

Planning for the Future White Paper

Background

1. MHCLG published for consultation the Planning White Paper – Planning for the Future, in August 2020. This sets out a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure that more land is available for development where it is needed. It will have an impact on plan-making, development management, development contributions, and other related policy proposals. Views are sought for specific proposals and the wider package of reforms presented.
2. This runs alongside a separate consultation on changes to the current planning system, the response to which is attached at appendix 2.
3. The White Paper sets out the following reform proposals:

Simplifying and streamlining local plans

- Local Plans will be required to identify land under three categories
 - Growth Areas – suitable for substantial development, including urban extension or regeneration sites, and sites around universities, for example
 - Renewal Areas – existing built-up areas where there is potential for development, including town centres and villages, for example
 - Protection Areas – areas with important environmental, cultural or historic characteristics (Conservation Areas, Local Wildlife Sites and areas with significant flood risk, for example)
- The National Planning Policy Framework (NPPF) will be the focus for generic development management policies, with local plans much more locally focused and shorter in length
- A standard method for setting binding housing requirements would have regard to the size of existing urban settlements, affordability, land constraints and other factors.
- The duty to cooperate would be abolished and the tests of soundness and sustainability would be replaced by a single sustainable development test.
- Local Plans would use the latest digital technology to be visual, interactive and map-based - moving from documents to data. Text should be more limited and spatially specific to be digitally accessible.
- A new statutory timetable for preparing and reviewing local plans (30 months) would be introduced. There would be a statutory duty for local authorities to adopt a new Local Plan by a specified date – either 30

months from the legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years.

Streamlining the development management process

- Development within Growth Areas would benefit from automatic outline planning permission, with detailed consent secured in one of three ways:
 - a reformed reserved matters process;
 - a Local Development Order prepared by the local planning authority in parallel with the Local Plan and linked to a masterplan / design codes; or
 - for exceptionally large sites a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be appropriate.
- There would be a presumption in favour of development for proposals within Renewal Areas, with consent granted in one of 3 ways:
 - for specific development a new permission route granting automatic consent if the scheme meets design and other prior approval requirements;
 - for other development, a faster planning application process where an application would be determined in the context of the Local Plan description and the NPPF; or
 - a Local or Neighbourhood Development Order.
- In Protected Areas where development is restricted proposals would come forward as now through planning applications, except where they are subject to permitted development rights or development orders, and judged against policies set out in the National Planning Policy Framework.
- More emphasis on consultation at the plan-making stage, with less consultation as part of the planning application process
- The time limits of 8 or 13 weeks for determining an application from validation to decision to be a firm deadline, with automatic refunds where not met
- There would be greater digitalisation of the application process:
 - shorter and more standardised application forms requiring less and machine-readable information
 - data-rich application registers would be created so information can be easily accessed and monitored at a national scale
 - data sets on supporting information, planning decisions and developer contributions would be standardised and made open and digitally accessible
 - standard national planning conditions to cover common issues; and a streamlined approach to developer contributions.

A new focus on design and sustainability

- The introduction of a fast-track for beauty through changes to national policy and legislation
- Design guidance and codes would be prepared locally, setting the rules for the design of new development on allocated sites in the Local Plan
- A new body to support the delivery of design codes in every part of the country would be set up, and each local planning authority would have a chief officer for design and place-making
- The improvement in the energy efficiency standards for buildings to help deliver a commitment to net-zero carbon emissions by 2050

Planning for infrastructure and connected places

- The replacement of planning obligations (section 106) and the Community Infrastructure Levy with a nationally set, value-based flat rate charge (the 'Infrastructure Levy') which would be charged as a fixed proportion of development value above a set threshold
 - Widening the applicability of the Levy to apply to changes of use allowed under permitted development rights, and fewer restrictions on how the levy is spent, including affordable housing
 - The potential for local authorities to borrow against the levy to deliver infrastructure in their area
4. The Government also intend to review and strengthen existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system.
 5. The consultation includes a number of questions and the Council's draft responses are provided in the attached annex.
 6. MHCLG's deadline for consultation responses is 31st October 2020. Subject to Cabinet's approval the Council's proposed responses will be submitted by the deadline.

Consultation

7. All Council Members have been consulted on the proposed response.

Alternative options

8. The options around the implementation of the proposed changes have been considered as part of preparing the proposed response.

Implications of Recommendation

9. **Resources:**
 - a. **Financial Implications** – The Strategic Director, Resources and Digital, confirms that there are no direct financial implications arising

from this report. Any financial implications as a result of the reforms will be the subject of a future report.

- b. **Human Resources Implications** – There are no human resource implications arising from this report.
- c. **Property Implications** - There are no direct property implications arising from this report.

- 10. **Risk Management Implication** – No risks associated with the consultation.
- 11. **Equality and Diversity Implications** – None.
- 12. **Crime and Disorder Implications** – None.
- 13. **Health Implications** – None.
- 14. **Climate Emergency and Sustainability Implications** – None.
- 15. **Human Rights Implications** - None.
- 16. **Ward Implications** – None.

GATESHEAD COUNCIL RESPONSE TO CONSULTATION ON THE PLANNING WHITE PAPER – PLANNING FOR THE FUTURE

Planning for development

Questions 1-4 not applicable

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

Streamlining/speeding up the local plan process while needing to consider the environmental impacts of development places a significant resource burden on local authorities. There is a concern that:

- the reforms reflect a move away from a spatial planning system to a housing delivery plan.
- that it is a one size fits all approach which won't allow for innovative policy approaches and regional/local differences or achieve the levelling up agenda.
- The proposals lack "people" centred policies including those relating to health and healthy lifestyles, for example.

While a zonal policy indicating developable areas may be easier to interpret for SME developers, caution should be given to the 'protected' zone. It may be that through putting more stringent controls on development in these areas, brownfield sites that have viability issues could be stifled and sites remain dormant and can become detrimental to the area.

There is an emphasis on early and wider public consultation on Local Plans, however if plans are to be simplified, and relying more on a national framework, this would reduce the scope of the Local Plans, and therefore the influence that local people would have on shaping their local area. For influence to be had, consultation needs to be at the national level to ensure the greatest influence, if that is what is desired. This is further compounded by the idea of a zoning system where outline planning permission may be automatically given, and this would allow for little influence over where and what development should go where within communities.

There is a question as to whether the term 'substantial development' can be clearly enough defined to cover all circumstances, as suggested by the white paper (p.28). Clarity is required as to whether the 'protected' designation covers land that we identify as required for major infrastructure projects?

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

Many development management policies are similar across the country so some uniformity of approach would make the process more consistent for developers and the public, in addition to reducing the content of Local Plans. However, there should be scope for locally specific policies where these have already been established and are working in practice (for example, in addition to Conservation Area policies, Gateshead has an Areas of Special Character policy which offers an appropriate level of protection and guidance to specific and designated parts of the Borough with a high quality or distinctive character of townscape or visual appearance, and a Hot Food Takeaway SPD that has successfully controlled the location of Hot Food Takeaway establishments in Gateshead as a measure to tackle obesity and health inequality).

A standard methodology for the design coding would also allow local input but in a nationally recognised format - otherwise there would be increased dispute about what is appropriate or not at both application and appeal. One note of caution is that very site specific DM policies are likely to be very resource intensive potentially requiring significant evidence to allow the policies to be formulated to the specific levels outlined in the consultation. The requirement that policies and codes be machine readable and that consequently developers would be required to provide applications in a machine-readable way is likely to put off some of the SME developers who do not have the resources to produce data/plans in this way. We still get some small developments on hand-drawn paper plans.

In relation to transport, individual development management policies currently seek to clarify what is required from applicants to be in line with the NPPF, which is already open to challenge and gives rise to much of the existing delay, given the lack of clarity/definition associated with some of the terminology include 'Severe', 'Significant' and 'Sustainable'. Greater clarity in the NPPF would assist this. Under the new system the preparation of design codes is going to be critical in controlling the impacts of development on the transport network. To be effective, they are going to be much more complex and extensive than the current design guide. Early guidance on their form and content would be crucial.

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?

The proposal provides very little detail of what will be contained within the test of sustainable development. There is reference to environmental considerations being subsumed, however there is no reference to other elements of sustainability, such as economic and social considerations, and there is no indication if the assessment will subsume the Equalities impact Assessment or Health Impact Assessment.

In principle, a streamlined system that provides a more transparent and effective process of ascertaining sustainability issues, including economic, social and environmental considerations, is acceptable if there is no diminished ability to determine and respond to negative impacts with appropriate mitigation. The test should manage cross boundary

developments and infrastructure, and could be a means of bringing together those with key responsibilities for delivering growth and providing greater investor confidence.

The paragraph on infrastructure at the bottom of the first column on page 31 seems like a positive but would certainly need clarity from NPPF – especially around the term ‘no reasonable prospect’.

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

Gateshead council considers that strong regional cooperation is an important part of plan-making, but we are aware that in practice the expectations of the duty are often unclear, and it can be applied somewhat subjectively by planning Inspectors during the examination of local plan documents.

Strategic issues relating to housing, the economy, infrastructure and the environment do not end at local authority boundaries, and if the Duty to Cooperate is to be abolished, it will be important to establish an appropriate replacement to ensure that local plans continue to address these issues. The Government’s planning reforms should take the opportunity to make planning for cross-boundary issues more effective, by replacing the duty with a more consistent, proportionate and clear mechanism.

We note the White Paper’s reference in paragraph 2.26 to allowing for mayoral combined authorities, in particular, to alter the distribution of housing numbers. Given the uneven distribution of mayoral combined authorities across England, and their coverage of administrative areas rather than functional market areas (for housing or the economy), we would caution against such an approach. As a practical example, there is strong evidence that Gateshead shares a strategic housing market area, and some elements of a functional economic market area, with Newcastle upon Tyne. In consequence, the two local authorities have collaborated in plan-making activity, and adopted a joint Core Strategy and Urban Core Plan in 2015. However, Gateshead Council is not part of the North of Tyne Combined Mayoral Authority, and any agreement on the redistribution of housing numbers in that area could logically have significant implications for housing provision in Gateshead. Accordingly, we consider that strategic cross-boundary issues should be considered at the geographies appropriate for the issues in question, rather than reflecting alliances of local authorities with devolved powers.

If the duty to cooperate is to be abolished, consideration should be given to establishing an independent body to facilitate effective cross-boundary working between local planning authorities and other statutory bodies. At the examination of Local Plan documents this independent body could then advise the Planning Inspectorate on whether the plan effectively addresses cross-boundary issues.

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

Not sure - the government has already established a standard method for calculating local housing need, and it is not clear how the additional factors that will be considered as part of the ‘new’ standard method (the extent of “land constraints”, greater densification etc) will

be determined in practice. The lack of information about how the standard method housing requirement will be calculated makes it difficult to provide an informed answer to this question.

The proposed new standard method could reduce time taken to approve Local Plans. However, it is expected that the calculation would need to be extremely complex, in order to properly take into account both the requirements and the constraints of each local authority area, and may lead to arguments/legal challenges over how it was arrived at, and/or not fully reflect those circumstances and constraints. The issue of how requirements would be addressed potentially within the areas of other local authorities within the same housing market area, if the constraints prevent them being met within the local authority in question, is not resolved by the White Paper if agreement cannot be reached between adjoining local authorities.

We are concerned that the government's relatively arbitrary target of 300,000 homes per year (a figure that was first estimated several years ago) may not accurately reflect changing circumstances – particularly given the economic and social flux the country is experiencing. We suggest that this should be an indicative target used by the government to assess overall delivery, rather than the starting point for determining disaggregated local housing need targets.

We also note that the new standard method appears to propose introducing a nationally prescribed housing requirement for each local authority. Such 'top-down' approaches to strategic planning have been heavily criticised by ministers in the past. It seems likely that a pre-determined binding housing requirement that is forced upon, rather than developed in consultation with, local communities will alienate local communities and make them less likely to feel engaged with the planning system.

The proposals, as described, do not appear to take account of sustainability, in particular the greater accessibility of some locations and the minimisation of commuting journeys.

It is concerning that the White Paper states that opportunities for densification and especially the requirement to better use brownfield land must have been fully utilised before constraints are taken into account. There needs to be recognition of, and remedy for, the problem of developing brownfield land in areas of low market value in those cases where it is uneconomic to do so because of the costs of remediation. It is also unclear how assumptions around the potential for densification will be arrived at.

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?

Not sure – unfortunately, the lack of detail provided in the Planning White Paper does not allow us to make a sufficiently informed response. In principle, affordability and the extent of existing urban areas could be appropriate indicators for the quantity of new development to be accommodated. However, if the weighting given to these indicators is too high or too low, it could skew the housing requirement calculation for local areas.

For example, we note that the government's concurrent consultation on the current planning system proposes that 0.5% of existing dwelling stock will be a minimum annual housing requirement. For Gateshead (an area which has struggled with viability issues, and compared to other parts of the country, has low levels of housing growth) an annual housing requirement that equates to 0.5% of existing dwelling stock would be considerably higher than recent levels of housing delivery in the borough, despite the local authority taking a pro-growth approach to development, with a local plan that allocates land formerly in the Green Belt for housing development.

The proposal to focus on areas of greatest demand will not achieve the necessary re-balancing of the country and economy identified as important by this Government. Proposals for "densification" are potentially at odds with learning from Covid-19 and the need for better space standards, and access to external space. The proposal to use the extent of existing urban areas as a key factor is understandable in terms of the capacity to absorb new population, but may not be sensitive to the real capacity to do so taking account of congestion and especially the fact that many larger urban areas are tightly constrained by Green Belt.

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?

This could have potential benefits in terms of creating certainty but will, like other aspects of the White Paper including the categorisation of land between types of area, require more time and resources at the plan making stage. Will this type of outline permission be sufficient to give certainty of deliverability? If it is a light-touch approach then it may not give sufficient certainty and leave detailed, time consuming matters to be resolved further down the line, which may not lead to faster consents.

There is concern that adopting such an approach will remove scope for negotiation and the balancing of issues which will lead to more conflict with developers and landowners. There is also concern regarding the resource and skill implications of front-loading the approach with masterplans and design codes.

There is a potential concern regarding the wider impacts of the scale of development, for example on transport networks and townscape, if automatic outline permission refers only to the type of development and not its scale. The fast track process must ensure that it does not impinge on the integrity or safety of the transport network.

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

Yes – the proposals appear to give a reasonable amount of flexibility. However, we are unsure of the distinction, in practice, between growth areas and renewal areas. Both categories of land appear to rely upon Local Plans to determine the appropriate type of development, with proposals that come forward for an alternative type of development requiring consent from a specific planning application. We hope that future engagement / explanation from the government on the proposed changes will give greater clarity to local authorities on the practicalities of the new planning system.

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

Yes – as part of a co-ordinated national approach to the appropriate and sustainable siting and development of new settlements analogous to the post-war New Towns programme rather than based on uncoordinated initiatives from individual landowners and private companies.

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

We support the aims of greater digitisation in the planning process, the better use of data and improving the customer experience. There is some concern regarding the community perception regarding decision making system utilising artificial intelligence, and that more applications could be refused without the subjective weighing up of the pros and cons of an application.

The Council is unsure about the delegation of detailed planning decisions to officers. These will still contain important matters such as design where local Members are still likely to want input.

The proposals will require a big cultural change in both councillor and local resident expectations about the planning process, given the changes proposed to the current Local Plan and DM consultation processes. It is difficult to comprehend the concept of development without the details and if examples are provided of what the development could be, any later deviation can be confusing and upsetting. We see this now between the Outline and Reserved Matters consent stages. Many people are only interested in the impact on their property – asking for details which are not known or finalised at the outline stage. When these details are submitted at Reserved Matters stage, objections on matters of principle are too late. Digital tools are helpful in this but still could not predict the likely final detail of the development.

Outside of the Green Belt, it is rare that the principle of development is the overriding issue in Gateshead as we have a pro-development approach. The fundamental DM considerations are whether the scale and quantum of development and infrastructure can be accommodated whilst acceptably mitigating any impacts. Therefore we rarely get outline applications, other than in the Green Belt, and those that we do get are on unexpected sites that would not be anticipated in a development plan.

The Council would therefore question whether there is any significant benefit in putting increased resources necessary for a detailed allocation in a local plan that would grant outline consent, as this is effectively what an allocation currently provides. It also implies that a significant amount of assessment would be required at the local plan preparation stage which would be resource intensive. In addition some of this evidence is time-sensitive (such as ecology) so unless a development comes forward for the detailed technical consent very soon after the adoption of the plan, then the certainty that the automatic consent would allow is reduced.

In regard to timescales on applications, the use of more rigid timescales (without the ability to extend timescales) is likely to have unintended consequences such as less flexibility for

developers to make changes to schemes and more applications being refused where there is insufficient time for schemes to be amended. The current extension of time process allows schemes to be amended and improved with the likelihood of a positive decision. A rigid timescale is likely to increase the process as it may involve a greater likelihood of development being refused and a new application having to be submitted or an appeal having to run its course. The concentration on timescales for just the planning application process is misguided and timescales should focus on scheme conception to implementation.

Stricter timescales and deadlines will place additional pressure on Council resources. Allowing residents to more easily provide consultation feedback on proposals via social networks may bring a greater sense of democracy to the process. However, it will also expose the process to 'internet trolls' who may seek to derail legitimate processes. Dealing with this risk will require consideration and a degree of intervention by Councils which may be impossible to incorporate into planning algorithms and therefore a degree of discretionary management control may still be needed.

There needs to be a whole public sector approach, including statutory agencies, to share data and have an agreed data standard and approach to avoid complexity and wasted resources.

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

Yes - the digitisation programme is welcomed. It will help create a more transparent and efficient system. Best practice should be disseminated to ensure consistency and efficiency. Core fundamental principles of digitisation should be published to help local planning authorities which have little expertise in the technical requirements of digital planning to source systems that will be effective, consistent and transparent.

Local authorities will need to be adequately resourced whilst we must also consider the needs of sections of our communities that are not digitally included. Whilst steps are being made to improve digital inclusion, some form of back-up mechanism will be required so that we do not design a process which actively excludes a minority (the digitally excluded). Practices that have had to be implemented during lockdown have accelerated the use of technology in providing the planning service, but also identified that there remains a core number of residents who are not able to or do not want to engage digitally with the planning process either as applicant or public.

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

The proposal appears very demanding given the current level of (under-) resourcing of local authorities' local plan / planning policy teams. An increase in staff resources would be a minimum requirement to achieve this. The categorisation of land into three types may result in a huge increase in the volume of comment by residents. In view of the fundamental reform of the system which is proposed, if the process appears to be rushed and there is a reduction in the opportunities for public involvement which is implicit in some of the text of the White Paper, there is a risk of a democratic deficit or widespread perception of there

being one. The approach would appear to exclude non-statutory consultation and consultation on major revisions considering any comments received.

We are concerned that the description of Stages 1 and 2 risks the proposed Local Plan being based on partial and unsuitable suggestions rather than the Local Plan being informed by the local authority's balanced assessment of how the Local Plan should be framed to meet local needs. We are also concerned that the description of Stage 4 can be read as allowing for Inspectors to make binding changes which have not been consulted on and this should be clarified.

Statutory agencies play an important part in the preparation of local plans often requiring local planning authorities to provide extensive evidence to support them and charging local authorities substantial amounts of money for their advice which often identifies the problems but not solutions. At present, statutory agencies such as the Environment Agency are extremely under-resourced to support the local plan process and provide responses in a timely manner which causes delay and uncertainty to the production of local plans. Therefore, statutory agencies should be adequately resourced to meet the proposed statutory timetable for key stages of the local plan process and be subject to sanctions for failing to do so. Local authorities should not be charged for statutory agency advice on Local Plans.

The ability to meet the timeframe will be largely dependent on how specialisms such as transport are to consider development proposals. The need to carry out environmental impact assessments as part of the plan making process would put significant strain on the proposed timescale.

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

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?

Simplifying the process of Neighbourhood Plans might increase the number being produced. In Gateshead there are no Neighbourhood Plans, either in place or in preparation, and this might be as a result of the time, effort and expertise required to produce them.

Having a template and clearer parameters for Neighbourhood Plans may increase their popularity. Allowing smaller areas to produce plans may also increase the likelihood that communities would prepare one, though they should not be for areas smaller than communities in most cases. Providing neighbourhood planning groups with adequate local support and resources may increase the number of neighbourhood plans, as would a technical support package that assists neighbourhood planning groups with developing and using digital tools. Whilst increasing digital tools may increase take up of Neighbourhood Plans, especially in an accessible and cost effective format, it may deter some groups and communities from production, for example those with an older population or areas where there is less computer literacy or digital infrastructure. Some areas will continue to have a low take up of Neighbourhood Plans, in particular areas of deprivation.

Having a planning framework that is increasingly set at a national level, with permission in principle being given for many types of development in specific locations, might deter the take up of Neighbourhood Plans further if it reduces the influence that they have on what development can be permitted where. Having influence only on design matters may not be an attractive prospect for communities that would not welcome development of any design in particular locations. Neighbourhood plans should only be retained in the reformed planning system if they genuinely influence future development.

Neighbourhood plan design codes should reflect existing design guidance such as Building for a Healthy Life, reflect the local context of neighbourhood plan areas and incorporate neighbourhood planning group comments. Neighbourhood plan design codes should include guidelines and placemaking principles that are deliverable on the ground so that communities can be confident that they will be delivered. Design codes should demonstrate how good design is not an additional cost to development and that it can result in uplift in value.

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?

In principle it is crucially important to speed up development (and in some cases to ensure that it takes place at all) and Proposal 10 can help deliver this but it is not clear how this could be achieved on the majority of privately-owned sites. In principle, faster delivery by private sector house builders could only be achieved by either compulsion or incentivisation and the government needs to explore options as it is indicated they will do.

In the absence of any measure to take control of privately-owned land in some circumstances, the maximum support should be offered to local authorities to develop land, some of which they may have to acquire, themselves, potentially by a combination of direct building of social rented housing, and of building for sale.

Planning for beautiful and sustainable places

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

Residential development has improved only very slightly over recent years, and this has only really been in relation to the design of public open spaces and soft landscaping, mainly as a result of SuDS requirements. This could still be much improved upon as most schemes are only delivering what we term 'pipes and ponds' designs, with no proper SuDS train.

Improvement in the design quality of housing has been very limited, and generally confined to urban sites where a more bespoke solution is often required and delivered by smaller housebuilders who are more amenable to a bespoke design approach. Most house types remain anonymous in appearance and average in design quality (particularly those of the main volume housebuilders). Many of the smaller house types and affordable units being built fall well below acceptable design standards. For example, in terms of adequate space, the NDSS has had no real impact as it was not made mandatory and some smaller/affordable units have been as much as 22sqm short in terms of their gross internal area requirement.

Many of the former Green Belt sites we have developed recently have comprised standard car-based layouts, not designed to 20mph layouts as described in Manual for Streets but designed to 30mph layouts with traffic calming measures 'bolted on' as an afterthought. All these sites have been designed for the car rather than the resident / pedestrian, and none of them could really be described as sustainable in terms of their offer, design or location. In every instance cost and scheme viability are referred to as the reasons for not being able to deliver to these higher design standards. In our view the government needs to develop a legislative process that allows land values to be set at a level which reflects current market values and which allows policy compliant and well designed schemes to come forward.

The market and/or developers insist upon double drives, thus creating car dominated schemes. The Manual for Streets encourages more aesthetically pleasing parking solutions such as forecourt parking, parking off-plot, and the emergence of electric vehicle charging requirements is a major issue: how can private electric vehicle charging be secured off-plot? This is a potentially huge practical consideration that will need to be addressed as part of wider measures and initiatives to decarbonise transport.

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

Gateshead Council wants to help our communities not just survive, but to flourish, prosper and succeed and has adopted a Thrive Agenda with pledges that are closely linked to principles of sustainability. Poverty and health inequalities are of great concern and tackling these is a key priority. The thrive pledges are: put people and families at the heart of everything we do; tackle inequality so everyone has a fair chance; support our communities to support themselves and each other; invest in our economy to provide opportunities for employment, innovation and growth; work together and fight for a better future for Gateshead.

Gateshead Council declared a climate emergency in 2019 and is committed to becoming carbon-neutral by 2030 and support the borough as a whole to meet the same target. Tackling the climate emergency is a priority for the Council, and seeks to maximise opportunities to do so, including through the planning process. Opportunities that the Council is already implementing include tree planting, cycle and walking infrastructure, electric vehicle infrastructure, green infrastructure, renewable, low carbon and district energy schemes, energy efficiency programmes and 'shop local' schemes.

It is noted that on Page 21 of the White Paper there is a suggestion that not everywhere can combat climate change, but Gateshead Council's view is that everyone and everywhere can contribute to tackling the climate emergency. It is unclear in the White Paper whether energy efficiency standards would set nationally; however if they are, they need to take account of regional differences like viability at the local level to ensure that development is not stifled, but also ambitious to fully capture the opportunities for carbon savings and to address fuel poverty.

The reuse of derelict brownfield sites in areas such as Gateshead should take precedence over the development of Green Belt land, and sites currently used for

recreation (playing fields / open space) within urban areas. There are still many areas of former industrial / commercial land as well as former housing areas that could be developed in the Gateshead area and are currently derelict. A substantial increase in funding to enable derelict and contaminated sites and sites with difficult ground conditions would be necessary to enable more such sites to be developed, in general and especially for housing, particularly in areas of low market values.

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

Yes, but the planning system and Local Planning Authorities will need to be sufficiently resourced to achieve this. Design guides and codes should be mandatory should also cover associated streets and highways, and require co-ordination with the highway adoption process (s38 of the Highways Act). Current practice in this area is often deficient in promoting good design. This relates both to functional aspects (in particular the emphasis in many developments on car access rather than sustainable travel), and aesthetic ones, where restricted budgets leads to requirements for relatively low cost, easily maintained materials such as asphalt and bitmac, and a resistance to features such as street trees. In the absence of stronger policy support and sufficient resources to provide the necessary maintenance this area will remain problematic. Detailed technical appendices in respect of roads, cycleways and footways would be appreciated.

The priority should be for local design codes and guidance to take precedence, providing they can be given sufficient weight in planning decision making. In the absence of these, our default position is that the National Design Guide, National Model Design Code and Manual for Streets should be mandatory and given significant weight in the planning decision-making process rather than treated as just guidance that can routinely be departed from. It needs to be ensured that developers cannot “cherry-pick”, for example, Manual for Streets principles, to justify a lesser highway (safety) standard rather than improving beauty or quality.

Government should also consider adding the Nationally Described Space Standards and the Building for a Healthy Life toolkit to this list of mandatory guides. Government also needs to be very clear on exactly how they expect the local community to be involved in the production of local guides and codes, and provide the resources and/or funding to allow this to happen. For example, would the creation of a local Stakeholder Design Panel involving residents and businesspeople be a potential expectation? If so, members of this panel would require training, so that they understand the planning system and design process etc. Also, should such a panel sit within the local planning authority or at arm's length in the proposed new ‘expert body’ suggested by the Planning White Paper, or possibly with the existing Local Design Review Panel?

Developers on the whole want clarity in terms of what they are required to deliver. current national design codes such as Manual for Streets do not provide this. Improving the production, content and use of design guides and codes has the potential to make the planning process far more transparent for developers, the community and local planning authorities.

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?

Yes, but a central organisation would be best placed to provide consistency nationally (e.g. CABE / Design Council), which should then be supported at the regional level via the strengthening and increased resourcing of the existing local design network / regional design review panels. Consideration should be given as to whether these are mandatory for certain scale of development. The Government will also need to be very clear on the role of the new 'chief officer for design', the introduction of which the Council would support.

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

Yes, the Council strongly agrees with this proposal. Homes England should be empowered as the driving force to unlocking the nation's potential for house building and providing opportunities and incentives for innovative practice – for example the use of MMC / off site construction. This should also create opportunities to give smaller house builders a stronger position in the local housebuilding marketplace. The Government needs to commit to extra funding to achieve this.

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

Yes, the Council agrees with these proposals, but careful consideration should be given to how designs are evaluated in terms of their compliance with both local and national guidance - how is this to be accurately and objectively assessed and by who? The fast-track should not become a shortcut for developers who want a quick return for a mediocre (but compliant) design solution; and it should not be seen to create a 'tick-box' exercise for design. This may create confusion amongst customers and detract from attempts to make planning more transparent.

There may be a clash with the ability of a local authority to adopt and maintain non-standard materials due to depleted highway maintenance budgets.

Planning for infrastructure and connected places

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

In Gateshead the provision of good quality affordable housing is a priority, as is maximising opportunities for delivering sustainable transport. Too often the infrastructure required to support development, and to provide improved transport choices, is lost due to reasons of viability. Protecting and improving the natural environment and making it more accessible to residents and a visitors, where appropriate, is also a key priority in Gateshead.

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?

The Council considers that there is a need for a less complicated and more transparent system for securing developer contributions, and one which does not prevent the timely commencement of new development as a result of bureaucracy. However, the Council has the following concerns regarding the proposal as outlined.

- Replacing Section 106 Agreements would remove a lot of flexibility in the planning system.
- Gateshead's CIL is based on extensive locally-specific evidence underpinning viable charging rates. In areas with low land values, including parts of Gateshead, the development value could be below the required threshold and would mean that no infrastructure contributions were received.
- In a period of economic uncertainty, the Council would be concerned about the loss of contributions used to secure necessary requirements to make schemes acceptable.
- The proposed approach does not appear to deal robustly with the issue of affordability in perpetuity, normally secured through the s106 Agreement.
- Currently s106 is a more effective means of securing travel plans in perpetuity as opposed to planning conditions.
- If the levy is payable at the point of occupation then this is not necessarily straightforward – commercial development in particular is often not fully let for some time and there would seem to be a lot of scope for argument on this. Overall, a local, more flexible, approach would be preferable.
- If set too low the threshold could stymie development, or if set too high could allow developers to avoid providing important policy contributions. In addition if the rate is set at the wrong level getting it changed is likely to be extremely difficult.
- There is a risk that there will still be a challenge on viability where developers will argue that the value of the development is below the threshold.

In addition, any approach to planning for infrastructure needs to be clear that this encompasses areas such as provision of new/better bus services as well as traditional infrastructure works.

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 rates should be set locally, or at an area specific rate. Rates based on national values would not recognise the vast divide between the northern and southern housing and commercial markets and would mean that some areas would miss out. Otherwise acceptable development may be thwarted and/or communities miss out on necessary infrastructure where there are lower values and/or significant abnormalities linked to remediation of brownfield sites, for example.

Overall, an incorrectly set national rate could result in disproportionately less funding being available for infrastructure. There is the potential risk that a national threshold would exempt a greater percentage of development in areas like Gateshead, where there is no less need for supporting infrastructure. This would be in conflict with the levelling up agenda.

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?

The infrastructure levy should aim to capture more value where this can be sustained in terms of local land values and viability.

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

Yes - on the assumption that the levy has been set at a sustainable level reflective of local land values to allow development to come forward, then this would allow infrastructure to be delivered more quickly to support development. The ability to borrow against such a levy would seem vital from a transport point of view, to ensure infrastructure is delivered before or at least when it is required rather than when the pot is full.

However, the question reflects the issue that the responsibility of funding and delivering infrastructure is placed wholly with the local authority rather than the current system whereby the developer (as the risk taker) can deliver on or off-site infrastructure via planning obligations. This places additional resource and risk pressures on local authorities, particularly where is uncertainty regarding the timing and level of payment due under the Levy.

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

Yes – such changes of use have an impact on infrastructure and should contribute, particularly with the recent introduction of the new broad Class E.

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 - however, there is a concern/risk that if developers have the choice then they are more likely to prefer to contribute through payment of a commuted sum rather than on-site provision. This could therefore reduce affordable homes as part of market value schemes and place a greater burden on local authorities and registered providers. So there is a concern that on-site affordable housing provision would decrease as a result.

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?

Both options would give more flexibility - however, as set out against the previous question there is a concern that should the approach be too complex or flexible, developers may take advantage to avoid having to provide on-site affordable housing. There is also an assumption that local authorities have the capital funding to purchase affordable homes from a developer, should Registered Providers not come forward. In low value areas, where CIL income is low, this would not facilitate local authority borrowing. The Council notes the simultaneous proposal to lift the small sites threshold for affordable homes to 40 or 50 units, which would have a big impact in Gateshead where a significant proportion of the housing supply comprises sites below that level.

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

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 – perhaps there should be a need for the local authority or Registered Provider to sign them off. The Council supports the principle of pepper-potting affordable housing provision across developments so that the affordable units cannot be distinguished from the market units. This is a key principle which should be maintained in any new system.

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

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

Whilst fewer restrictions would provide greater flexibility and speed of spend, widening the scope for spending the levy may mean that it is diverted for spending on other purposes and may mean some infrastructure is not delivered, or that development is delayed or is less successful overall. Maintaining a local priority list should be a requirement to ensure investment is targeted correctly.

Yes - an affordable housing element should be ring-fenced.

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?

There is no detail about the requirement for an Equalities Impact Assessment, which, in the case of Gateshead is usually subsumed within the Sustainability Appraisal. If there is no requirement for an EQIA, there may be the risk of equalities not being fully considered. If an EQIA is not required locally, there could be the possibility that the local planning authority would not have enough opportunity to make appropriate adjustments to the local policy to mitigate any negative impacts. If the EQIA is carried out nationally, there may not be enough detail to take account of the specific needs of specific individuals, groups and communities with protected characteristics.

The Council would support increased digitisation, and use of online tools such as social media, if it were to be accompanied with the appropriate resources. We would have reservations if all consultation or planning processes are solely web-based as this could exclude those with protected characteristics and others.

The suggestion that ‘notices on lampposts’ are outdated, is in many respects, true; however these notices give another opportunity for people to be made aware of proposals that may have an impact on them. Local planning authorities are often criticised for not being transparent enough; removing a layer of consultation could exacerbate this.

The proposed consolidation of Manual for Streets (on which there will presumably be a greater reliance) could promote designs (extensive shared surfaces and the like) which place ‘beauty over practicality’ and that do not always work best for visually and mobility impaired people.