

Appendix 1 - Response to National Government Consultation on White Paper Future for Planning

Questions

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

Complex, inconsistent and expensive

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

Yes

2(a). If no, why not?

N/A

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

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

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

Maidstone Borough Council's priorities in relation to planning are set out in the Council's own corporate Strategic Plan 2019-2045. It has four priorities that include: embracing growth and enabling infrastructure, safe, clean, and green, homes and communities and a thriving place.

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

Not sure. The Council is concerned by the nature of the proposals in that it will take away power from Local Communities through their elected representatives and therefore rather than democratise the process make it a less accountable process. However, it does support the proposals ability to improve consistency, speed and removing complexity.

The Council proposes that included within the proposals should be a new wild belt designation as promoted by the Wildlife Trust.

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

Yes. This is if the national policies are high quality ambitious that tackle big issues as this would bring about economies of scale.

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

At present little detail has been provided as to the sustainable development test, so it is hard to make an informed comment. The Council does agree with the proposed direction of travel, *but the parameters of the new test need to be outlined.*

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

Maidstone Borough Council supports the removal of the Duty to Co-operate, as it is felt that such a regimented system slows down the process of plan making. However, it does recognise the need to maintain strategic cooperation. Perhaps the best way to ensure that co-operation is maintained is using existing regional bodies to oversee these conversations, such as Local Enterprise Partnerships.

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

It is acknowledged that the establishment of the standard method for housing requirements would help to resolve issues of setting the housing figure. However, the Council feels that the methodology creates an unreasonable burden of housing on Maidstone Borough.

Maidstone Borough Council is open to its rightful share of compound growth in percentage terms to existing housing stock and a simple population projection. However, it is felt that the methodology is over complicated and penalises the authority for historic market failure. This leads to community resistance to the numbers that have emerged from the methodology previously.

The Council feels that the option of using constraints should be assessed at a national level, otherwise it will lead to debate, which will delay the process and therefore not reflect the spirit of the consultation.

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

No. Housing growth should be a factor of existing stock and growth focus. More housing should be brought about by market intervention.

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

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

Yes, based on the Local Authority putting on place high quality design codes. The Council also has concerns how the system will work in areas designated for growth that have other existing environmental or heritage designations (i.e. listed, buildings conservations areas etc).

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

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

Not sure. Like the answer given for question 9a there is a concern over how these proposals will work regarding the patchwork of existing planning designations that are found at the micro level. Further detail is needed.

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

Not sure. This will depend on the level of local input into the process.

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

Yes, if this not at the detriment of local accountability and robustness.

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

Yes. The Council overall is supportive of the digitalisation of the process as this would in time allow Local Plans to become more 'live' documents that are reactive and flexible.

However, the document will have to take other forms as well for the LPA to meet its equalities obligations to various groups. *In addition, the digital mapping tool should include a comprehensive database of constraints.*

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

While the Council see the benefit of a quicker process to allow for the development industry and the public to have more certainty in the plan making process it is concerned that the 30 month timeframe proposed would limit the robustness of the plan making process and subsequently the plan. However, it does approve of the change generally as it allows for Local Plans to be more reactive and flexible to changing circumstances.

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

Yes. They provide a level of input from the community that helps to democratise the planning process. However more detail is needed as to how they will interact with the new Local Plans as it appears that their currently role may conflict with the proposed Local Authority lead design codes.

If they are to remain it may be advisable to review and streamline the process of the Neighbourhood Plans in the same way that Local Plans have been in the White Paper.

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

The Council feels that the present process in appropriate and further detail on this should be obtained from Neighbourhood Planning groups.

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

Yes, but only if the quality of developments is maintained.

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

[Other – please specify]

Desirable to the market, functional, but a lack of variety.

Most major schemes are well designed at the planning application stage. However, the quality is often diluted post permission by developers seeking to isolate individual elements of the design quality of a scheme through minor material amendments and details pursuant to conditions or just not complying. Therefore, the execution is often left wanting.

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

Maidstone Borough Council has 4 priorities for sustainability in the Borough: including:

- Embracing growth and enabling infrastructure
- Safe, clean, and green
- Homes and communities; and
- A thriving place

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

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

Yes. The main issue will be resourcing this skill set and culture change.

The Council feels that the design codes and guides provided should improve design quality, resilience and embrace technology in order to make places more resilient.

18. 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?

The Council believes that adding an additional new body to support design coding and building better places may have a negative consequence as it would add another layer to the planning system, when the proposed reforms aim to streamline the process.

It is not certain that a new chief officer for design and place making is needed as this is a role that Chief Planning Officers already fulfil. At Maidstone Borough Council the Head of Planning is a design champion already.

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

N/A

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

Not sure – further details are needed as to how the system will work. Beauty is a very subjective matter and may be better decided at a local rather than a national level to take account of the local vernacular.

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

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Maidstone Borough Council cannot prioritise just one of the elements highlighted. Priorities for the Borough come from the recently adopted Local Plan 2017 and the Strategic Plan 2019-2045.

The Strategic Plan 2019-2045 included 4 priorities: Embracing growth and enabling infrastructure, Safe, clean, and green, Homes and communities; and A thriving place.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

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

The Council feels that the system needs reform but suggests that the issue may not be the present methods of funding collection and charging rather the ability of councils to compel external infrastructure providers to deliver. Our experience is that if infrastructure is delivered on site it happens, and if it is not delivery is slow and complicated.

These changes should be supported with giving powers to Borough and District authorities to enforce the spending of the infrastructure levy. It is felt that there are often delays with the spend of infrastructure money by delivery bodies, which often lead to dissatisfaction from residents affected by development.

Any new infrastructure levy should also be used to support delivery of infrastructure to combat climate change.

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

The Council believes these should be set centrally, but with local considerations considered. This would bring about a quicker process.

22(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?

Yes. The Council would want to capture same value of infrastructure funding as it presently does and not be worse off.

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

Yes this option should be available, but it should not shift the responsibility to district and borough authorities.

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

Yes – permitted development right changes have *significantly* increased the population in certain areas of the Borough, and these need to be supported by infrastructure (school places, transport etc). However, at present these developments do not have to pay any contribution towards infrastructure. Therefore, there is no planning gain to having the increased number of units brought about because of permitted development rights.

The Council does suggest that exemptions should be in place for SMEs.

Questions 24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

Yes – affordable housing rates should not drop below present levels and should be delivered on site in the first instance. This enables quicker delivery to the people who need them and creates mixed and diverse communities, which are a positive thing.

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

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

Yes

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

Yes

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

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

Yes. The Council is receptive to the idea of being able to revert to a cash contribution if affordable housing quality is poor. However, the cash contribution should be set to reflect the re-world cost of provision of affordable housing. This means not just the build cost, but also land purchase price. This may disincentivise poor quality affordable housing from being provided. Furthermore, a definition of poor quality should be agreed by the LPA and developer ahead of the delivery and written into a legal agreement to be binding on both parties.

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

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

The idea of reducing restrictions on infrastructure spending so that it can be spent on other local priorities is appealing, however this should not be used as a method to cut further Local Authority funding generally, so that the shortfall is made up via the infrastructure levy.

The Council would like to understand if this means that an authority would become a grant provider for infrastructure. If so, this role is already performed by Local Enterprise partnerships and any such role would bring about unneeded duplication.

The council is potentially supportive of a surcharge being used to help fund the Local Plan making process.

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

Yes. Affordable housing is a priority for Maidstone Borough Council from its Strategic Plan 2019-2045. One key outcome from this priority in the Strategic Plan is to reduce homelessness and so the provision of affordable housing is a key tool in that process.

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

The Council has in place its Statement of Community Involvement. Inclusive public consultation on any change to policy or service delivery is extremely important as the needs of residents and the local area underpin decision-making in order to ensure sustainable communities for the future. The proposals to

support inclusive and mixed communities through streamlined processes would be supported.