

Planning White Paper – WCA Consultation Responses

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

WCA Response:

Failing on Climate

2. Do you get involved with planning decisions in your local area? [Yes / No]

WCA Response:

Yes. As WCA we offer our views on planning applications that impact on climate change and the environment. Many of our individual members also respond to applications more generally, as part of a stakeholder organisation or Neighbourhood Plan group, or as individual stakeholders in relation to applications in their area.

2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

WCA Response:

Not applicable

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? [Social media / Online news / Newspaper / By post / Other – please specify]

WCA Response:

We would welcome improvements in the way planning could be accessed automatically, digitally and spatially but residents who are not digitally literate should not be disadvantaged.

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]

WCA Response:

1. The environment, biodiversity and action on climate change, including:

- **sustainable locations for development and the avoidance of commuter town extensions/ car dependency;**
- **net zero carbon development, including mandatory requirements for all new homes to be net zero or carbon negative;**
- **retrofit**
- **sustainable design and construction, including requirements to minimise embedded carbon and emissions from construction, including from the infrastructure that supports it;**
- **local provision of renewable energy, as standalone developments, in addition to requirements for net zero carbon development;**
- **Strong environmental protection, including the retention of SEA and EIA.**

2. Protection of green spaces, including:

- high quality agricultural land (that is often built upon);
- green and blue infrastructure;
- natural flood resilience;
- natural habitats and the ecosystem services they provide.

3. Other – please specify – Sustainable future economy, including:

- settlements located so that people can live and work locally;
- settlements that minimise the need for cars with safe active travel routes, both local and cross county;
- affordable housing provision that meets local rather than out of county housing needs;
- support for businesses/ employment that helps deliver UK’s climate change mitigation and adaptation targets;
- settlements that have been designed to work in harmony with nature and support biodiversity.

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

No. We feel that the creation of three zones of the type described is too simplistic for the complexities of planning particularly in a large rural county. Placemaking through enhanced Neighbourhood Plans and local engagement through consultation through Planning Committees is likely to result in far better outcomes than a zonal system that removes/ severely restricts Neighbourhood Plans and local engagement at the pre-planning and application stage. The idea of using an interactive web based approach to enable residents to understand planning in different areas is fine but a minor consideration in this respect.

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

WCA Response:

Not sure. Simplified national policies with minimum standards for achieving net zero carbon/ carbon neutral development, whilst allowing LPAs flexibility in how these were achieved or the leeway to exceed the minimum, would be welcomed.

Polices that restrict Local Authorities in developing local responses to the Climate and Ecological Emergency would not be acceptable. Streamlining Local Plans negating democratic input into the system or watered down environmental standards would certainly not be acceptable.

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

WCA Response:

No. Absolutely not. Planning is crucial to key national challenges such as including climate change and ecological degradation, and any planning reform needs make it more of a priority, not less of one. Reinforcing climate and ecological directed change is essential both nationally and locally.

The Government has a legal obligation to achieve carbon neutrality by 2050; Wiltshire Council has acknowledged a Climate Emergency, including seeking to make Wiltshire net carbon neutral by 2030, for which its Local Plan will play a critical role.

The proposed requirement for local plans to set out local specific development standards, as opposed to general policies, would make it even more important that environmental impacts are properly considered upfront. Consolidating or in any way reducing the requirement to undertake and attribute weight to existing environmental checks and balances, would reduce rather than enhance the planning system's and the Local Plan's ability to respond to the climate and ecological emergency, which we would not support. With regards the potential removal of the requirement for SEA; not to comply with the SEA directive (as is currently done) would be inconsistent with the Government's commitment to upholding environmental standards after 1st January 2021

<https://www.gov.uk/guidance/upholding-environmental-standards-from-1-january-2021>

It would also reduce the level of environmental protection at the plan making stage - the earliest stage of the development process – which helps prevent environmental damage having to be mitigated at later stages (e.g. through EIA), by introducing less environmentally and climate damaging alternatives and supporting the plan making process. There, sound research that shows SEA to have positively influenced development plans, not only in terms of protecting valuable natural assets but in plan making in general.

The suggestion of a consolidated test also raises the question of how Environmental Impact Assessment (EIA) would work under these proposals. In fact, it is far from clear whether EIAs would be possible under the new system, since there would be automatic outline permission and planning applications would not be required in growth zones. EIA and SEA are conducted at two very different stages of the plan making process and there is already a lot of efficiency in the way SEA (at the plan making stages) informs EIA (at the planning application stage). The two assessments cannot be consolidated as such and SEA was legislated as an additional process across Europe (and elsewhere around the world) for this very reason.

It is our view that a consolidated test would only be of value to those who would rather avoid proper assessment and consideration of environmental and climate change impacts, as it currently required by SEA and EIA legislation, and would not be in the public interest.

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

WCA Response:

Whilst there are some issues with the way in which the current 'duty to co-operate' is used (e.g. by LPA's to push development onto neighbouring authorities), the principle is sound. LPAs should certainly have a duty co-operate on climate change and environmental issues, which do not respect borders and generally require collaboration to achieve optimal outcomes.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.

WCA Response:

No. In fact the standard method for establishing housing requirements means that Wiltshire is required to take substantially more houses than would be required for local housing needs and is already an overly onerous imposition on the local environment and infrastructure .

This creates more long-distance commuting, localised air pollution and substantially more carbon emissions. Introducing a simplistic mathematical model that takes no account of Wiltshire's existing developments or capacity to take the numbers and the impact these have on carbon emissions is the wrong approach.

This is a wholly unsustainable development model which the planning system should not be working to support.

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

WCA Response:

No. Carbon emissions, resilience to climate change, environmental impact, local community infrastructure and other factors need to be taken into account.

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.]

WCA Response:

No. Automatic outline permission would fundamentally undermine democratic local participation in planning. For Wiltshire's citizens this would mean the removal of their ability to be informed, consulted about and make representations on planning applications which affect them. It would also mean that locally elected councillors who represent their communities would be prevented from commenting and calling in applications for consideration by a planning committee, which is a well-established and publicly valued principle of democratic planning.

All of this engagement and influence would simply be lost under a system of automatic outline permission. The replacement of these lost rights with an ability to be consulted digitally about the choice of zones is little consolation, since it is at the planning application stage that most people first notice and engage with the system, bringing valuable local knowledge that helps shape the places around them. Automatic outline permission would also work against local participation in planning through Neighbourhood Development Plans (NDPs), which would either be over-ridden or unable to be implemented in Growth Zones where automatic 'outline permission' was in place. Wiltshire Council has one of the highest numbers of Neighbourhood Development Plans (NDPs) of any country and believes strongly in their importance to local communities and their value in the plan making process.

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.]

WCA Response:

No. The provision of blanket permissions in any areas would be risky, and could have unintended consequences. There is also a real danger that the proposals will actually make it easier for developments to achieve consent in these zones. It would be better to have strong environmental protection built into the NPPF, alongside Local and Neighbourhood Plan policies and the make these more enforceable, rather than blanket approvals.

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

WCA Response:

No. Planning decisions on local housing should be made at the local level with local knowledge about local circumstances and with the engagement of local people, not centrally planned. This would be a misuse/ abuse of the Nationally Significant Infrastructure Projects regime.

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

No. Sound decision making through a LPA planning committee, informed by local people. provide greater acceptance and better proposals than imposition from above.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

Yes. As long as residents who don't have internet access are also provided for.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

No. While there are benefits of a planning system that is flexible and quickly adaptable to local changes (e.g. Wiltshire Council's Climate Emergency), there are real dangers in creating a 'streamlined' system that 'cuts corners' on democratic engagement and environmental sustainability. Sound planning takes time and the complexity of developing a Local Plan for an area the size of Wiltshire and the need to consult with a wide range of stakeholders and of communities makes a 30 month timescale unrealistic. Neither would it allow the level of environmental scrutiny that should precede these far-reaching decision that permanently change our landscapes and lock in carbon emissions. Focus may be better placed in establishing a method of interim adjustments to the plan to enable more agile reaction to change than the existing process allows.

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

Yes. In fact, they should be reinforced to enable local communities to have a wider stake in planning development than is the case at the moment. The new zonal system presents a real threat to both extant Neighbourhood Development Plans (NDPs) and those under development. It is not clear that a.) existing NDPs would be retained or b.) whether new NDPs could be brought into force, under the zonal system proposed under the White Paper.

The importance of NDPs to Wiltshire's communities large and small, is an important argument against the introduction of the zonal system. NDPs have also tended to be more attentive to the

impact of development on the natural environment and supportive of carbon reduction through renewable energy generation, which WCA supports.

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?

WCA Response:

Linking NDPs into digital planning tools could be a helpful innovation in achieving more sustainable planning outcomes that encompass community needs and preferences.

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

WCA Response:

Yes. Allocated sites should be built out at a sensible rate after their approval, to prevent housing land supply rules being breached and LPAs being held to ransom through land banking. With over one million extant approvals not built out, there is a strengthening case for penalties for failure to build out in a reasonable timescale, such as scaled land tax being imposed. Developers who wish to apply for more sites could be required to have a demonstrable and committed programme for build out prior to being able to submit more applications.

Pillar 2: planning for beautiful and sustainable places

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

WCA Response:

New housing development in Wiltshire in recent years has been poor quality in terms energy efficiency and renewable energy provision. This is at least partly due to the abandonment of the former Code for Sustainable Homes, subsequent Ministerial statements and a National Planning Policy Framework (NPPF) that has been weak in requiring carbon emissions to be reduced through the planning process. It has been made worse in Wiltshire by abandoned Local Plan policies such as the Council's Core Policy 41 on energy efficiency, such that it was only Part L of the Building Regulations that developers needed to comply with.

In our view, all large developments need to be sustainable in terms of their location (i.e. not expanding commuter towns and prolonging car dependency), operational carbon (i.e. highly energy efficient via the fabric of the building, with on-site renewable energy generation and payment into an offset fund for any remaining operational emissions) and construction (i.e. in terms of embedded carbon and construction emissions).

All this needs to be achieved through Local Plan policies in the context of a stronger NPPF, aligned to the requirements of the Climate Change Act. This, in conjunction with stronger environmental protection policies, and enhanced Neighbourhood Plans, would result in the kind of design that's required for genuinely sustainable development.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

WCA Response:

Carbon reduction through planning, meaning that developments are located where people can live and work, avoiding urban extensions that increase commuting and promote car dependency, And that developments themselves are net zero or negative carbon, as well as greater investment in renewable energy generation through solar PV, wind energy, and enhanced carbon sinks through reforestation and regenerative farming.

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.]

WCA Response:

This depends on whether these design guides promote genuinely sustainable net zero carbon or carbon negative development and do not constrain LPAs and NDPs from taking further steps towards this end where locally possible.

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

WCA Response:

We would potentially support a body to support design and place making if this was an effective means to achieving sustainable net zero carbon development and ecological recovery.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

Not sure with regards design. However, Homes England certainly needs to have climate change as one of its key objectives. We do not support their present position, which currently supports urban extensions requiring road building and motorway connections, increasing commuting and car dependency, without any consideration of carbon emissions.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

This would depend how beauty was defined. Given the current climate and ecological emergency, it is critical in our view that ecologically sustainable net zero carbon development takes precedence over other requirements.

Pillar 3: planning for infrastructure and connected places

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]

WCA Response:

An overarching priority for all development in Wiltshire to be ecologically sustainable net zero carbon development, including well insulated buildings, on-building renewable energy generation, on-site renewable energy generation, off-site renewable energy generation, electric vehicle charging points, reduction in road infrastructure needs, active travel infrastructure, blue and green infrastructure, protected habitats. Having employment and services close to where people live is all part and parcel of this priority. Other priorities will vary from site to site.

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.]

WCA Response:

No. The current system does not always deliver for local communities but to roll all into an ill-defined Consolidated Levy would simply exacerbate the problem.

A balanced approach using a levy to deliver locally determined priorities is key.

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

WCA Response:

Locally.

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? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

WCA Response:

The levy should be adequate to enable LPAs to support the required investment in offsite infrastructure. On site infrastructure, including inter alia shops, schools and medical facilities, should be a basic requirement of all large scale developments.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

If done, then borrowing should only be allowed for investing in prioritised future needs such as renewable energy generation, EV charging infrastructure and active travel infrastructure. The borrowing should be taken in conjunction with developer build out. See response to Q14

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

Yes, In principle. In principal yes.. Office and shop conversions to residential for example should deliver levy benefits. An individual house or small development should not.

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

WCA Response:

Not sure. Affordable housing should be delivered at the level required for the area, that may be more or less.

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.]

WCA Response:

Not sure. Depends on how that is managed.

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.]

WCA Response:

Not sure.

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.]

WCA Response:

Not sure. Depends on how that is managed.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

Yes, if this supported greater investment in renewable energy generation, EV charging infrastructure and active travel infrastructure.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

WCA Response:

This would probably be a good thing and enable people to stay and work in their local areas rather than providing housing provision for wealthier in-coming commuters.

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?

WCA Response:

The proposals need to ensure older people who are less digitally literate and those with other literacy problems can still access material.