.5 million homes, and over 1.5 million have been built. In the last year alone, 371,000 permissions for homes have been granted, and 241,000 delivered. In London alone, there are approximately 300,000 unimplemented units at present. Whilst the Council fully supports the government ambitions to deliver the homes the country needs, the government needs to be careful that</p>
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	<p>the proposed changes do not result in simply achieving high book values for developers rather than more housing.</p>
<p>11. Do you agree with our proposals for digitised, web-based Local Plans?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Yes, in principle this is supported; this is perhaps the least contentious part of the White Paper proposals.</p> <p>At the moment, each authority’s local plan looks different and a standardised template could help achieve transparency, may also make comparison between local plans easier and make public engagement easier. However, we urge caution that the desire to create a standardised template does not result in an over-simplification, and local authorities should still be able to have locally justified policies, such as in the case of Richmond for affordable housing requirements or to reflect the significance of some of the local assets, such as a World Heritage Site.</p> <p>Standardising templates for use for Local Plans as well as for decision-taking will require expertise, software and equipment that local authorities currently do not have. For example, a range of GIS and software is currently used for the production of local plans or for supporting the planning application and decision taking system. Central government will need to provide resources and training to local authorities to assist in this shift to a more digitised planning system.</p> <p>We would also like to stress that digital engagement processes should be deployed alongside and in addition to face-to-face communication (particularly once restrictions due to Covid-19 are no longer in place). Local authorities currently set out in their Statements of Community Involvement how and when we engage with local people in plan-making and decision taking. Local authorities that want to exceed national requirements in order to allow for meaningful engagement should not be punished through the insistence of rigid timescales.</p> <p>We also believe that access to hard copy documentation should be made possible to ensure access for all. There is otherwise a danger that we exclude a part of our society who do not have access to technology, or the skills to use the technology. To ensure fairness and equality, the provision of hard copies in certain locations should still be factored into the local plan process.</p>
<p>Q12. Do you agree with our proposals for a 30 - month statutory timescale for the production of Local Plans?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p>	<p>We consider a maximum of 30-months for the whole Local Plan process to be entirely unrealistic. We generally support the notion of frontloading the process and early engagement with the communities. However, there are lots of uncertainties as to what evidence base will be required, and for example for ‘growth’ areas, who will carry out and pay for this evidence and the site-specific assessments. In addition, local authorities will need to prepare design codes, masterplans for large sites as well as plan for the infrastructure and needs of an area to support the anticipated growth. Moreover, there will continue to be some sort of requirement to liaise with other bodies on strategic and/or cross-boundary issues (no matter whether the Duty to Co-operate is removed or not).</p>

<p>Please provide supporting statement</p>	<p>We are of the view that the 30-month timescale needs to be amended and there needs to be an allowance made for a further round of public consultation. The first ‘consultation’ on a Local Plan is mainly on what land should be categorised into which of the 3 areas; however, this is in our view not a consultation on a Plan as such as it’s more or less a ‘call for sites’ exercise. We wouldn’t classify this as a stage where we are consulting on an emerging Local Plan. This therefore then only leaves one genuine consultation stage, which is when the Plan is submitted to the Planning Inspectorate.</p> <p>We are particularly concerned with the proposal to submit the first draft of the Plan to the Planning Inspectorate without an opportunity to amend the Plan in response to feedback and representations made by the community, developers, landowners and statutory bodies. In the current planning system, there is an opportunity to address concerns raised and consult on a final draft of the Plan, which ultimately will also speed up the examination process if issues can be ironed out ahead of the submission. We are genuinely concerned that this will have a detrimental impact on our ability to submit a Plan that has widespread support, and indeed we think it will actually make the task of the Inspector in assessing the Plan even harder and could provide scope for legal challenges.</p> <p>Given that the new-style Local Plans will be of even greater importance, also due to the fact that some permissions are granted automatically, this is a great weakness of the proposed new system. For this reason, there should be a further round of public consultation on an emerging Plan, similarly to the current Regulation 18 consultation stage.</p> <p>Whilst as a local planning authority we could potentially support a word limit on consultation responses (as we know from experience that it can take a significant amount of time to process responses), we think that an arbitrary limit is unnecessarily restrictive for consultees, and in practice, Appendices are then used to overcome this restriction.</p> <p>Resources and guarantees will also need to be provided in terms of the Planning Inspectorate being able to deal with an expected huge increase in examinations, which potentially will all be roughly at the same time across the country time if the reforms are introduced, and this will be repeated every 5 years when the Local Plan is reviewed.</p> <p>We do not have a particular view on the ‘right to be heard’ at the examination in public stage. In our experience, some consultees use this right to merely emphasise the points they’ve already made in a written submission. However, we are also mindful that the deliberation and discussion that occurs at examinations can help to arrive at a consensus, thereby also achieving community buy-in, with the ultimate aim to have better thought out plans and policies.</p>
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<p>Q13. (a) Do you agree that Neighbourhood Plans should be retained in the reformed planning system?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure Please provide supporting statement</p>	<p>Whilst we are generally supportive of neighbourhood plans, having supported one neighbourhood plan from its conception through to adoption, we question what the role of a neighbourhood plan would be in the new Local Plan system, particularly in one that categorises land into different zones. In addition, the approach of nationalising and standardising elements of the planning system is likely to further diminish the role of neighbourhood plans, other than perhaps allowing local groups to draw up and consult on local design codes.</p> <p>We also consider that the neighbourhood planning process would need to be fundamentally reviewed to be aligned with the reforms to the local plan making system. We would expect government to provide guidance and detail on what neighbourhood plans can cover.</p> <p>We would urge caution with the proposed ‘street-level’ neighbourhood plans as suggested in the White Paper. This could lead to a potentially excessive resource burden placed on local authorities. It could also undermine those streets and areas, which do not have the social capital (in terms of time, resources and skills). It is also questionable whether we want to see a pastiche of current typology; if we want to genuinely deliver more homes, including in particular on small sites in the context of Richmond borough, then we need to find more innovative ways of encouraging development that is design-led and optimises capacities, and this will involve having to look at innovative architecture rather than pastiche development.</p>
<p>Q13 (b) How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?</p>	<p>In our experience, the neighbourhood planning process relies heavily on local volunteers who have the ability and capacity to give up their own time to develop specific proposals. They also rely on government funding, which they have to be able to confidently navigate and apply for. In addition, they can be a significant drain on local authority resources due to the need to support them with technical aspects of the work, providing data and information etc. It is not thought that local volunteers would have the knowledge and skills to draw up local design codes, and ultimately, they would need to engage consultants to do so, which would result in a costly exercise.</p> <p>We think that neighbourhood plans should still be able to develop locally distinctive policies and proposals that build on an adopted or emerging local plan, such as around zero carbon, affordable housing, active travel, and other matters that are important for the neighbourhood area in question. The question posed by MHCLG however suggests that the role of neighbourhood plans may be limited to design preferences rather than giving them the ability to cover broader planning considerations that may be of equal or higher importance than design.</p>
<p>Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further</p>	<p>In principle, we agree that government should be focusing on faster delivery of development. However, we are really concerned that the proposals mentioned in the White Paper are just aimed at local planning authorities. It therefore – once again – implies that planning authorities are solely responsible for delaying development. The report on the “Independent Review of Build Out” (2018) by Rt Hon Sir</p>

<p>measures would you support?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Oliver Letwin has demonstrated this is clearly not the case. Indeed, the report makes recommendations on how to close the significant gap between the number of housing completions and the amount of land allocated or permissioned on large sites in areas of high housing demand. In addition, the July 2020 Housing Delivery Recovery report of London’s Housing Delivery Taskforce contains some proposals worthy of further consideration. As mentioned in our submission on 1 October 2020, the proposals in both government consultations fail to address the issue of land banking or the control that developers exert over the market through low build-out rates.</p>
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Pillar Two – Planning for Beautiful and Sustainable Places

<p>Q15. What do you think about new development that has happened recently in your area? (Select One)</p> <p><input type="checkbox"/> Not sure / indifferent</p> <p><input checked="" type="checkbox"/> Beautiful / well-designed</p> <p><input type="checkbox"/> Ugly / poorly-designed</p> <p><input type="checkbox"/> There hasn't been any</p> <p><input type="checkbox"/> Other (please specify):</p>	<p>Richmond borough has a whole raft of examples of good design in recent new developments. Part of this is due to the ability to negotiate with developers and applicants to ensure schemes are right and that mitigation measures are identified and secured. Another key aspect of our achievements is the fact that our existing Local Plan has finely balanced policies in terms of directing certain types of developments and different uses towards suitable areas and locations in the borough.</p> <p>We are however concerned that new development in general is not truly sustainable in terms of achieving zero carbon standards and enhancing our natural environment. To address this, we are planning on developing more ambitious policies in our emerging new Local Plan policies, based on justification and evidence. The fundamental reform of the planning system provides a once-in-a-lifetime opportunity to tackle the climate emergency and the ever-increasing threats to biodiversity. We strongly urge the government to ensure climate change and the natural environment is at the heart of a reform of the planning system. This will require the mandatory adoption of biodiversity net gain to ensure that all development (large and small) incorporate this into their layout, adding to sense of place and design, and not treating it as a 'bolt-on' and to consider this at the outset when considering feasibility and viability of a scheme.</p> <p>Whilst this question appears to mainly focus on design, we are also concerned with the way viability considerations play into current decision making, particularly given that in the current system, only the level of affordable housing can flex depending on scheme viability. Even in high value areas such as Richmond, where the Whole Plan Viability Assessment undertaken in support of the Local Plan has demonstrated that the majority of developments are viable, developers continue to make a viability argument to reduce on-site affordable housing and/or the financial contribution to affordable housing. The way the system works means that year on year the number of genuinely affordable homes (particularly for social rent), which are required to address a priority need in the borough, continues to increase the gap between need and provision.</p> <p>Finally, we would like to point out that the reference to 'popular design' as contained in the White Paper is of concern to us. Richmond borough has a large number of distinct character areas, with some areas demonstrating outstanding architecture as well as a high concentration of designated heritage assets. Richmond's town- and landscape is of high quality, and therefore the potential impact of development on the character is closely scrutinised (not just by the local planning authority, but also by the Richmond Design Review Panel, statutory consultees such as Historic England as well as various local amenity societies and other interest groups). What is considered beautiful can be highly subjective and dependant on the eye of the beholder; and new development and architectural styles do not</p>
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	<p>always appeal to everyone on all levels at the time they are proposed. Contemporary and non-traditional design may be interpreted by some as poor design whilst “traditional” or pastiche designs may not be seen by others as authentic in their function, use or detail. In general, however, we would say that the majority of development in the borough is of high-quality design and informed as well as respectful to the local context and character, including the many heritage assets and their settings.</p>
<p>Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? (Select One)</p> <p><input type="checkbox"/> Less reliance on cars</p> <p><input type="checkbox"/> More green / open spaces</p> <p><input type="checkbox"/> Energy efficiency of new buildings</p> <p><input type="checkbox"/> More trees</p> <p><input checked="" type="checkbox"/> Other (please specify): All of the above and more</p>	<p>We have commenced a new Local Plan, and our priority themes for the new Plan are set out in the Direction of Travel consultation (March 2020), as follows (not in order of priority):</p> <ul style="list-style-type: none"> • Responding to the climate emergency and taking action • Delivering new homes and an affordable borough for all • Shaping and supporting our town and local centres as they adapt to changes in the way we shop • Increasing jobs and helping business to grow • Protecting what is special and improving our areas (including Heritage, Culture, and Green infrastructure and protecting our open land) • Increasing biodiversity and the quality of our green spaces, and greening the borough • Improving design, delivering beautiful buildings and high-quality places • Reducing the need to travel and improving the choices for more sustainable travel • Securing new social and community infrastructure to support a growing population • Creating safe, healthy and inclusive communities <p>We are concerned that the government considers only ‘environmental’ aspects under the sustainability agenda. As already stated in our response to Q7(a) above, government needs to consider the social and economic factors in the context of sustainability, rather than just environmental considerations. It is therefore important that any revised planning system takes a holistic view of sustainability.</p> <p>Also note that Richmond Council has adopted its Climate Emergency Strategy 2020-2024 earlier in the year, which sets out an overarching framework, including approaches and actions to tackle the growing threat of climate change.</p>
<p>Q17. Do you agree with our proposals for improving the production and use of design guides and codes?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p>	<p>High quality design is regarded as important in the context of Richmond borough. Our existing Local Plan has a very strong emphasis on achieving high quality design that is based on a thorough understanding of the site and its surroundings.</p> <p>Whilst in principle we would support the greater use of design guides and design codes, we are concerned that the White Paper suggests that the development of such guides and codes will provide the only opportunity for local people to get involved. A single design code would be far too generic for a unique and diverse borough like Richmond. In fact, there are so many different character areas (which</p>

<p>Please provide supporting statement</p>	<p>is also recognised in the fact that the borough has 85 different designated conservation areas and 13 adopted Village Planning Guidance SPDs, which are subdivided into character areas) that even small areas and different sites may need different codes. We are particularly concerned that the whole process is front loaded, and the fact that so many different codes would be needed to make the use of codes work in practice, it would be an insurmountable challenge for a local authority to produce so many detailed codes. The design codes will be inevitably long complex documents, particularly when addressing sites that adjoin neighbouring character areas / areas with different design codes. Debating and agreeing on a final code, in a borough like Richmond where there are lots of interested local groups and bodies, is likely to take much resources, energy and time. There is also a danger that the need for empirical evidence may turn this exercise into one of a tick-box. For the general public to be involved in consultation on design codes they will firstly need to understand what they are, the different types, and how they are used in the planning system in order for meaningful engagement with the process. Design Review Panels (DRPs) will have a role here in scrutinising proposals. Applicants normally fund DRPs, not local planning authorities.</p> <p>There could be various unintended consequences arising out of these proposals, such as:</p> <ul style="list-style-type: none"> - Stifling design innovation through standardisation of codes; - The risk that codes will solely lead to pastiche and replicas of what currently exist; - Leading to inflexibility once a planning application is submitted some years down the line from producing a design code; - The risk that codes will result in uniform places without a distinctive character; - The principles of good placemaking being disregarded, which is about much more than visual and aesthetic elements of proposals. - Design codes for the public realm need to embrace uses of buildings at ground floor to facilitate al fresco eating and dining, selling of flowers, etc.; otherwise a rather sterile environment could be created; - There is a risk that design codes could be too simplistic at one level, whereby they could be meaningless; whereas at another level they could be too complex (some run to over 300 pages) that they fail to be understood by professionals, the public and local authorities dealing with monitoring and enforcement; - Many design codes will be produced for areas where in practice little or no development subsequently occurs so a great deal of effort will have been wasted; <p>We are particularly concerned that such guides and codes will mainly deal with aesthetics and visuals, whereas there are so many other</p>
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	<p>factors to consider when creating places for people and providing good living environments. We need to seek a fundamental shift from merely focusing on ‘beautiful’ design in terms of aesthetics, to focus on people’s experience of a place, how places interact and allow for people to connect etc. Will design codes cover elements such as mixture of uses, tenures, layouts, densities, access to open space/playspace, energy efficiency, environments that encourage active and healthy lifestyles including cycling storage, street furniture etc.?</p> <p>We are unsure how ‘sub-areas’ within growth areas will interact with design codes.</p> <p>Ultimately, design codes should reinforce key principles that reinforce best practice urbanism and the character of a place without getting into issues of style, architecture, aesthetics. It will not help creating a quality place if a design code is prescriptive around style and materials, because you could end up with nice looking houses/flats and high-quality materials, but with poor layout resulting in lots of roads or cul-de-sacs.</p> <p>Another concern is that whilst Codes may be relatively straightforward to formulate, it’s not clear whether they should be drawn up in tandem with the plan; or whether they can come later? Also, the challenge is the delivery of the Code, its flexibility (i.e. what will its status be in the DM process?) and also buy-in by developers and landowners. Will all design codes be mandatory, or will some be discretionary?</p> <p>The focus on ‘popular’ design risks that the level of engagement would be relatively shallow because local people may want to focus on the visual appearance of a development, and they wouldn’t necessarily be that interested in other important elements that make a liveable place, which will be of key importance for future occupiers (who wouldn’t be part of the consultation process and vote on ‘popular’ design).</p> <p>In terms of assessing schemes against a design code or guide, we are not clear who is intended to be doing that? If the design code is submitted as part of a planning application then ideally, it should be Development Management planners in conjunction with design officers in local authorities, supported by Design Review Panels, similar to the existing practice when considering Outline applications. Design Review enables an independent and quality assessment and can articulate a strong vision for place; DRPs would however need to be funded by the applicants unless the Resource and Skills Strategy would provide extra resources for local authorities to fully engage DRPs in these processes.</p> <p>If design codes are prepared as part of a Local Plan, this would be extremely resource intensive for local authorities, many of whom do not have access to design officers to prepare.</p>
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	<p>With the front-loading of public engagement in design codes there will most likely be interest from articulate members of the community, while those less able and less equipped to deal with the complexity of design codes may feel excluded from the process. This would undermine the democratic nature of the process.</p> <p>Lastly, we want to raise the point around resources. Whilst we do have urban designers and conservation officers in our authority, including a successful Design Review Panel, we do not have the resources to produce the required number of different design codes. Is this work supposed to be funded from the new Infrastructure Levy? This is on the assumption that local authorities will be tasked to write the design codes; again, this is not actually clear from the proposals set out in the White Paper. In addition, our Design Review Panel is largely self-sustaining as developers pay for the service. However, if we want to use the process of Design Review for documents, we produce in-house, then additional funds will need to be made available. As set out in our responses to the Infrastructure Levy, we are already deeply concerned that this is going to be detrimental for Richmond borough, and there is therefore a danger that there won't be sufficient resources for bringing forward design guides and design codes.</p> <p>In addition, training and upskilling of existing planners would be needed, and this will have to be viewed in the context of a shortage of skills on a national level as each authority will be scrambling for urban designers.</p>
<p>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?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>We would support in principle the establishment of a body similar to the Design Council and the support that previously CABE has provided. It is not clear from the published proposal who the new body would be made up of, but we would expect representatives of the RTPI, TCPA, RIBA, the Building Better, Building Beautiful Commission etc. to be part of this. It is also not clear whether they would just provide support to local planning authorities to improve design, or whether they would also have a more formal role in the examination of any new design guides and local design codes. Perhaps existing Design Review processes and Panels like the Richmond Design Review Panel and their role could be enhanced in the development and review of design guides and design codes.</p> <p>Whilst the notion of a chief officer for design and place-making is supported, in reality, existing Chief Planning Officers / Heads of Service already carry out those functions and many of them have the expertise and desire to champion good design and placemaking principles. We are however not clear whether the chief officer for design is the same as the chief planning officer? We don't think that government should mandate that each authority has such a chief officer in place. Assuming that the chief planning officer and chief design officer sit alongside each other, it should be considered that there may be less regulatory development management processes for the chief planning officer to get involved in and perhaps more</p>

	<p>resource could be directed to such an activity rather than requiring the appointment of a separate chief design officer.</p> <p>Whether or not there will be a new body or a new chief officer, one of our main concerns is the need for resources as well as upskilling existing local authority planners to be able to deliver against the aims and objectives of a new planning system. As set out elsewhere in our response, a comprehensive Resource and Skills Strategy is needed for supporting local authorities through the changes and in the implementation of the new planning system.</p>
<p>Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Whilst this could be supported in principle, we don't think sufficient detail has been published yet to fully understand this proposal. In general, we think that Homes England could lead by example to deliver well designed developments that respect the environment. The objectives are however very strategic and quite vague, for example, they could be a lot more robust in terms of promoting health and wellbeing, active lifestyles as well as inclusive design. In this context, note that the HCA/Housing Corporation previously produced Design Quality Standards and Housing Quality Indicators, which included references to specific standards relating to accessibility and adaptability and space.</p> <p>We note that one potential option is for it to be the independent body responsible for setting design standards. Whilst no further details are published in this regard, we think there may also be a potential for Homes England to act as the effective link between government and the industry in ensuring strategic objectives are delivered.</p>
<p>Q20. Do you agree with our proposals for implementing a fast-track for beauty?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>We fundamentally disagree with this proposal. Beauty is a highly subjective term, and whilst we are aware that officers at MHCLG have emphasised since the publication of the consultation that 'beauty' means more than visual appearance and aesthetics, we genuinely question the choice of wording on this. If MHCLG means 'high quality' design and development to mean the same as 'beauty', then we strongly recommend changing the wording to a less ambiguous phrase that is not that subjective and open to interpretation.</p> <p>We are also concerned that the choice in wording excludes other not so beautiful yet functional buildings, such as warehousing and other employment development. These may not be regarded by some as 'beautiful', but they can still be of good quality and sustainable. We would also argue that for some uses, e.g. education and training, the high-quality design, the suitability of the site and location, also the detailed layout and functioning of a building, should take priority over its 'beauty' or aesthetics.</p> <p>In practice, if a developer may argue that their building is 'beautiful' and should therefore be fast-tracked, how should this be assessed by a local planning authority? There is no definition of 'beauty' in the White Paper. What happens if the LPA disagree that the building is 'beautiful' and therefore does not meet the fast track criteria?</p>

	<p>There is already a significant risk that important planning and design considerations will be overlooked and not fully considered as result of the various proposals set out in the White Paper; the planning system – as proposed – is likely to be oversimplified and too much emphasis is being put on design codes and beauty (which is highly subjective) together with the ambition to speed up the delivery of housing.</p> <p>New development should be of high quality and well designed, respecting the existing context and complementing existing built development. A key consideration should be the function of a building and the users’/occupiers’ experience; it is simply not good enough for a building to just look ‘beautiful’ if it doesn’t perform as it should do for the users and occupiers of buildings, as well as in the context of the wider agenda in terms of addressing climate change objectives as well as improving and enhancing biodiversity.</p> <p>We are concerned at the prospect of widening permitted development rights to enable ‘popular’ and ‘replicable’ development and the use of ‘pattern books’ to be approved easily and quickly. This does not always translate into high quality development, can be regarded as stifling modern and innovative design that is of high quality and result in pastiche developments.</p> <p>Therefore, we are of the view that no application or proposal should be fast-tracked by virtue of its design or beauty; many elements need to be fully assessed such as infrastructure provision and capacities, biodiversity, trees, noise, air quality, flood risk, impact on neighbour amenity and mitigation etc.</p> <p>We note that the proposals in the White Paper place emphasis on legislating the requirement to produce masterplans and site-specific codes for growth areas. Whilst we understand the concept of how government envisages this to work in practice, the White Paper lacks clarity on how masterplans should be brought forward in parallel with the highly streamlined plan-making process. In Richmond borough, we have substantial experience in development masterplans, and we understand the challenges of developing and agreeing them landowners, especially where there is multiple landownership and/or developers.</p> <p>There is real concern that the aim of ‘streamlined’ Local Plan is not going to be realised, and the proposed changes will result in a Local Plan with endless masterplans and design codes that must be read in conjunction with it, which will be resource intensive in its production, and time consuming for application preparation and consideration.</p>
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Pillar Three – Planning for Infrastructure and Connected Places

<p>Q21. When new development happens in your area, what is your priority for what comes with it?</p> <ul style="list-style-type: none"> <input type="checkbox"/> More affordable housing <input type="checkbox"/> More or better infrastructure (such as transport, schools, health) <input type="checkbox"/> Design of new buildings <input type="checkbox"/> More shops and/or employment space <input type="checkbox"/> Green space <input type="checkbox"/> Don't know <input checked="" type="checkbox"/> Other (please specify): 	<p>This question may not be aimed at local authorities as we consider that all these aspects are priorities when new development comes forward; it's not a matter of either/or. If we have to make a decision on certain priorities, then this would be done on a case-by-case basis, dependent on the site's circumstances and needs of the particular local area and wider community.</p> <p>The design of new buildings / design quality is a matter of course and therefore fundamental for all new developments, particularly in a borough like Richmond, where the natural and built environment is integral to the vibrancy of the whole borough. In addition, the provision of affordable housing and in larger developments in particular there should be provision of green spaces (unless they are very specific local circumstances such as an existing green space on or in proximity to the site); the pandemic has reminded all of us how important these spaces are for health and wellbeing.</p>
<p>Q22. (a) Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Sure <p>Please provide supporting statement</p>	<p>We acknowledge that there is scope to improve the current system of developer contributions. However, we fundamentally disagree with the proposal of scrapping and replacing it with a new nationally set tariff. It is notable that out of the three pillars in the White Paper, this is the least developed and also the one least thought through. Because so much of the new system is yet to be ironed out, we would question whether even government believes that this system is going to be more effective than the current on.</p> <p>It should also be noted that the current system is working well in Richmond now it has had time to bed in, expertise to administer is in place and the most pertinent issues with the Regulations have been addressed.</p> <p>We are deeply concerned that this proposal will significantly impact the delivery of affordable housing and infrastructure, which is necessary to support a growing population and growth in the borough. Whilst there may well be some benefits arising out of a national levy, such as savings in terms of resources and expenses in setting a CIL Charging Schedule in the first place, a one size fits all approach is unlikely to work, particularly as viability varies from region to region and place to place due to development costs, even within authorities. In addition, local or site-specific constraints may add to the complexity of viability. We acknowledge that the White Paper says that the levy may vary, but no detail is provided as to how finely grained this variation would be. In Richmond in particular, we</p>

	<p>have high land values which means that generally developments should be able to afford affordable housing on all housing sites (either on-site or as part of a financial s106 contribution) on top of s106 and CIL. This has been tested and agreed by the Planning Inspector who conducted the examination into our Local Plan (note that this Plan was supported by a Whole Plan Viability Assessment).</p> <p>We question how the government can say that the new system will be simpler, faster and clearer, when overall there is a lack of detail and clarity as set out in the White Paper. At this stage we do not know how the proposed Infrastructure Levy will affect viability; how rates will be set at a national level; how the restrictions on the scope of s106 agreements would affect our ability to seek affordable housing contributions including on-site provision, as well as other measures to make a development acceptable; how the development value (GDV) would be assessed, including by whom and whether this would be on a site-by-site basis or not, whether there will be an independent examination etc.</p> <p>The lack of evidence supporting this fundamental change is really worrying; assumptions are made in the White Paper such as that the new levy will increase revenue levels nationally compared to the current system, but these are unsubstantiated claims with no evidence to back this up.</p> <p>We would request a further consultation to be undertaken on this, which as a minimum should include some more details, including a worked up example for say 100 new units scheme and what the likely contribution would be in order to undertake a meaningful comparison with the current system of CIL and s106.</p> <p>It appears that part of the problem with CIL is the lack of take-up across the country; perhaps government should consider offering more detailed support and resources for those authorities to help them get this set up, and perhaps having a CIL Charging Schedule in place could be made mandatory rather than optional, similar to the requirements around Local Plans and Infrastructure Funding Statements? Whilst Richmond has been successfully operating a borough-wide CIL since 2014, we can understand why some local authorities may have been deterred by the process, particularly as there have been lots of changes to the CIL regulations that over time have significantly blurred the lines between the CIL and s106 mechanisms.</p> <p>We are concerned around the proposal to set the levy on occupation as this may mean the development will be occupied before the necessary infrastructure is in place. It fundamentally challenges the way we plan for infrastructure needs and ensuring this is in place prior to occupation. Assuming that local authorities will be prepared to borrow in advance of unknown receipts as the levy crystallizes at the end point in the process is unrealistic, particularly in uncertain economic times. This proposal will ultimately lead to the delay of</p>
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	<p>monies being received by the authority and potentially result in finished and occupied developments with a lack of infrastructure to support it, raising issues of statutory school provision, sufficient health facilities, road infrastructure etc. There is no evidence to suggest – at least not in the context of Richmond – that charging CIL has prevented developments from coming forward. It will also create issues around enforcement for non-payment of the Levy, if this must be done at the end of the development cycle. Suggestions that occupation may be restricted until payment is received disadvantage purchasers, with limitations set on their ability to inhabit the property if the levy has not been paid. Determining the charge at point of sale would also create uncertainty and undermine the conveyancing process as the charge will not be determined until the end of the development and therefore financial charge will not be registered on the Local Land Charges register and notified as party of a search.</p> <p>By moving the point of payment to the end stage of the process, it is residents who are looking to exchange on a new property who will potentially suffer delays in conveyancing whilst valuations are agreed, and the levy is paid. In the worst-case scenario, the new occupier will inherit a significant liability on the land if due diligence in conveyancing were not to be carried out – experiences of such instances in relation to CIL have resulted in much distress for residents. It is a concern that ‘contractual riders’ may become the norm to avoid delay in property transaction, embroiling new residents in another layer of legal wrangling post move where less reputable developers are involved which is also burdensome for the local authority itself.</p> <p>The current process of s106 allows for the direct mitigation of development impacts, and to secure on-site infrastructure requirements in addition to affordable housing provides greater certainty that this will be forthcoming as opposed to a single cumulative levy. This also allows authorities to plan for necessary uplift in services and infrastructure in advance of these being actually required.</p> <p>The White Paper suggests that keeping the neighbourhood proportion from CIL would help to ensure that infrastructure is paid for in the area that the levy is raised, albeit it is understood from MHCLG this will be a smaller proportion of the total funding pot. In addition, the neighbourhood proportion is intended to fund smaller items and not strategic infrastructure.</p> <p>We also have concerns with the proposed increased flexibility on how the new levy could be spent. Whilst we can see why the government may think this is a good idea and beneficial for local authorities, we think it dilutes the fund from being spent on infrastructure needs across a broad range of priorities, in addition to becoming the primary mechanism for securing affordable housing. In addition, we are very concerned that a national levy may result in developers not</p>
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<p>bringing sites forward for development due to insecurities in the delivery and certainty around the delivery of infrastructure.</p> <p>The proposed setting of the threshold is also unclear. In a borough like Richmond, where the majority of development takes place on small sites (hence also the fact that we've been able to successfully justify and adopt a locally specific and evidenced policy on seeking affordable housing contributions under 10 units), it is the cumulative impact of all those smaller developments that place demands on our infrastructure. Coupled with the proposed change to lift the threshold of affordable housing contributions to 40-50 units, these smaller developments should – in theory and in practice – become increasingly viable, which would completely negate the need for raising the Infrastructure Levy threshold unnecessarily; all it would do in our instance is result in a substantial loss of monies available for funding much needed infrastructure to support the growth and development in the borough.</p> <p>We strongly recommend that the focus should be on finding ways to improve the current system to make the process quicker, smoother and more transparent.</p> <p>Whichever approach is taken, it is essential to capture any uplift in land value. The increase in value of for example greenfield sites or vacant industrial land could be enormous, and this value uplift needs to be captured and be made available to support the provision of necessary infrastructure. However, as is a common theme throughout our response, there is no clarity about how this would be worked out from development values, how the existing use value would come into play and how risks would be assessed etc.</p> <p>We also think that any new approach should have the ability to build in reviews, as is possible with s106 agreements, to cater for changing circumstances.</p> <p>The mechanism for valuation needs to be clarified as there are inherent risks here for a local authority in terms of revenue collection if the process used to determine actual value is inconsistent or reliant on subjective assessments – ultimately it should not be possible for a developer to deflate value in order to reduce the burden of the levy.</p> <p>Overall, in a borough like Richmond, where land values are particularly high and developable land is scarce, we are deeply concerned with the proposal of a nationally set levy, and we cannot see how it could do anything other than reducing our total receipts. In our instance, it will be inevitable that less monies would be available for community infrastructure if this change were to be implemented. Determining the levy liability at occupation is too late in the process, creating uncertainty and risks for both the developer and the local authority, which has the potential to undermine the government's objective to get Britain building.</p>

	<p>Finally, given our priority need for affordable housing, we feel really strongly that this should not be part of the levy, but that it should be secured on top, based on local viability.</p>
<p>Q22. (b) Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?</p> <p><input type="checkbox"/> Nationally at a single rate</p> <p><input type="checkbox"/> Nationally at an area-specific rate</p> <p><input checked="" type="checkbox"/> Locally</p>	<p>Due to the differences in land and development values, even in a single authority like Richmond, as evidenced by our existing CIL Charging Schedule, which was supported by a detailed Viability Study, the Infrastructure Levy rate should be set locally. As every authority who has an adopted CIL in place will know, detailed bespoke economic viability studies are needed to support the setting of the CIL rates. This process ensures transparency; developers and landowners are actively invited to take part in the work on setting CIL rates, with the overall aim of ensuring that CIL rates do not adversely affect the viability of developments coming forward.</p> <p>The process of setting CIL rates is fundamentally linked with the policies that a local authority has adopted in its Local Plan, to ensure overall viability is not affected.</p> <p>The option of a sole single national rate is not supported; developers in high value areas like London and the South East would make significantly more profit than for example developers elsewhere in the country. We understand that no modelling or testing has been done; however, MHCLG would have no choice other than using the lowest common denominator for the whole country.</p> <p>Even area-specific rates are not considered to be feasible as they would not adequately reflect the local circumstances. As we have found in the case of Richmond when undertaking the viability for the CIL Charging Schedule, parts of the borough, such as Richmond town centre and those areas adjoining inner London boroughs have significantly higher values than areas in the west, such as those adjoining Hounslow and authorities outside of London. Even if set as a percentage for example of development value, it will not allow for a sufficiently fine-grained approach.</p> <p>For a borough like Richmond, with demonstrably high land values and a general shortage of sites, it is essential that the Infrastructure Levy is set at a rate that would yield appropriate levels, and as a minimum, that achieve the same contribution rates that we are currently getting through the combination of CIL and s106, whilst also factoring in sufficient headroom to maintain and increase levels of affordable housing delivery which will be supported by the levy.</p> <p>As mentioned in our response above, it is acknowledged that the government is concerned that many authorities have not got an adopted CIL Charging Schedule. Perhaps a hybrid solution can be considered that government will for example set national or area-specific national rates that will apply unless an authority has adopted its own Infrastructure Levy rate, based on local justification and viability evidence (following the national methodology for setting the Levy). This would also chime with the report by the independent CIL review group led by Liz Peace CBE, which also recommends local flexibility to account for “variations in local markets, viabilities and</p>

	<p>development types". This review also recommended a low-level levy with the possibility of s106 for larger sites.</p>
<p>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?</p> <p><input type="checkbox"/> Same amount overall</p> <p><input checked="" type="checkbox"/> More value</p> <p><input type="checkbox"/> Less value</p> <p><input type="checkbox"/> Note sure</p> <p>Please provide supporting statement</p>	<p>We strongly believe that the overall aim should be to secure a greater proportion of the uplift in land value. It will be difficult to compare income projections from the new Levy to the existing mechanisms (especially as some matters like Local Employment Agreements etc. cannot easily be monetised), but the new Levy would need to be set at a significantly higher rate to mitigate for the losses of contributions and payments in-kind currently secured by s106 agreements, particularly as all the affordable housing is currently secured via s106. We are also not sure how the new Infrastructure Levy would capture wider obligations currently secured via s106, such as in relation to local employment agreements, jobs and skills or necessary contributions as part of a mitigation strategy. Perhaps this is where Footnote 18 in the White Paper comes into effect, which suggests that it may be reasonable to keep some elements of s106; we would support this approach, particularly for ensuring non-financial obligations are being delivered.</p> <p>As a minimum, the new Levy should be able to capture at least the same level of infrastructure funding, on-site provisions as well as affordable housing as CIL and s106 agreements combined.</p> <p>The White Paper as a whole is heavily focused on housebuilding, and this is also evident in Pillar 3. Whilst it may be easy to set final valuation on residential land uses, it would be far more complex and difficult to do with office, industrial, retail etc. uses; most likely an arbiter would need to resolve matters unless values are imposed – again open to challenge and leading to further delays.</p> <p>Any transitional arrangements between the current and the proposed new system will need to be thought through carefully. There is a danger that developers would take advantage of the changing circumstances. This area of work should not be underestimated, particularly as there is no detail yet on the new Infrastructure Levy itself. In addition, the administrative burden of effectively running three parallel systems for large phased sites which may take a decade to complete also needs to be considered and appropriately resourced.</p> <p>Overall, we consider that ‘more value’ should be captured as almost all authorities who have adopted a CIL Charging Schedule are able to demonstrate significant infrastructure funding deficits. It is however difficult to see from the proposals whether this is going to be achievable, given that no proposed rate or methodology has been produced or published for consideration, and it is unclear how a fixed rate as a percentage of final value might affect developments or also different use classes. In our experience, the setting of the CIL rate required finding the right balance to ensure adequate funding of infrastructure whilst not making development unviable; doing this at a national or area level may end up becoming a really complex</p>

	<p>process, and with the limited information available Richmond Council strongly considers it will not be advantageous to adopt a new levy over the current mechanisms already in place, which are delivering real results for communities and ensuring that the benefits of accepting development can be clearly demonstrated at the time that development is considered and approved.</p>
<p>Q22. (d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Whilst this may sound appealing at first sight, this would result in high levels of risk for local authorities, particularly if the value of the development goes down, or perhaps a developer collapses, and then the authority may find it is in such a situation that it is not able to afford repaying the debt. Whilst local authorities can attempt to project development trajectories based on the information available at a point in time, there is absolutely no certainty in development coming forwards within a particular timeframe and forecasting receipts is inherently difficult, even under the current CL regime whereby the trigger is construction. Moving to a forecast based on occupation dates and unknown values would not provide the confidence required to borrow, particularly in uncertain economic conditions.</p> <p>As set out in our response above, in the last decade, Local Planning Authorities have granted permission for over 2.5 million homes, and over 1.5 million have been built; in the last year alone, 371,000 permissions for homes have been granted, and 241,000 delivered. We would therefore consider that borrowing and spending upfront on infrastructure could put the Council in danger as not all developments come to fruition or they may be subject to delay etc. We also think that significant administrative costs would be involved in monitoring occupation across the authority (as every unit would need to be occupied, and it would lead to significant complexities on large / phased sites...); this also links in with difficulties around enforcing this, all of which runs counter to the aims of the overall proposal in terms of minimising further complications. In addition, there will be lots of difficulties when liability passes to new occupiers at the time of occupation, as detailed in Q 22. (a).</p> <p>Local authorities themselves will ultimately need to weigh up the risks they are willing to take, but some may have no choice other than borrow against the Levy (particularly if this for infrastructure that is required in parallel with a development to mitigate the effects). At a time of economic uncertainty and the financial pressures resulting from the COVID-19 crisis, local authorities will need to reach their own decisions in this regard.</p> <p>Finally, we'd like to point out that the new proposals do nothing to resolve the issue identified in the White Paper around authorities being slow to spend due to 'competing spending priorities' and 'uncertainty over other infrastructure funding streams'. We actually think that the proposed Levy will complicate prioritisation further, particularly as there is far more flexibility on how to spend the</p>

	<p>monies, with difficult choices having to be made on whether to spend on affordable housing, infrastructure or other priorities.</p>
<p>Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>This proposal is fully supported, and in fact Richmond Council has highlighted in previous responses to various government consultations that this issue needs to be addressed.</p> <p>In our borough, a significant amount of conversions from office to residential has taken place, and we now know that in some years this has substantially contributed to overall housing delivery figures. It remains of huge concern that these developments are not contributing towards infrastructure or affordable housing, and their cumulative impact across the borough, where a lot of existing infrastructure is at capacity, should not be underestimated.</p> <p>Whilst we do not know how much CIL we have missed out on due to Permitted Development Rights, we know that to date we have collected a total of £14.5million, of which more than 1/3 is from small sites (i.e. around £4.9million).</p> <p>We would also like to take this opportunity to highlight our concerns in relation to permitted development rights. The report on the independent MHCLG funded research into quality standard of homes delivered through certain permitted development rights for the change of use, published in July 2020, highlights the poor planning outcomes of homes delivered through Permitted Development Rights. Shortcomings include a whole range of matters, from poor design, failing to meet basic space standards (although we note that this is now due to be addressed), poor residential amenity, lack of affordable housing contributions, impact on business and lack of infrastructure. We therefore strongly believe that the Permitted Development Rights need a fundamental review, or as a minimum, those that result in additional new units and ultimately users/occupiers who will add additional strain to existing infrastructure should be scrapped, and brought under the normal consenting regime.</p>
<p>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?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Absolutely; however, we are deeply concerned about how this would be achieved as highlighted in our responses above. We also strongly believe that there should be an ability for Local Plans to set out policies on tenure. The delivery of genuinely affordable housing is a priority in Richmond borough, and this is evident in our locally justified and evidence based 80-20% tenure split in favour of social rent, which helps to meet the greatest need.</p> <p>Unfortunately, the way the proposals are presented in the White Paper doesn't provide us with any assurance that the same level of affordable housing <i>AND</i> infrastructure can be delivered under the new Levy.</p> <p>At this point, we would also like to highlight that the proposal consulted on as part of the 'changes to the current planning system' in terms of increasing the threshold at which affordable housing can be secured from 10 to some 40-50 units, is completely contrary to</p>

	<p>what is set out in the White Paper, which seeks to ensure affordable housing provision is not diminished.</p> <p>Moreover, we note that several developments/uses are currently exempt from CIL, such as self-build and First Homes. The White Paper states that ‘First Homes, which are sold by the developer direct to the customer at a discount to market price, would offset the discount against the cash liability.’ We acknowledge that First Homes do have a role to play, particularly for key workers, but we don’t consider them to be affordable homes in the context of this borough. The Council would need to negotiate discounts significantly higher than 30%. Therefore, First Homes will just ‘eat up’ the first 25% of affordable homes; in addition, they are not CIL liable. Exemptions from CIL are not considered to be fair; if we want to achieve at least the same amount of affordable housing under the new Levy, then all developments need to contribute to infrastructure (with the exception of genuinely affordable homes); exemptions that favour one type of buyer over the other should therefore be removed.</p>
<p>Q24. (b) Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a ‘right to purchase’ at discounted rates for local authorities?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Unfortunately, we cannot support the Levy as a whole without details and assurance that delivering at least the same or higher amounts of affordable housing is actually possible under the proposals and the rate to be set. Without the s106 mechanism, there will be no legal mechanism to secure affordable housing.</p> <p>In terms of the ‘right to purchase’, again, there is very little detail to support this idea in the White Paper. Who would set the discount? Will it be nationally or locally? Our existing Local Plan policy requires 50% of all housing units to be affordable housing, of which the tenure mix is sought at 80% for rent and 20% for intermediate housing. The implications arising out of the White Paper are completely unclear whether we will be able to continue setting such a policy requirement, and therefore we would need reassurance from the government that the proposals would as a minimum match what we are currently seeking.</p> <p>We are also concerned that the ‘right to purchase’ option would create a significant burden on local authorities to administer.</p>
<p>Q24. (c) If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>At first this would appear to be helpful, but overall, as set out in our responses above, we are concerned how the proposed new Levy as a whole would work in practice in terms of our ability to secure affordable housing at the tenure levels to meet local needs, compounded with the potential financial risks of borrowing against future receipts, and reclaiming this being contingent upon full occupation of a development.</p> <p>Unfortunately, we do not have any confidence in what is being proposed, particularly as nothing in the White Paper seems to suggest that affordable housing should be a priority; indeed, the parallel consultation clearly states that it would reduce the amount of affordable housing as a result of increasing the threshold. Also, the</p>

	<p>proposed mitigation measures do not give us confidence; ultimately, there does not appear to be anything that could mitigate the risk of a direct loss of affordable housing delivery.</p>
<p>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?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>The quality of affordable homes should not be different from market units, and there is a generally accepted view that housing should be tenure blind.</p> <p>A number of standards could be set, where locally justified, such as we already do in our existing Local Plan, including for example in relation to the nationally described space standards as well as standards for wheelchair housing, carbon emission reduction requirements, energy efficiency, water efficiency, access to amenity space etc.</p> <p>It is unclear how these additional measures would be set, and what the role of a new NPPF may look like, although clearly this will not be able to reflect the varying requirements and priorities of different local authorities.</p> <p>We would however envisage that proposals outlined elsewhere in the White Paper, such as around local design codes/guide will not just apply to market housing but also to affordable homes.</p>
<p>Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?</p> <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>Whilst at first this may appear appealing, ultimately the purpose of the Levy should be to fund affordable housing and infrastructure that is required to support the growth and the growing population. It is not clear to us what the ‘policy priorities’ may be, and also what ‘core infrastructure obligations’ are (which presumably will be set out nationally...) and how this sits alongside ‘local infrastructure’ – in this regard, we are particularly concerned around the reference to ‘improving services or reducing council tax’. If developer contributions are not spent on dealing with impacts of new developments, this creates a potential problem with the acceptability of new development and how to deliver necessary mitigation and supporting infrastructure to enable that development to take place in the first place.</p> <p>In the context of Richmond borough, it is entirely inconceivable that the proposed system would actually generate revenue in excess of infrastructure and affordable housing needs, and answering this question is therefore somewhat academic. However, we do think that contributions from developers should only be used to fund infrastructure needs generated by developments, and not to fill some gaps elsewhere. Any spending of Levy receipts other than on infrastructure and affordable housing would cast a shadow over the whole planning system and the way infrastructure is being funded, and why developers should contribute to it and how local communities can benefit from new development.</p> <p>Careful consideration will also need to be given to the current neighbourhood CIL proportion as the 15% or 25% respectively would yield significantly more than under the current system of CIL, although as mentioned above, we understand from MHCLG representatives that this proportion will be smaller; this has however not been made clear in the White Paper.</p>

<p>Q25 (a) If 'yes', should an affordable housing 'ring-fence' be developed?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>A ring-fence appears to be necessary to ensure all authorities are spending monies on affordable housing and not just on infrastructure, as otherwise this could lead to increased pressures elsewhere. However, we do not support a rigid 'ring-fencing' requirement but would like to use local information and knowledge to determine how much is required. Ultimately, we would like to see a system where there can be guarantees that affordable housing will be delivered; ring-fencing monies would go some way in addressing this.</p>
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Equalities Impact

<p>Q26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Sure</p> <p>Please provide supporting statement</p>	<p>We would like to highlight several potential areas where we have concerns:</p> <ul style="list-style-type: none"> - Community engagement: Richmond has an adopted Statement of Community Involvement (SCI), and inclusive public consultation is extremely important to us, at all the relevant stages in plan-making and decision-taking. - 'More democracy': This is a stated claim by the White Paper whereas it is evident that the White Paper does not promote a level playing field for everyone to have their say at the most critical stages in the plan-making and decision-taking process; therefore, the proposals as a whole do not promote equality. - Digital technology: Whilst the enhanced and wider use of this is welcomed, there needs to be an acknowledgement that this will not be the most suitable means for everyone, and that some members of our society may not have access to digital technology or the knowledge to use it. Other methods of consultation and engagement must continue to exist as otherwise we may disenfranchise members or groups of our society. - Inclusive design and access: There is no mention of health and wellbeing nor specific standards and the wider benefits of inclusive, well-designed, accessible homes and inclusive neighbourhoods. How can a home be assessed as beautiful if none of these critical considerations are included? <p>Richmond Council has a Community Links team, who do excellent work in engaging with some of the hardest to reach groups in the borough. Building relationships and establishing trust is likely to require some face-to-face contact; we know from experience that such engagement activities often result in the most meaningful outcomes, and it also allows us to secure buy-in.</p> <p>We are also concerned that the introduction of an Infrastructure Levy will lead to less monies being available for affordable housing. Those approaching the Council for urgent housing assistance are often the most vulnerable and a significant minority will identify themselves as BAME. To characterise these will be households that will be generally on very low incomes and where social housing helps achieve a level</p>
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	<p>of stability to progress. If supply of this housing reduces, temporary accommodation use will increase. It is self-evident and can be evidenced that this will be the case in Richmond as the changes across the piece are highly likely to reduce our ability to secure at least the same levels of affordable housing we are currently achieving under the existing system, which will ultimately affect the delivery of genuinely affordable housing.</p> <p>It is difficult to understand how all the above has been fully considered, particularly as these impacts will be more significant in some boroughs and areas than others.</p>
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Final Question

<p>Have you responded to a Government consultation before?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Yes, including on the 'Changes to the current planning system'; response submitted on 1 October 2020</p>
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