



South Downs
National Park Authority

Agenda Item 11
Report NPA20/21-11

Report to	South Downs National Park Authority
Date	15 October 2020
By	Planning Policy Manager
Title of Report Decision	SDNPA response to the White Paper: Planning for the Future

Recommendation: The Authority is recommended to:

- 1. Approve the SDNPA response to the White Paper: Planning for the Future set out in Appendix I of this report**
- 2. Delegate authority to the Director of Planning in consultation with the Chair of the Authority to make any changes to the response arising from the Authority's discussions and/ or any minor textual changes considered appropriate prior to submission of the response**

1. Introduction

- 1.1 The Government issued the White Paper: Planning for the Future on 06 August 2020, and it is open for consultation until 29 October 2020. The foreword by the Prime Minister states that it is 'radical reform unlike anything we have seen since the Second World War. Building from the ground up, a whole new planning system for England.'
- 1.2 Members discussed the White Paper at a Member Workshop on 15 September 2020 and several Members and officers contributed to an intranet forum. We have also worked with several partner organisations such as the South East Nature Partnership, who have shared their expert knowledge on the consultation. Officers have prepared this response to the White Paper based on the strategic steer provided by Members. The draft response will have been considered by Planning Committee on 08 October 2020. Officers will give a verbal update to Members on any changes to the response proposed by Planning Committee.
- 1.3 We have worked closely with the other national park authorities and are contributing to a separate National Parks England response on the White Paper. This is referenced in the opening paragraph of our letter and will be signed off separately under delegated powers by the Authority.
- 1.4 The main response is set out in a letter, which forms appendix I to this report. Detailed answers to the 27 questions set in the White Paper form an Appendix to the letter.

2. Policy Context.

- 2.1 The White Paper sets out changes to the planning system, which would affect our operation as the local planning authority for the National Park. The purpose of making the response is to help shape the imminent changes to the planning system.

3. Issues for consideration

3.1 The Prime Minister's Foreword in the White Paper indicates the gravity with which Government is approaching these sweeping reforms. The language within it is highly critical of the current planning system and takes aim at planning for a number of national failures including the rate of house building, the time taken to prepare local plans and the quality of the built environment.

3.2 Through the reform to the system, the key aspects of the White Paper are:

- Streamlining the planning process 'with more democracy taking place more effectively at the plan making stage'
- Taking a radical, digital-first approach 'to modernise the planning process, moving from a process based on documents to a process driven by data'
- Bringing a new focus on design and sustainability
- Improving infrastructure delivery and ensuring developers play their part, through reform of developer contributions
- Ensuring more land is available 'for homes and development that people and communities need'

3.3 The White Paper identifies three Pillars of reform:

- Planning for development
- Planning for beautiful and sustainable places
- Planning for infrastructure and connected places

4. The Authority's response to the White Paper

4.1 The letter that forms Appendix 1 to this report sets out detailed comments on the following nine key matters:

4.2 **Clarification on the status of national parks:** We ask that national parks are explicitly added to the list of protected areas in the same way that they are listed in footnote 6 of the National Planning Policy Framework (NPPF) and seek clarification that a limited amount of development will still be possible within protected areas without the need to designate renewal or growth areas.

4.3 **Local plans and zoning:** We agree that it takes too long to adopt a local plan, but consider that the five stages of local plan preparation set out in the White Paper do need further thought. We are concerned that the proposed timeline is too rigid and does not provide sufficient time to consider constraints particularly in stage 2 of the process. We are also concerned by the loss of meaningful consultation in the proposed local plan process. A rigid and rushed local plan process runs the risk of losing fine judgement and thus making poorly informed decisions on the development of land.

4.4 **Neighbourhood Development Plans (NDP):** We highlight that the Authority promotes and supports the preparation of NDPs in the South Downs and explain that over a third of our new homes will be provided through NDPs over the plan period. We think that NDPs should be allowed to allocate and indeed zone within the parameters set by the local plan and not simply become design codes.

4.5 **Environmental Protection:** We are deeply concerned that the White Paper has been written without reference to the biodiversity emergency and does not align with either existing or emerging environmental legislation particularly the Environment Bill. We recognise the problems with the existing sustainability appraisal process, which is process rather than outcome driven and seek clarification on the future of Habitat Regulation Assessment (HRA), which is not mentioned in the White Paper.

4.6 **Climate Change:** We are also deeply concerned that the White Paper has been written without reference to the climate change emergency. Although the importance of addressing climate change is stated at a high level within the document, it does not include any tangible

measures to address the issue.

- 4.7 **Design and Beauty:** We welcome the emphasis that the White Paper places on good design and the creation of beautiful places. We acknowledge that design guides and codes can increase the quality of places delivered, but do question whether their use allows truly innovative design to come forward that speaks to the landscape in which it is located. We challenge the statement in the White Paper that ‘there is not enough focus on design and little incentive for high quality new homes and places’ and set out three examples of schemes where the design has been significantly improved through the development management process in the National Park. We welcome the introduction of chief officers for design and place making. We presume that the post will be similar to that of a chief town planning officer and would recommend that title.
- 4.8 **Development Management (DM):** We agree that decision making should be faster, but highlight recent improvements of Local Planning Authorities (LPA) in this respect. We stress the positive role of DM in complex applications and consider it inherently problematic to both digitise DM and create beautiful places. We welcome the proposal to reduce the amount of supporting information required to accompany a planning application. However, we are concerned that a standardised 50-page planning statement will be unable to provide all the necessary information to prove biodiversity net gain, all the viability evidence to support the level of affordable housing provision or a heritage statement on a proposal involving heritage assets. We do not support the proposals to refund the planning application fee if an application is not determined or if an appeal is won. We welcome the introduction of standard national policies, but are concerned by the loss of our more innovative and locally specific policies. We stress that planning in a national park is different to other LPAs as we follow our purposes and duty that are set in national legislation and offer to work with the Government on formulating specific DM policies relating solely to national parks and / or other designated landscapes. We welcome the proposal in the White Paper to strengthen the role of enforcement in the planning system.
- 4.9 **Infrastructure Levy:** We recognise the issues with CIL, but are concerned by the loss of Section 106, which will still be needed to secure on-site measures and other mitigation measures that cannot be secured via planning conditions. Our main concern with the new Infrastructure Levy is that payment would be moved from commencement to occupation, which will prevent infrastructure being in place on occupation or shortly afterwards, and the loosening of the levy’s ties with the development and its impact in the locality.
- 4.10 **Public engagement:** We welcome the aspiration to move democracy forward in the planning system and introduce modern digital planning services. Our experience at the South Downs is that using a variety of methods maximises the number of people engaging in a consultation. We flag up that internet coverage is very poor in some rural areas such as parts of the South Downs.
- 5. Options & cost implications**
- 5.1 As stated above we have followed a strategic steer provided by our Members at a workshop in September and have also worked with our sister national parks and other partner organisations.
- 6. Next steps**
- 6.1 We will make any changes agreed by Members and then submit our response to the Government by the deadline of 29 October 2020.
- 7. Other Implications**

Implication	Yes/No
Will further decisions be required by another committee/full authority?	No

Does the proposal raise any Resource implications?	The response itself does not have any resource implications other than officer time spent preparing it.
How does the proposal represent Value for Money?	Not relevant
Are there any Social Value implications arising from the proposal?	No
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	<p>Yes, due regard has been taken.</p> <p>Questions 26 of the White Paper asks for our 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>We have answered as follows:</p> <p>The proposal to greatly increase digitisation in planning could have an adverse impact on the older members of society who would like to engage with the planning system but are may not be fully computer literate. Notwithstanding the fact that place of residence is not a protected characteristic, the drive towards digitisation of planning could also have an adverse impact on people living in rural areas because of poor internet coverage.</p>
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	Yes, there are many sustainability implications relating to the White Paper that we have raised in our response. For example, the White Paper has been written blind of the biodiversity and climate change emergencies.

8. Risks Associated with the Proposed Decision

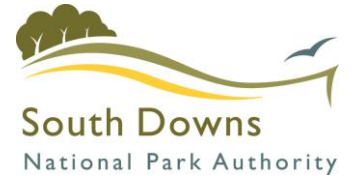
8.1 The only risk is that the Authority fails to reach agreement on its response and does not submit a response to the consultation.

Risk	Likelihood	Impact	Mitigation
The Authority does not agree the response to the White Paper	Low	Low	Officers follow the strategic steer from Members on the White Paper

LUCY HOWARD
Planning Policy Officer
South Downs National Park Authority

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Appendices I. Draft SDNPA response to the White Paper: Planning for the Future
SDNPA Consultees Chief Executive; Director of Countryside Policy and Management;
Director of Planning; Chief Finance Officer; Monitoring Officer; Legal
Services,
External Consultees None
Background Documents [White Paper: Planning for the Future](#)

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07 October 2020

MHCLG

By email only

Dear Sir / Madam

Subject: White Paper: Planning for the Future

The South Downs National Park Authority welcomes this opportunity to comment on the White Paper. We would like to make detailed comments on nine key matters as set out below. Our answers to the 27 questions in the White Paper are set out as an addendum to this letter. We are also signatories to the response by National Parks England, which we support. We look forward to working positively with you on the forthcoming changes to the planning system.

Clarification on the status of national parks

All national park authorities including the South Downs are guided by our two purposes and a duty, which are specified in the National Parks and Access to Countryside Act 1949, as amended by the Environment Act 1995.

The White Paper sets out three categories of land namely growth areas, renewal areas and areas that are protected. A number of examples are given of areas that are to be protected such as green belt and conservation areas, but national parks are not included in this list. We ask that national parks are explicitly added to the list of protected areas in the same way that they are listed in footnote 6 of the National Planning Policy Framework (NPPF).

We welcome the analysis of national parks provided in paragraph 28 of the White Paper and agree that the whole purpose of national parks would be undermined by multiple large scale housing developments. The spatial strategy for the South Downs set out in our recently adopted Local Plan is for a medium level of development spread across the towns and villages of the National Park. This is based on the premise that some development is needed to maintain the vitality of communities living in the National Park, whilst seeking to conserve and enhance the landscape. Clarification is sought from the Government that a limited amount of development will still be possible within protected areas without the need to designate renewal or growth areas.

Local plans and zoning

We agree that it takes too long to adopt a local plan. One particular problem that we encountered with the preparation of our Local Plan was the seven month wait between the submission of our plan for examination and the start of our hearings. However, the five stages of local plan preparation set out in the White Paper do need further thought. For example, how can people engage meaningfully in stage 1 of the process before there is

anything tangible to comment on, and how will comments submitted in stage 3 of the process help shape the plan when it has already been submitted for examination?

We are concerned that the proposed timeline is too rigid and does not provide sufficient time to consider constraints particularly in stage 2 of the process. Plan making is an art as much as a science and cannot be done simply through the application of an algorithm. A rigid and rushed local plan process runs the risk of losing fine judgement and thus making poorly informed decisions on the development of land.

We await further detail on the new consolidated sustainable development test. Although sustainable development is a much used term, it is open to multiple interpretations. It is essential that the new system uses the internationally accepted Brundtland definition namely: 'Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'

Neighbourhood Development Plans (NDP)

This Authority promotes and supports the preparation of NDPs in the National Park. We have 56 parishes designated for the purpose of neighbourhood planning and 31 NDPs have been made part of the development plan ranging from small villages to large market towns such as Petersfield and Lewes. We have found that several of our qualifying bodies have proactively promoted higher levels of development than that originally proposed in the Local Plan. Over a third of our new homes will be provided through NDPs over the plan period.

The consultation is unclear on the future role of NDPs. We have found that the current requirement to be in broad conformity with the strategic policies of the local plan provides the right balance between the different levels of plans. We think that NDPs should be allowed to allocate land for development and indeed zone within the parameters set by the local plan. If NDPs were simply to become design codes it would not play to the strengths of the qualifying bodies, who have built up considerable expertise in planning for their neighbourhoods since NDPs were introduced by the Government in 2011. They are in the best position at a local level to balance the competing demands for development and protection that good place making entails.

Environmental Protection

The Authority is deeply concerned that the White Paper has been written without reference to the biodiversity emergency and does not align with either existing or emerging environmental legislation. The Environment Bill is progressing through its final parliamentary stages and will make several significant environmental landmarks into law including biodiversity net gain, nature recovery networks and local nature recovery strategies. These need to be addressed in the new planning system along with measures in existing legislation such as the duty of local authorities and Government departments to have regard to the purposes of conserving biodiversity in the Natural Environment and Rural Communities Act (NERC).

The Authority recognises the problems with the existing sustainability appraisal process, which is process rather than outcome driven. Clarification is required on the future of Habitat Regulation Assessment (HRA), which is not mentioned in the White Paper. The HRA ensures that adverse impacts do not occur on some of our most important and

cherished nature designations sites. The new simplified process needs to integrate HRA and in particular retain the precautionary principle and compensatory habitats.

Climate Change

The Authority is also deeply concerned that the White Paper has been written without reference to the climate change emergency. Although the importance of addressing climate change is stated at a high level within the document, no tangible measures are set out. The Authority contests that the national target of reducing greenhouse gas emissions to net-zero by 2050 will address the climate change emergency in time. As a matter of detail, we would like to query the proposal to allow changes to listed buildings in order to address climate change. Interventions to improve energy efficiency can have the potential to adversely impact the breathability of built fabric or harm features of interest.

Design and Beauty

The Authority welcomes the emphasis that the White Paper places on good design and the creation of beautiful places. We acknowledge that design guides and codes can increase the quality of places delivered, but do question whether their use allows truly innovative design to come forward that speaks to the landscape in which it is located. We agree that securing local buy-in is important but have found, in practice, that local involvement can tend to focus on the architectural style of new development rather than the quality of the new places being created. We are also aware of instances where the enforcement of standards in design codes has proved problematic.

We would like to challenge the statement in the White Paper that ‘there is not enough focus on design and little incentive for high quality new homes and places.’ We take a landscape led approach to design in the South Downs and set out below three examples of schemes where the design has been significantly improved through the development management process:

- Residential development at Andlers Ash, Liss, Hampshire: the village’s hidden nature has been respected by restricting development above a certain contour; the built character of the village has been retained through the use of locally characteristic materials and building forms; provision of multi-functional green and blue infrastructure; retention of views out of the development.
- Mixed-use development at the Former Syngenta site, Fernhurst, West Sussex: the site’s isolation and enclosure by topography and mature woodland has been used as an opportunity to create a new place; the historic route of an old road and a culverted stream have been restored; the density of the developable areas has been sensitively maximised to enable large areas of the site to be left undeveloped and form green infrastructure including a new woodland 20 meters wide running through the site.
- Non-residential redevelopment of Harvey’s Depot, Lewes, East Sussex: the attention paid to integration of historic assets with new build and the building height generates enhancement of local views to Lewes’ characteristic downland setting; use of local flints roots the building in its locality; the green roof secures space for nature; the development includes new public space and improves the movement network around the site. This building has won multiple regional and national awards.

The Authority welcomes the introduction of chief officers for design and place making and we presume that the post will be similar to that of a chief town planning officer and would recommend that title.

Development Management (DM)

In principle the Authority agrees that decision making should be faster, but would like to highlight the recent improvements of Local Planning Authorities (LPA) in this respect. We would like to stress the positive role of DM in complex applications as cited in the examples above and consider it inherently problematic to both digitise DM and create beautiful places. Our view is that this section of the White Paper is overly weighted toward the interests of developers and landowners and gives scant regard to the needs of LPAs.

The amount and length of supporting reports in the English planning system has grown considerably in recent years and it is not easy to demonstrate that this has increased the quality of outcomes. In this context we welcome the proposal to reduce the amount of supporting information required to accompany a planning application. However, we are concerned that a standardised 50-page planning statement will be unable to provide all the necessary information to prove biodiversity net gain, all the viability evidence to support the level of affordable housing provision or a heritage statement on a proposal involving heritage assets. We would like to flag up that the standard of ecological information submitted for planning applications is generally poor and it would be challenging to provide all the necessary information as required by the Environment Bill to prove biodiversity net gain within such a short statement.

The proposal to refund the planning application fee if an application is not determined in time is not supported. We consider that this would lead to an increase in LPAs determining applications as they stand and not taking any revisions in order to meet the deadlines. In reality this is therefore likely to increase the number of refusals. Giving deemed consent if the deadline is missed is also not supported. The SDNPA deals with over 5,000 applications a year and inevitably a very small number may not be determined in time. It is difficult to see why local communities should effectively have to pay for this if unacceptable development is allowed by default.

Planning committees in England do, in the vast majority of cases, consider applications perfectly properly and do a difficult job well. If an LPA acts unreasonably costs can already be awarded against it. It is difficult to see what benefit can be accrued from returning the planning application fee to the applicant if the appeal is won; presumably the LPA will receive a financial bonus if the appeal is dismissed? This proposal shows little awareness of the reality of resourcing issues facing most LPAs. This proposal would diminish local democracy.

The Authority welcomes the introduction of standard national policies, which provide a real opportunity to simplify the planning system. However, we are concerned by the loss of our more innovative and locally specific policies in the South Downs Local Plan such as our policies on tranquility, dark night skies and ecosystem services. Planning in a national park is different to other LPAs as we follow our purposes and duty that are set in national legislation. We would welcome the opportunity to work with National Parks England and the Government on formulating specific DM policies relating solely to national parks and / or other designated landscapes.

The Authority welcomes the proposal in the White Paper to strengthen the role of enforcement in the planning system.

Infrastructure Levy

The Authority introduced the Community Infrastructure Levy (CIL) across the National Park in 2017 and recognises the issues with the tariff. We are, however, concerned by the loss of Section 106, which will still be needed to secure on-site measures and other mitigation measures that cannot be secured via planning conditions. Examples of locally successful projects funded in this way are the Solent Mitigation Fund and the Nitrate Mitigation Fund.

In regard to the new Infrastructure Levy, we have a number of concerns. Our main concern is that payment would be moved from commencement to occupation. Although this will aid developer cash flow, it will prevent infrastructure being in place on occupation or shortly afterwards. Payment on occupation is also more problematic to administer particularly for national park authorities that do not administer council tax. Secondly, the White Paper states that the Infrastructure Levy could be used to improve services or reduce council tax. This of course runs the risk that it would be spent on general Council budgets rather than providing infrastructure to support growth. Finally, we have concerns about affordable housing, which is already provided at well below the levels of need and should not be reduced further. Providing on site affordable housing is crucial to ensure we do not create new areas segregated by wealth. It is unclear how we would secure the details of affordable housing such as tenure and local priority with the new system. Given the huge gains conferred on the value of land when planning permission is granted any Infrastructure Levy should aim to capture more value than the current system. Capturing increased value for public benefit should also help increase the acceptability of development in areas.

Public engagement

The Authority welcomes the aspiration to move democracy forward in the planning system and introduce modern digital planning services. Our experience at the South Downs is that using a variety of methods maximises the number of people engaging in a consultation. It should be remembered that internet coverage is very poor in rural areas such as parts of the South Downs. Our concerns about public engagement in the new system of local plan preparation are set out above. We would refer you to the Gunning principles of consultation particularly that ‘conscientious consideration must be given to the consultation responses before a decision is made.’

Please do get back to me if you have any queries on any points that I have raised.

Yours faithfully

Ian Phillips
 Chair of the South Downs National Park Authority
ian.phillips@southdowns.gov.uk

White Paper: Planning for the Future.

SDNPA Response to the Questions set by in the White Paper

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

- Essential
- Evidence-based
- Plan-led

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

Yes, we are the local planning authority for the South Downs National Park.

2(a). If no, why not?

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?

The Authority welcomes the aspiration to move democracy forward in the planning system and introduce modern digital planning services. Our experience at the South Downs is that using a variety of methods maximises the number of people engaging in a consultation. It should be remembered that internet coverage is very poor in rural areas such as parts of the South Downs. We would refer you to the Gunning principles of consultation particularly that ‘conscientious consideration must be given to the consultation responses before a decision is made.’

The five stages of local plan preparation set out in the White Paper do need further thought. For example, how can people engage meaningfully in stage 1 of the process before there is anything tangible to comment on, and how will comments submitted in stage 3 of the process help shape the plan when it has already been submitted for examination?

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

- Conserve and enhance the National Park with emphasis on good landscape led design
- Infrastructure including broadband
- Affordable homes

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

We agree that it takes too long to adopt a local plan. One particular problem that we encountered with the preparation of our Local Plan was the seven month wait between the submission of our plan for examination and the start of our hearings. The five stages of local plan preparation set out in the White Paper do need further thought as set out in our answer to question 3.

We are concerned that the proposed timeline is too rigid and does not provide sufficient time to consider constraints particularly in stage 2 of the process. Plan making is an art as much as a science and cannot be done simply through the application of an algorithm. A

rigid and rushed local plan process runs the risk of losing fine judgement and thus making poorly informed decisions on the development of land.

The White Paper sets out three categories of land namely growth areas, renewal areas and areas that are protected. A number of examples are given of areas that are to be protected such as green belt and conservation areas, but national parks are not included in this list. We ask that national parks are explicitly added to the list of protected areas in the same way that they are listed in footnote 6 of the National Planning Policy Framework (NPPF).

We welcome the analysis of national parks provided in paragraph 28 of the White Paper and agree that the whole purpose of national parks would be undermined by multiple large scale housing developments. The spatial strategy for the South Downs set out in our recently adopted Local Plan is for a medium level of development spread across the towns and villages of the National Park. This is based on the premise that some development is needed to maintain the vitality of communities living in the National Park, whilst seeking to conserve and enhance the landscape. Clarification is sought from the Government that a limited amount of development will still be possible within protected areas without the need to designate renewal or growth areas.

The Authority recognises the problems with the existing sustainability appraisal process, which is process rather than outcome driven. Clarification is required on the future of Habitat Regulation Assessment (HRA), which is not mentioned in the White Paper. The HRA ensures that adverse impacts do not occur on some of our most important and cherished nature designations sites. The new simplified process needs to integrate HRA and in particular retain the precautionary principle and compensatory habitats.

Question

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

The Authority welcomes the introduction of standard national policies, which provide a real opportunity to simplify the planning system. However, we are concerned by the loss of our more innovative and locally specific policies in the South Downs Local Plan such as our policies on tranquility, dark night skies and ecosystem services. Planning in a national park is different to other LPAs as we follow our purposes and duty that are set in national legislation. We would welcome the opportunity to work with NPE and the Government on formulating specific DM policies relating solely to national parks and / or other designated landscapes.

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?

We await further detail on the new consolidated sustainable development test. Although sustainable development is a much used term, it is open to multiple interpretations. It is essential that the new system uses the internationally accepted Brundtland definition namely: ‘Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’

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

The Duty to Cooperate has failed to deliver on cross boundary strategic issues. Bringing back a higher tier of plan making, either through regional or county plans, would make local plan preparation quicker and more efficient.

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

We agree that a standard method would help speed up Local Plan preparation and examinations. We understand and agree that it does currently take too long to calculate a local plan housing requirement. This only came about when first structure and then regional plans were abolished by the Government. However, it is difficult to imagine how such a centralised system would have sufficient local or regional knowledge to understand the constraints that restrict growth or indeed the opportunities that drive it.

Considerable thought should be given as to how information on constraints and opportunities is gathered and used. For example, there may be considerable opportunities for growth in a conservation area providing that it was well designed and respected context. Conversely, there may be severe and insurmountable highway restrictions that constrain growth in a densely developed urban areas with high affordability issues.

We think it would only be possible to use a standard methodology for renewal and growth areas but not for protected areas such as national parks. Also the methodology should take into account the fact that many districts and Housing Market Areas are split with parts in and parts outside of the district in a national park. It would be helpful for the Government to explain what would happen in this situation and how any standard approach would take this into account.

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

No, we think that both indicators are overly simplistic and are not positive or pro-active planning tools. In particular, the level of affordability is a blunt tool. This is because increasing the quantity of development in the least affordable areas does not resolve affordability. Instead what needs to happen is an increase in the supply of affordable homes. We do not agree that the extent of the urban area is an appropriate indicator as this would simply perpetuate existing development patterns and miss opportunities to redistribute / rebalance to other areas. Also, it raises the question of how would using the extent of the existing urban area as an indicator allow new settlement to come forward?

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, providing that there is a robust zoning process

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

In regard to protected areas, we welcome the proposal that development proposals would still come forward through planning applications.

In regard to renewal areas, further information is required on the three options

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. THE NSIP regime is well understood, fair and efficient and is geared up to determine such complex applications. In a limited number of cases new settlements will be required to meet the nation's need for housing and the NSIP regime (with appropriate pre-application consultation) is a good way to consider them. The Government should ensure that local people are fully consulted under the new system.

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

In principle the Authority agrees that decision making should be faster, but would like to highlight the recent improvements of Local Planning Authorities (LPA) in this respect. We would like to stress the positive role of DM in complex applications and consider it inherently problematic to both digitise DM and create beautiful places. Our view is that this section of the White Paper is overly weighted toward the interests of developers and landowners and gives scant regard to the needs of LPAs or the communities they serve.

The amount and length of supporting reports in the English planning system has grown considerably in recent years and it is not easy to demonstrate that this has increased the quality of outcomes. In this context we welcome the proposal to reduce the amount of supporting information required to accompany a planning application. However, we are concerned that a standardised 50-page planning statement will be unable to provide all the necessary information to prove biodiversity net gain, all the viability evidence to support the level of affordable housing provision or a heritage statement on a proposal involving heritage assets. We would like to flag up that the standard of ecological information submitted for planning applications is generally poor and it would be challenging to provide all the necessary information as required by the Environment Bill to prove biodiversity net gain within such a short statement.

The proposal to refund the planning application fee if an application is not determined in time is not supported. We consider that this would lead to an increase in LPAs determining applications as they stand and not taking any revisions to in order to meet the deadlines. In reality this is therefore likely to increase the number of refusals. Giving deemed consent if the deadline is missed is also not supported. The SDNPA deals with over 5,000 applications a year and inevitably a very small number may not be determined in time. It is difficult to see why local communities should effectively have to pay for this if unacceptable development is allowed by default.

Planning committees in England do, in the vast majority of cases, consider applications perfectly properly and do a difficult job well. If an LPA acts unreasonably costs can already be awarded against it. It is difficult to see what benefit can be accrued from returning the planning application fee to the applicant if the appeal is won; presumably the LPA will receive a financial bonus if the appeal is dismissed? This proposal shows little awareness of the

reality of resourcing issues facing most LPAs. This proposal would diminish local democracy.

The Authority welcomes the introduction of standard national policies, which provide a real opportunity to simplify the planning system. However, we are concerned by the loss of our more innovative and locally specific policies in the South Downs Local Plan such as our policies on tranquility and ecosystem services. Planning in a national park is different to other LPAs as we follow our purposes and duty that are set in national legislation. We would welcome the opportunity to work with NPE and the Government on formulating specific DM policies relating solely specifically to national parks and / or other designated landscapes.

The Authority welcomes the proposal in the White Paper to strengthen the role of enforcement in the planning system.

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

Yes, we agree with making local plans more accessible. Our experience at the South Downs is that using a variety of methods maximises the number of people engaging in a consultation. It should be remembered that internet coverage is very poor in rural areas such as parts of the South Downs. Therefore, whilst recognising that local plans should be web-based we also recommend that paper plans should also be made available.

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

We agree that it currently takes too long to prepare a local plan and consider the Government's intention to reduce preparation time to 30 months to be laudable. However, we think 30 months to be unrealistic and the individual stages need to be given more thought. As an overarching comment the proposed system does not allow people to engage meaningfully with the process. The new system does not provide sufficient time to resolve inherent conflicts in the plan making process. Here are comments on the five proposed changes:

- Stage 1: a call for sites takes much longer than six months to organise and then assess the sites that are submitted. Rushing at this stage can lead to future problems. It is also unclear on how the public would engage at this stage. Is it simply for people to say how they would like to engage in plan making rather than help to shape the plan itself with their aspirations for their local area?
- Stage 2: again the target time of 12 months overlooks how complex and often conflicted evidence gathering can be.
- Stage 3: consultation on submission makes it too late to make meaningful responses. As the plan will have been submitted it will not be possible for the LPA to amend it in response to comments received. It is not clear who will manage the consultation. Will it be PINS or the LPA?
- Stage 4: the intention for an examination to last 9 months is admirable, however, PINS will need to be adequately resourced for this to happen. The examination of the South Downs Local Plan took 15 months with the hearings only starting seven

months after submission. Will there be consultation on any modifications to the plan?

- Stage 5: the 6-week period proposed would be adequate.

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

Yes, the Authority strongly supports neighbourhood plans being retained in the reformed planning system. We promote and support the preparation of NDPs in the National Park. We have 56 parishes designated for the purpose of neighbourhood planning and 31 NDPs have been made part of the development plan ranging from small villages to large market towns such as Petersfield and Lewes. We have found that several of our qualifying bodies have proactively promoted higher levels of development than that originally proposed in the Local Plan. Over a third of our new homes will be provided through NDPs over the plan period.

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

The consultation is unclear on the future role of NDPs. We have found that the requirement to be in broad conformity with the strategic policies of the local plan provides the right balance between the different levels of plans. We think that NDPs should be allowed to allocate and indeed zone within the parameters set by the local plan. If NDPs were simply to become design codes it would not play to the strengths of the qualifying bodies, who have built up considerable expertise in planning for their neighbourhoods since NDPs were introduced by the Government in 2011.

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, we agree that there should be a stronger emphasis on the build out of developments. However, very little is set out in the White Paper to address this. We propose enacting the recommendations from the Letwin review into Build Out Rates and taking measures to tackle land banking by developers. Whilst LPAs can, and should, progress local plans and planning applications quickly they do not control any levers when it comes to building out developments and implementing planning permissions. One solution is to charge council tax or some sort of vacant land tax on all new homes that are granted detailed planning permission. The land value rises as soon as permission is granted through the 'national' system so it seems reasonable that some betterment should accrue from that point.

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

Unusually for an LPA in current times we have two Urban Designers and two Historic Conservation Officers that has helped sustain and improve the quality of built development in the area. Generally, the new development that has taken place is of high quality and helps enhance the National Park. There have been a small number of developments undertaken under permitted development rights that have been poorly designed and locally controversial.

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

Sustainability is a holistic concept and it should not be a case of identifying one priority over another. The climate and biodiversity crises are of equal immensity and concern, and it is extremely worrying that neither of them are mentioned in this consultation.

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

The Authority welcomes the emphasis that the White Paper places on good design and the creation of beautiful places. We acknowledge that design guides and codes can increase the quality of places delivered, but do question whether their use allows truly innovative design to come forward that speaks to the landscape in which it is located. We agree that securing local buy-in is important but have found, in practice, that local involvement can tend to focus on the architectural style of new development rather than the quality of the new places being created. We are also aware of instances where the enforcement of standards in design codes has proved problematic.

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, to both parts of the question. A national body to raise standards, awareness and outcomes and to support all involved would be welcomed. For each authority to have a chief officer for design and place making would also be welcomed as helping to raise the profile and importance of planning.

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

Yes, giving a greater emphasis for Homes England to deliver beautiful places is important because Homes England are one of the largest developers in the country. Therefore, this requirement has the potential to positively affect many new homes a year. Most importantly, if successful, it would blaze a trail and set standards, which the public could expect for other developers to follow and emulate.

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

We welcome the aspiration behind this proposal and generally give the proposal a cautious welcome whilst we await the details. We particularly wish to see the details of widening and changing the nature of permitted development. This is because recent research commissioned by the Government has shown that previous extensions in permitted development rights have in fact reduced development quality, for example, homes without natural light, substandard sized homes and homes in industrial estates without gardens or access to any open space.

Although we can see merit in facilitating the pre-approval of popular and replicable housing designs through permitted development it is difficult to see how this will take account of local context. Modification of the standard housing types and how they will apply to the areas is unlikely to suffice, and there is a risk of identikit development across England.

For all these reasons the Authority supports developing a pilot programme to test the concept.

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

As a national park authority our priority is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and promote opportunities to enjoy its special qualities. We also have a socio economic duty towards our local communities and a key part of this is ensuring a supply of affordable homes for local people.

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 Authority introduced the Community Infrastructure Levy (CIL) across the National Park in 2017 and recognises the issues with the tariff. We are, however, concerned by the loss of Section 106, which will still be needed to secure on-site measures and other mitigation measures that cannot be secured via planning conditions. Examples of locally successful projects funded in this way are the Solent Mitigation Fund and the Nitrate Mitigation Fund.

In regard to the new Infrastructure Levy, we have a number of concerns. Our main concern is that payment would be moved from commencement to occupation. Although this will aid developer cash flow, it will prevent infrastructure being in place on occupation or shortly afterwards. Payment on occupation is also somewhat more problematic to administer particularly for national park authorities that do not administer council tax. Secondly, the White Paper states that the Infrastructure Levy could be used to improve services or reduce council tax. This of course runs the risk that it would be spent on general Council budgets rather than providing infrastructure to support growth. Finally, we have concerns about affordable housing, which is already provided at well below the levels of need and should not be reduced further. Providing on site affordable housing is crucial to ensure we do not create new areas segregated by wealth. It is unclear how do we would secure the details of affordable housing such as tenure and local priority with the new system.

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

Rates should be set locally or regionally to take into account local land values and in order to try and help address the imbalance in growth and economic development between regions.

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?

Given the huge gains conferred on the value of land when planning permission is granted any Infrastructure Levy should aim to capture more value than the current system. Capturing

increased value for public benefit should also help increase the acceptability of development in areas.

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

Yes, subject to defined guidelines.

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

Yes, as such changes of use may involve significant floorspace. Where the new use is residential significant demand on local infrastructure is likely to result.

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, as the levels of affordable housing provided are already well below the levels of need and should not be reduced further. Providing on site affordable housing is crucial to ensure we do not create new areas segregated by wealth.

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, provided this affordable housing is genuinely additional to that which would have to be provided in any case.

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

Yes, but they should be limited to the 2019 changes already made to the CIL Regulations. We are concerned that the White Paper says that the Levy could be used to 'improve services or reduce council tax'. There is a real danger the levy will not be spent on delivering the infrastructure needed but supporting general Council budgets.

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

Yes, it is hard enough to deliver affordable housing without adding the competition for CIL monies from other infrastructure requirements such as education provision.

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

The proposal to greatly increase digitisation in planning could have an adverse impact on the older members of society who would like to engage with the planning system but are not fully computer literate. Notwithstanding the fact that place of residence is not a protected characteristic, the drive towards digitisation of planning could also have an adverse impact on people living in rural areas because of poor internet coverage.

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