

## Annex 2: Planning White Paper – Planning for the Future

| Set Questions  | SUGGESTED T&M RESPONSE   |
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| <p>Q1. What three words do you associate most with the planning system in England?</p>   | <p>Q1-4 are aimed at individuals rather than Local Planning Authorities.</p> <p>No Comment</p>                           |
| <p>Q2. Do you get involved with planning decisions in your local area?</p> <p>[Yes / No]</p> <p>2(a). If no, why not?</p> <p>[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]</p>  | <p>No Comment</p>  |
| <p>Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?</p> <p>[Social media / Online news / Newspaper / By post / Other – please specify]</p>   | <p>No Comment</p>  |
| <p>Q4. What are your top three priorities for planning in your local area?</p> <p>[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]</p> | <p>Policy LP2 of the submitted Local Plan sets out 10 Strategic Objectives that cover all of the suggestions listed.</p> |
| <p><b>A new approach to plan-making</b></p>  |  |
| <p><b>Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas</b></p>  |  |

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| <p><b>suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.</b></p>   |  |
| <p>Q5. Do you agree that Local Plans should be simplified in line with our proposals?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>  | <p>Not sure. While there is some merit in the Government’s aim to simplify Local Plans and accelerate the process of plan making, the proposal to zone all land in a Local Planning Authority for either growth, renewal or protection will be controversial and take time to resolve.</p> <p>The Government also wants to rethink how local communities are engaged in the process from the outset and achieve a greater degree of consensus.</p> <p>Given that growth areas will effectively have permission in principle for development it will be extremely challenging to achieve consensus of any kind in less than 30 months.</p>                          |
| <p><b>Proposal 2: Development management policies established at national scale and an altered role for Local Plans</b></p>   |  |
| <p>Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> | <p>Not sure. This would effectively change the role of national planning policy in the form of the NPPF from a material consideration to a binding policy.</p> <p>If the nationally set policies could be designed in a way that they can be applied to all Local Planning Authorities without adjusting for local circumstances, this would save time in plan making and provide a more consistent approach to development management across England.</p> <p>However, it is difficult to understand how such a one size approach will fit all given the diversity of landscapes, development pressures and planning constraints there are across the country.</p> |
| <p><b>Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness</b></p>   |  |
| <p>Q7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?</p>                            | <p>Q7a - Yes. The current legal tests of soundness have become disproportionate in terms of the evidence needed to demonstrate that they have been met and over complicated. Many people engaging in the preparation of a Local Plan are baffled by the level of technical detail</p>  |

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| <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>   | <p>required to justify that the Habitats Regulations Assessment is sound, for example.</p> <p>Some of these tests cannot be made sound retrospectively by Main Modification (e.g. the Duty to Cooperate) so there is a risk that years of plan making can be lost if these tests are not met.</p> <p>A single sustainable development test has the potential to be simpler, but there are no details as yet.</p> <p>Q7b – Clearly the Duty to Cooperate has not been fit for purpose since its introduction in 2012. This has been due to the fact that neighbouring Local Planning Authorities are rarely at the same stage of plan making at the same time and resolving the main cross boundary issue of meeting neighbour’s housing need is controversial and extremely challenging particularly in areas of constraint and with the sorts of numbers generated by the Standard method.</p> <p>Some form of regional or sub-regional approach to strategic planning should be reintroduced to tackle these wider than single borough issues.</p> |
| <p><b>Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.</b></p> |  |
| <p>Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>  | <p>Q8a – The introduction of a housing target set by a higher body and to be planned for locally is not new. In the past Regional Planning Bodies and County Structure Plans used to distribute these to Local Planning Authorities, but crucially, those upper tier planning bodies took into consideration where growth could best be accommodated across the wider area allowing designated areas to have a degree of protection, while other</p>   |

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

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

areas could have concentrations of growth and investment to assist regeneration.

The issue with a Standard Method, set to deliver over 300,000 new houses every year, is that the mechanism for that redistribution of growth is not being addressed and in the absence of the Duty to Cooperate, there does not seem to be any way that Local Planning Authorities in London and the South East will be able to meet their needs.

To work, either a new upper tier planning role needs to be introduced to replace the Duty to Cooperate as suggesting in response to Q7 or the way that the Standard Method is calculated has to include a reality check in the form of how deliverable these targets are. Since the Government is committed to delivering over 300,000 new homes per year, the former solution would appear to be the preferred option.

Q8b – No. Affordability is a critical issue that needs to be positively addressed through the planning system particularly in areas like Tonbridge and Malling, but increasing housing supply to the extent that will be necessary to bring house prices down is not sustainable or deliverable. It also assumes that house builders will build at rates that will erode their profit margins, which is unlikely to happen.

Affordability should be retained in the methodology, but there should be a reality check for deliverability built into the algorithm.

The ‘densification’ of existing urban areas to meet future needs seems contrary to other aims of the White Paper and is based on the assumption that existing infrastructure in urban areas has sufficient capacity to take additional growth, when the opposite is often more the case.

Properly planned new towns and villages would be an approach that is more consistent with the aims and objectives of the White Paper.

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| <b>A streamlined development management process with automatic planning permission for schemes in line with plans</b>  |  |
| <b>Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.</b>  |  |
| <p>Q9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> | <p>Q9a – Yes but there is limited detail as to how these designations would be decided and what evidence will underpin those decisions. There is also a lack of information on how elected Members and stakeholders would be involved in detailed consent processes, given the front loading of consultation activity to the plan making stage when designations would be proposed, consulted on and agreed. In general there is a lack of information on the potential roles for elected Members and other community representatives.</p> <p>Q9b – as above.</p> <p>Q9c – Yes. See response to Q8b above.</p> |
| <b>Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology</b>  |  |
| <p>Q10. Do you agree with our proposals to make decision-making faster and more certain?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>  | <p>Yes in principle but Local Planning Authorities need to be fully resourced in order to ensure they can meet the demands that this would place on them.</p>  |

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| <b>A new interactive, web-based map standard for planning documents</b>  |   |
| <b>Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.</b>  |   |
| Q11. Do you agree with our proposals for accessible, web-based Local Plans?<br><br>[Yes / No / Not sure. Please provide supporting statement.]   | Yes. More should be made of digital solutions to reach a wider (younger) audience and this has been demonstrated during the recent pandemic restrictions. However, some members of our local communities will not be comfortable or even able to access the discussion in this way, so some form of alternative means should be retained. |
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| <b>A streamlined, more engaging plan-making process</b>  |   |
| <b>Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.</b> |   |
| Q12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?<br><br>[Yes / No / Not sure. Please provide supporting statement.]  | No. There is insufficient detail to make a considered judgement, but 30 months seems too short a time period to properly engage with communities and take on board their responses for something as fundamental as adopting planning 'zones' for growth, renewal and protection across the whole Borough.                                 |
| <b>Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools</b>  |   |
| Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?<br><br>[Yes / No / Not sure. Please provide supporting statement.]   | Q13a - Not sure. There is insufficient detail in the White Paper to fully understand how neighbourhood plans would fit into a zonal planning system and what sort of timescales neighbourhood planning forums would be working to (presumably not 30 months like the proposed Local Plan timetables).                                     |
| Q13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?   | Q13b – The use of more digital tools might be challenging for some neighbourhood planning forums.   |

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| <b>Speeding up the delivery of development</b>  |  |
| <b>Proposal 10: A stronger emphasis on build out through planning</b>   |  |
| <p>Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>                                       | <p>Yes. This has been discussed at length and potential solutions proposed. For example, requiring Council Tax to be paid on dwellings with planning permission that have not been completed within a reasonable timeframe.</p>  |
| <p>Q15. What do you think about the design of new development that has happened recently in your area?</p> <p>[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]</p> | <p>Other – TMBC works hard to ensure that all new developments are well designed in accordance with adopted policy and the requirements of the NPPF but it is clear that in many cases this is frustrated by developers need to “value engineer” schemes or where they take a cynical view that design only needs to be “good enough” to secure a grant of planning permission, particularly when faced with the need to apply the presumption in favour of sustainable development in the absence of a five year housing land supply. This has also been apparent in certain appeal decisions across the Borough.</p> |
| <p>Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?</p> <p>[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]</p>  | <p>It should be a combination of all of the options given dependant on the circumstances of the sites and nature of developments.</p>  |
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| <b>Proposals</b>  |  |
| <b>Creating frameworks for quality</b>  |  |
| <b>Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.</b>             |  |
| <p>Q17. Do you agree with our proposals for improving the production and use of design guides and codes?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>   | <p>Yes – however question is raised as to what the evidential basis for this will be and therefore resultant credibility. It will also be important to ensure that any such guides/codes recognise the importance of innovation and do not simply seek to impose rigid or unrealistic parameters upon new development.</p>   |

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| <p><b>Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.</b></p> |  |
| <p>Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>  | <p>Yes – given the subjectivity surrounding what is “beautiful”, this is a particularly difficult area to deliver on and is likely to divide opinion. Having a new body in place and Chief Officers for design and place making will assist in bringing about levels of consensus and engendering discussions around coding and guides to ensure they are a constructive tool rather than a means by which to stifle development. However, there is a lack of information about how these would be kept current, how stakeholders including elected Members would input into them and what mechanisms would be sufficient to prove local popularity of design codes.</p> |
| <p><b>Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.</b></p>   |  |
| <p>Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>  | <p>Yes. See comments above.</p>  |
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| <p><b>A fast-track for beauty</b></p>  |  |
| <p><b>Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.</b></p>   |  |
| <p>Q20. Do you agree with our proposals for implementing a fast-track for beauty?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>   | <p>Not sure – high quality development must be just that in all respects, it is not diluted into a single quantifiable aspect – there may be technical issues arising that must be addressed in order to ensure high quality in all respects and this can take time particularly where statutory consultees need to input into schemes.</p>  |
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| <b>Effective stewardship and enhancement of our natural and historic environment</b>   |  |
| <b>Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.</b>  | We would support measures to allow climate issues to be more fully considered in the planning process. However, how these requirements are balanced against other priorities such as those laid out in Q21 below is a complex issue.   |
| <b>Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.</b>  |  |
| <b>Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century</b>  | We assume that such buildings and areas would fall within the ‘protect’ designation in zonal planning terms and support the need to consider how these areas are best managed. However, conserving and enhancing those buildings and areas should not necessarily be as a result of no development at all but should rather be a combination of protection and high quality, complementary development where this meets with locally supported design codes. |
| <b>Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.</b>   |  |
| Q21. When new development happens in your area, what is your priority for what comes with it?<br><br>[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] | Whilst affordable housing and Infrastructure are priorities, this should not be at the expense of design, green space or commercial provision, because the overarching aim to create and enhance places.   |
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| <b>Proposals</b>   |  |
| <b>A consolidated Infrastructure Levy</b>  |  |
| <b>Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a</b>  |  |

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| <p><b>threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.</b></p>   |  |
| <p>Q22(a). Should the government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?</p> <p>[Nationally at a single rate / Nationally at an area-specific rate / Locally]</p> <p>Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?</p> <p>[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]</p> <p>Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> | <p>Q22a - Yes, insofar as this would simplify the securing of developer contributions.</p> <p>Q22b – Either nationally at an area specific rate, depending on the size of that area and how it takes into account similarities in LPAs within it in terms of affordability and viability, or locally to allow for these variations.</p> <p>Q22c – More. If this is not the case, the range of requirements already in place under CIL/s106 and the addition of commitments to more infrastructure and climate change mitigation will not be achievable.</p> <p>Q22d – Yes.</p> |
| <p><b>Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights</b></p>   |  |
| <p>Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p>   | <p>Yes, as more and more development is coming through this route.</p>   |
| <p><b>Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision</b></p>  |  |

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| <p><b>Alternative option:</b> We could seek to introduce further requirements around the delivery of affordable housing.</p>  |  |
| <p>Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> | <p>Q24a - Yes.</p> <p>Q24b – Not sure. This is likely to depend on how the individual authority manages its affordable housing stock and therefore a range of options need to be available. In addition to this, the 'in-kind' value of affordable housing will vary hugely between LPAs.</p> <p>Q24c – Yes. The 'in-kind value' of the affordable housing would need to be managed at the same geographic level as the Levy.</p> <p>Q24d – Yes. If a value is set for the affordable housing being delivered that can be measured within the wider Levy requirement, the 'in-kind' contribution needs to have some benchmarks in terms of space standards and quality of product.</p> |
| <p><b>Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy</b></p>   |  |
| <p>Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?</p> <p>[Yes / No / Not sure. Please provide supporting statement.]</p> <p>Q25(a). If yes, should an affordable housing 'ring-fence' be developed?</p>   | <p>Q25 – Yes. Whilst having an agreed process governing how projects/priorities should be considered for inclusion on the 'spending list' for a Levy, it should be within the remit of an LPA and its stakeholders, most importantly its elected Members, to decide as far as possible what is included within that list and what priority it is given.</p> <p>Q25a – Yes. In order to ensure that an appropriate supply of affordable housing can be secured in the long term.</p>  |

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| <p>[Yes / No / Not sure. Please provide supporting statement.]</p>   |  |
| <p><b>Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.</b></p> |  |
| <p><b>Proposal 24: We will seek to strengthen enforcement powers and sanctions</b></p>   | <p>More detail would be required to assess this proposal; however, if LPAs have the opportunity to carry out more enforcement and fund ongoing enforcement activity from that to ensure that the planning framework and design codes that are supported by the local community are delivered on, this would be welcomed.</p> |
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| <p><b>What happens next</b></p>  |  |
| <p><b>Equalities impacts</b></p>   |  |
| <p>Q26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?</p>                            | <p>No.</p>   |