

**County Hall
New Road
Oxford
OX1 1ND**

**Director for Planning and Place
– Susan Halliwell**

29 October 2020

Planning for the Future Consultation
Ministry of Housing, Communities and Local
Government

By email:
planningforthefuture@communities.gov.uk

Dear Sir / Madam

**Planning for the Future White Paper Consultation
Comments close 29th October 2020**

Oxfordshire County Council (OCC) welcomes the opportunity to comment on the government White Paper: Planning for the Future and recognises the proposal to improve the planning system. We have identified a number of concerns as set out in Annex 1. This letter should also be considered as part of OCC's response.

Oxfordshire County Council operates within a two-tiered local government structure and therefore our response to this White Paper consultation reflects that. Having said that we appreciate that many of the proposed changes in how the planning system might function in the future would work best in a unitary authority situation.

S106 / CIL / Infrastructure Levy

The proposals (numbered 19 to 22) are a package of significant reforms to the current system of developer contributions (S106 and CIL) such that these are replaced with a new, nationally set Infrastructure Levy based on the value of the development. The Levy would be paid at the point of occupation. Where the value of development is below a threshold, no Levy would be charged.

Our response indicates that there are many aspects of the current system which are not addressed by these proposals. The purpose of S106 is wider than securing contributions, for example requiring highway works to be carried out which are then secured and delivered by a S278 agreement.

Even if looking at this only from the point of view of funding infrastructure and affordable housing, we are very concerned at the lack of evidence on whether such an Infrastructure Levy will achieve the intent of better providing for these. Instead, there is the potential for less funding, particularly in areas where development is currently of high value, such as Oxfordshire. We would also be concerned about the proposal to not charge the Infrastructure on smaller sites. This will result in small developments in villages not

gaining the infrastructure required to mitigate against the effects of development. We therefore largely oppose the proposals, noting that instead the focus should be on ways of making the funding process more transparent and effective. Any process of change will require transitional arrangements such that development is not halted.

Duty to Cooperate

We are concerned about the proposal to abolish the Duty to Cooperate. Since 2014 the Oxfordshire authorities have successfully utilised the Duty to Cooperate mechanism to allow the City of Oxford to meet its unmet housing needs up to 2036. All the rural district council's (Cherwell DC, South Oxfordshire DC, Vale of the White Horse DC and West Oxfordshire DC) have all risen to the challenge by allocating strategic sites in their adopted and emerging local plans to enable Oxford to meet its housing needs.

Therefore, we consider it is important that any future system (whether it applies to unitary or two-tiered local government), if it does not have a formal Duty to Cooperate, requires infrastructure planning across local authority boundaries.

Healthy Place Shaping

However, while the Paper is strong on intent it is short on the detail needed to be able to provide a proper assessment of the impact of the proposals. From what has been provided, it is not clear that the proposed actions will result in the envisaged objectives - indeed some actions may well have a negative impact on the government's aspirations for the planning system.

Perhaps what is of most concern from a Healthy Place Shaping (HPS) perspective, is the scant mention throughout the Paper of the positive role planning can play in improving the nation's physical and mental health - "health" as an outcome of the planning system is mentioned no more than three times at most and in passing only. This is ironic, not only because of the current pandemic, but also because one of the fundamental purposes of the original 1947 Planning Act was to tackle poor living conditions which were contributing to poor health outcomes for the population at large.

Accordingly, the scope of the ambition of this Paper needs to be broadened so that it looks at the measures needed to ensure we plan and create healthy places. This should be a fundamental objective of the Paper and should be integrated within the government's proposed set of measures. This should mean that at the very least, the government's proposed planning policies and design codes at the national and local levels should explicitly address what is required to create healthy places. And in terms of delivery and implementation, there needs to be recognition that joint working between the health, development and planning sectors is patchy (and in some places non-existent). As such the proposed introduction of measures to strengthen joint working both at national level between government departments and at the local level between health and planning professionals should at least be flagged up in this Paper.

In summary, poor quality outcomes from the planning system undermine people's health, safety, well-being and life chances; there needs to be explicit recognition of this fact in the drafting of the new reforms which should underpin what is proposed.

Minerals & Waste

There is no mention of Minerals and Waste Local Plans in this consultation, even though it is a consultation which proposes changes to Local Plans. Similarly, the proposals in relation to development appear focused on house building, rather than other sorts of uses such as quarrying for minerals.

Our response identifies how several of the proposals do not work in relation to minerals and waste issues. We consider that the government will need to undertake further work and consult further about any changes applying to minerals and waste.

Local Democratic Decision Making

Proposal 5 is that for areas identified for 'growth' in local plans, an automatic grant of outline planning permission for the principle of development will be made, and automatic approvals would also be available for pre-established development types in other areas suitable for building. Proposal 6 indicates that detailed planning decisions should be delegated to planning officers where the principle of development has been established. Proposal 14 indicates that legislation will widen and change the nature of permitted development.

The current process of allocating land for development through local plans already establishes the principle of development, but these proposals will likely mean that local Councillors will be less involved in decision making. We are concerned that the role of democratically elected Councillors serving their local constituents will be subsequently diminished and does not align with what we understand are the aspirations behind awaited Devolution and Recovery White Paper. Furthermore, we are concerned that poor outcomes might result given the emphasis on speed of decision-making more than comprehensively considering proposed development.

Local Government Resourcing

At a time when there is a focus on the coronavirus pandemic, finance in many local government organisations is perilous, and the government has indicated an intention to reform the structure of local government, it is difficult to know whether such an overhaul of the planning system can be achieved. Progressing many of these proposals will require significant additional funding from government.

Principles

Many of the principles which underpin this consultation can be supported. The principle of a stronger focus on climate change and maximising environmental benefits is supported. We support improved public consultation, making planning more inclusive, and improving digital access. Similarly, the increased use of design guides and codes can be supported. All these have cost and training implications which must not be overlooked, instead government should provide additional funding to resource change.

Other Consultations

We are aware of the consultation on changes to the current planning system (closed 1 October 2020) which proposes changes to the standard method for assessing local housing need; securing of First Homes through developer contributions in the short term; lifting the threshold below which developers do not need to contribute to affordable housing; and extending the current Permission in Principle to major development.

We are also aware that there are other related consultations such as the aforementioned Devolution and Recovery White Paper, and there will be a need for further consultations on the detail of any proposals which progress from this consultation, such as changes to the National Planning Policy Framework.

Our comments on this consultation are necessarily high-level, and we will await further, more detailed, consultations to see whether the proposals will be able to achieve the objectives set out by government.

Yours sincerely

A handwritten signature in black ink that reads "S. Halliwell". The signature is written in a cursive style with a large initial 'S'.

Susan Halliwell

Director of Planning and Place

Email: Susan.Halliwell@oxfordshire.gov.uk

General Email: PlanningInOxfordshire@oxfordshire.gov.uk

Annex 1:

The questions posed in the Planning for the Future White Paper
Oxfordshire County Council Response
Consultation closing 29th October 2020



(Please also see covering letter)

Proposal	Question	Comment
Overview (page 26)	1.What three words do you associate most with the planning system in England?	The planning system in England is reasonably effective and respected, although somewhat under-resourced.
	2(a). Do you get involved with planning decisions in your local area? [Yes / No] 2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]	Yes
	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]	Oxfordshire County Council would like work with our District and City Council partners and other organisations on planning and related matters using a range of innovative means including social media and website updates, but most particularly from direct notifications to our supplied email addresses. We recognise that others will also want the same from us when we are the determining authority, such as for Minerals & Waste and County Matters. We already send out any applications we are the determining authority for in an electronic format, the information is on our website, and we use our website and social media platforms to update people on the plan making process. We would support proposals to make it easier to access plans and contribute views where the proposals are cost-effective and inclusive.
	4. What are your top three priorities for planning in your local area?	In line with our Corporate Plan Vision, our priorities for a Thriving Oxfordshire are:

	<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>Thriving people</p> <ul style="list-style-type: none"> • We strive to give every child a good start in life and protect everyone from abuse and neglect. • We enable older and disabled people to live independently and care for those in greatest need. <p>Thriving communities</p> <ul style="list-style-type: none"> • We help people live safe, healthy lives and play an active part in their community. • We provide services that enhance the quality of life in our communities and protect the local environment. <p>Thriving economy</p> <ul style="list-style-type: none"> • We support a thriving local economy by improving transport links to create jobs and homes for the future. <p>In response to the climate emergency, our ‘Climate Action for a Thriving Oxfordshire’, dating from November 2019, sets out our commitment to be a zero-carbon organisation by 2030 and play our part in enabling a zero carbon Oxfordshire. We have committed to take action in five main areas: to deliver a carbon neutral county council by 2030; to enable our schools to decarbonise their estate; to green our supply chain; to make policy-making more climate-focused; and to innovate, collaborate and support communities.</p>
<p>Pillar 1: Planning for development</p>		
<p>P 28 Proposal 1: The role of land use plans should be simplified. The government propose that Local Plans should identify three types of land – <i>Growth</i> areas suitable</p>	<p>5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>No.</p> <p>It is important to recognise and acknowledge that the Planning for the Future White Paper and the proposals contained within it are geared towards proposing planning processes that are very much suited to a Unitary Authority structure. Oxfordshire County Council operates within a two-tiered local government structure and therefore our response to this White Paper consultation reflects that. Having said that we appreciate that many of the proposed changes in how the planning system might function in the future would work best in a Unitary Authority situation.</p>

<p>for substantial development, <i>Renewal</i> areas suitable for development, and areas that are <i>Protected</i>.</p>		<p>We recognise that there is an opportunity to improve on the current Local Plan process. Having said that, we are concerned that over-simplifying the system using only three types of land classifications will negatively impact on the quality of decision-making and of outcomes for communities in terms of design and delivery.</p> <p>Minerals and Waste Local Plans are not mentioned in the White Paper. We consider that the proposals would not be suitable for Minerals and Waste Local Plans. For example, minerals can only be excavated where they are found, and therefore cannot be classified with 'growth', 'renewal' or 'protected' labels.</p> <p>We also query how joint or cross-border plans might be delivered in the proposed system.</p> <p>The proposals are very process driven. We consider that the process should be more outcome focussed, for example, demanding that places are shaped with health and wellbeing in mind. There could be a danger in seeing 'growth', 'renewal' and 'protected' areas as separate places rather than part of a coherent whole system.</p> <p>The three categories as set out are too simplistic. For example, it lists Green Belt areas to be included in the 'protected' category. In Oxfordshire the Oxford Green Belt has been found through the Local Plan process to be sustainable locations for major growth, especially from a strategic infrastructure perspective. Any updated guidance should be clear that exceptions may still need to be made to remove land from the Green Belt.</p> <p>As we mention above, we are concerned that the identification of three types of land ('Growth', 'Renewal' and 'Protected') will not be easy. Attempting to identify such types would require significant additional resourcing and time compared to the current process of preparing local plans. At the moment, detailed assessments of land tend to be undertaken by developers as part of proposals for development, yet the proposed approach implies more assessment being undertaken by the Local Planning Authority. In some cases, the level of detail required may not be possible – for example not all significant heritage assets (such as archaeological assets) are known, and therefore they cannot be assigned to 'Protected' zones in advance.</p> <p>The current NPPF led system emphasises a significant approach to protecting the historic environment, and Heritage Assets are either designated or non-designated. Heritage assets of the highest significance would need to be physically preserved for future generations to appreciate and enjoy. The NPPF also requires that heritage assets of demonstrable equivalent significance to a designated site should be considered in line with the policies for</p>
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		<p>designated sites. It also recognises that many non-designated assets have yet to be identified because they are archaeological sites as yet undiscovered or because they are heritage assets for which the true significance is not yet recognised.</p> <p>It would therefore be essential to fully understand the significance of any heritage assets on a site before it can appropriately be assigned to a zone. The current system allows for assessment of the potential for a site to contain such assets in the form of heritage statements, desk-based assessments and archaeological evaluation. This is undertaken on a site by site basis and funded by the developer to identify any previously unknown heritage assets on a site and allow for an assessment of their importance in advance of granting planning permission. This is to ensure that heritage assets of the highest significance can be preserved in situ for future generations.</p> <p>It is therefore difficult to be able to appropriately assign land to the proposed three zones which has not been subject to detailed assessment and so the likelihood of the land to contain significant heritage assets has not been appropriately assessed.</p> <p>This proposed system of allocating land to three zones at the local plan stage would require that these assessments and evaluations be undertaken ahead of the production of the Local Plan. It is likely therefore that the land would need to be assigned to these zones before a developer is involved and as such the cost of these assessments, essential for the appropriate allocation of land to zones, would need to be borne by the Local Planning Authority. This would involve substantial cost to both the Local Planning Authority and taxpayer. This would seem to contradict the desire, set out within this White Paper, that the proposed system would be cheaper than the present system and funded by the 'beneficiaries of planning gain', i.e. the developer, rather than the national or local taxpayer.</p> <p>The fine grain of landscape, environment and cultural heritage which, for many, makes England so unique a place cannot be simplified easily. A broad-brush, three category approach to planning risks the gradual erosion of local distinctions that define sense of place in high and low growth areas. In areas identified for high growth there is also an increased risk that protection of and investment in green space and natural capital necessary to support new communities will not be prioritised. Areas of Outstanding Natural Beauty are noted as being 'subject to more stringent development controls to ensure sustainability', but this implies that outside these protected areas sustainability will not be ensured.</p>
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<p>P 30 Proposal 2: Development management policies established at national scale and an altered role for Local Plans.</p>	<p>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.]</p>	<p>Yes</p> <p>The proposals involve the NPPF becoming the primary source of policies for development management. Revising the NPPF would be the subject of a further consultation and we would be interested to comment on such draft development management policies at that time. We recognise that it is currently the case that it is not always clear whether there is a need to add development management policies in a Local Plan to that already in the NPPF, and the avoidance of repetition is desirable.</p> <p>The proposals also involve producing design guides and codes to reflect local character and preferences about the form and appearance of development. We support design guides and codes but are concerned that production of these ourselves, and responding to those of others, could be resource intensive.</p> <p>In terms of Healthy Place Shaping the role of national and local development management policies as well as design codes should be explicitly stated here to secure developments that support good public health. Ideally national policies should set some minimum standards. It is unclear as currently drafted how the proposed Health Impact Assessment process for Local Plans and new development will fit in to the new regime envisaged by this White Paper. The short answer is that it is probably incompatible - especially if the government are proposing to remove the sustainability appraisal of Local Plans from the process. We should therefore seek a more flexible approach which allows it to set DM policies as at present (except where they duplicate national ones)</p>
<p>P32 Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.</p>	<p>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.]</p> <p>7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>	<p>No</p> <p>a) The tests of soundness for Local Plans have only been in place for a limited time. It is not clear how a sustainable development test would operate. For example, it is difficult to define what is sustainable in assessing the environmental aspects of development due to partial knowledge of the extent, character and benefit of natural capital and the services these assets provide (not least because natural systems do not operate in isolation, rather they are the result of complex interactions). Nature does not follow local authority boundaries, as for example, the study of river catchments shows. A simplified assessment risks marginalising these aspects still further. Any test requires sufficient investment in understanding how natural systems work comprehensively, including all relevant elements at different scales and different localities.</p> <p>b) Oxfordshire Authorities have been working cooperatively having regard to the Duty to Cooperate and the benefits that come from joint consideration of strategic issues. The</p>

		<p>Oxfordshire Growth Board is a joint committee of the six councils of Oxfordshire together with key strategic partners. The Board's purpose is currently to:</p> <ul style="list-style-type: none"> • Coordinate local efforts to manage economic, housing and infrastructure development in a way that is inclusive and maximises local social and environmental benefits; • Support the development of local planning policy that meets the UK Government's stated aim of net zero carbon by 2050, and contributes towards biodiversity gain whilst embracing the changes needed for a low carbon world; and, • Seek to secure funding in the pursuit of these aims and oversee the delivery of related work programmes delegated to it by the Joint Committee's constituent local authority members. <p>The Oxfordshire Growth Board does the above by overseeing the delivery of projects that the councils of Oxfordshire are seeking to deliver collaboratively in the fields of economic development and strategic planning. This cooperation has helped Oxfordshire to secure over £500m of additional investment, such as through the Housing and Growth Deal, Housing Infrastructure Fund and the Oxfordshire Rail Connectivity Study. The Growth Board also has an important role in representing Oxfordshire on matters of sub-national interest.</p> <p>Since 2014 the Oxfordshire Authorities have successfully utilised the Duty to Cooperate mechanism to allow the City of Oxford to meet its unmet housing needs up to 2036. All the rural district council's (Cherwell DC, South Oxfordshire DC, Vale of the White Horse DC and West Oxfordshire DC have all risen to the challenge by allocating strategic sites in their adopted and emerging local plans to enable Oxford to meet its housing needs.</p> <p>It is important that any future system (whether it applies to unitary or two-tiered local government), if it does not have a formal Duty to Cooperate, requires infrastructure planning across boundaries.</p> <p>Oxfordshire councils are also working together to prepare a Joint Strategic Spatial Plan - the Oxfordshire Plan 2050.</p> <p>In respect of minerals and waste, we are involved with other authorities across the region in various initiatives for addressing strategic, cross-boundary issues, and also works with the districts and city within the county.</p> <p>It is recognised that things will change in respect of dealing with strategic and cross-boundary issues if devolution proposals to increase the number of unitary councils'</p>
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		proceeds. Oxfordshire currently works within a two-tier system. The Planning White Paper does not specifically refer to county councils in a two-tier system.
P 32 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.	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.]	<p>No</p> <p>We note that there has been another separate 'Changes to the Planning System' consultation, including a proposed standard method for calculating housing need. We submitted a response to this consultation on 1 October.</p> <p>Key to making any proposal for a standard method work will be the adequacy of the assessment of constraints and opportunities. Too often these do not appear to take a long-term view of sustainability in all its elements – social, economic and environmental - assuming that problems will be sorted out 'down the line' or by others e.g. the supply of fresh water and treatment of waste water and the provision of adequate levels and forms of green infrastructure. If this approach is taken, the modelling of 'carrying capacity' and the future infrastructure needs of new developments will have to be properly undertaken at the outset and sufficient resources allocated to this process.</p> <p>Further consideration is also needed in regard to including infrastructure constraints in any assessment. This could, for example, link to forecasting carbon impacts from any new development. This would be a more complex process than the existing system but may give a more comprehensive assessment of housing requirements.</p> <p>It is also important to note that some constraints cannot be considered within a District boundary, for example flood infrastructure needs to be considered for the whole catchment area.</p>
	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.]	<p>No.</p> <p>The suggestion to target areas where affordability is poor would include much of Oxfordshire which would result in demands on infrastructure of all types. Affordability and the extent of existing urban areas alone is too simplistic and there are many other factors which should be considered. It is necessary also to consider transport factors, for example whether the road network can absorb additional journeys, or whether there are constraints on network capacity.</p>
P 34 Proposal 5: Areas identified as <i>Growth</i> areas (suitable for	9(a). Do you agree that there should be automatic permission for areas for substantial development	<p>No.</p> <p>The current process of allocating land for development through Local Plans already establishes the principle of development, but this is very different to an outline planning</p>

<p>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.</p>	<p>(Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]</p> <p>9(b). Do you agree with our proposals above for the consent arrangements for <i>Renewal</i> and <i>Protected</i> areas? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>application, which, for large sites, will define access, infrastructure and phasing and often be accompanied by a legal agreement. Even if a system with a different type of outline permission could be devised, we would be concerned that such automatic outline permission would push more matters into the Reserved Matters stage – this would impact on the timing of the development process which could take longer.</p> <p>County Councils provide comments on planning applications received by District Councils, for example in our role as Local Highway Authority and Education Authority. If Local Plans were instead to enable an automatic permission, more resources would need to be directed at the plan making stage for comment, and they already involve a substantial commitment of our time.</p> <p>The current system for applications being made when the developer is ready, allows for up-to-date environmental information to be taken into account during the screening and outline permission stage of new developments. Some environmental data, for example on species and habitats, needs to be updated regularly as these are dynamic systems subject to change. The nature of the proposed development will affect environmental outcomes. Environmental information quickly becomes out of date, so pre-defined areas and scheme types may not be appropriate in future. Losing the environmental screening stage would be a weakness. In addition, biodiversity does not restrict itself to planning boundaries but moves in response to external pressures. This can be the case in all the three proposed ‘growth, renewal and protected’ areas. The ultimate consequence of missing this detailed step is that there is a slow and ongoing erosion of features of environmental interest. One further consequence of this may be that large buffer areas are required to protect areas of potential value, which might not be the case when detailed assessment are made. Later in the document, the proposals indicate that better national data will reduce the need for site specific information. That works for some environmental features, it does not work so well for others – ecology and archaeology being notable examples.</p> <p>The proposed timescale for the development of plans assumes that there will be a comprehensive suite of data on all features of interest that allow the plans to be developed. This is not the case at present and is unlikely to be so without significant additional funding for research and assessment. For example, fundamental archaeological or ecological information is often only uncovered at the preliminary stages of individual development planning. Any future planning process would need to ensure that development in all areas could be adjusted to take account of the identification of such features even where the area has, for example, been identified for ‘Growth’.</p> <p>For some aspects such as landscape, the impacts of development cannot be assessed easily in advance as they are a consequence of the nature of the development that is</p>
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		<p>proposed e.g. tall buildings versus short buildings. These do not sit easily with large scale pre-defined development areas.</p> <p>There are substantial issues with granting outline permission to areas identified as Growth Zones without the archaeological potential having been assessed. Without such assessment then there is a serious risk that areas allocated to Growth Zones and granted outline consent could encounter archaeological deposits of the highest significance during the detailed planning stage. This would either remove the opportunity to preserve such sites in situ in line with the current NPPF, leading to considerable and unexpected costs to the developer in order to record them, or require considerable redesign after outline permission had been granted meaning that the site may not be able to deliver the expected housing levels. Both of these options could affect the viability of the development and are also highly likely to cause considerable unexpected delays to the development process which again is contrary to the stated aims of the White Paper.</p> <p>We would expect that Minerals and Waste developments would not be suitable for the process described of defining Growth Zones and automatically granting outline permission. Describing a certain area as a Growth Zone for the purpose only of, say, a quarry, would not appear to be compatible with the use of the term. The extent of information required for an outline permission would also not be expected at the site allocation stage. It is likely that the system of defining areas and automatically granting outline permission could not apply in the case of less usual developments than housing, for example new roads and utilities.</p>
	<p>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.]</p>	<p>No</p> <p>We would be concerned at erosion of local democracy as a result of any proposal to separate new 'settlements' from other forms of large or strategic development.</p>
<p>P 36 Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.</p>	<p>10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>No</p> <p>This part of the Planning White Paper contains many suggestions, some of which we can support, such as increased digitalisation. However, the proposal may lead to faster decisions, but not necessarily better ones. We recognise that digitisation and standardisation is often an improvement, however in doing so caution must be applied to not lose local input – the formats should be standardised, not the contents.</p> <p>Standardising technical information poses a risk given the variation in terms of data quality. Poor quality data will give poor quality decisions, even if the process is faster. Putting the onus of the Local Planning Authority to provide information up-front at the plan making</p>

		<p>stage, instead of the developer/promoter at the development stage, will have significant cost and resource implications.</p> <p>We are concerned about the timeframe proposals which indicate a tightening up of decision making within the current expected timeframes of eight or thirteen weeks. Given the complexity of some proposals, and resourcing constraints, any tightening could result in poor decisions being made.</p> <p>The suggestion of the automatic refund of the planning fee for the application if Councils fail to determine applications within the time limit is one that we oppose. Often the delays are not due to the determining authority's actions, but due to waiting for information from the applicant or responses from statutory authorities. Pressure to make a decision, would likely result in a decision being made without all the information needed, and would likely increase the numbers of refusals.</p> <p>The proposal that 'applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal' seems manifestly unfair on Councils that have correctly refused applications, and see those decisions overturned when additional information is provided by the applicant, or concessions made by the applicant, at the later stage. The loss of income from planning application fees would likely lead to further resourcing difficulties for Councils.</p> <p>The proposal for 'the delegation of detailed planning decisions to planning officers where the principle of development has been established' threatens to erode local democracy. In the current system, there are many applications where it could be said that the principle of development has been established, but local councillors are still often best placed to consider all relevant aspects and make a decision.</p> <p>Historic environment data is currently held in Historic Environment Records which are a database of all known archaeological deposits. The data that is held in them records the location and details of known archaeological sites identified from a range of sources, but these records are not definitive. They only record on what has been found and where do not contain any information on areas where no archaeological investigations have been undertaken. As such the data held in them must be interpreted using appropriate expertise and used to predict the likelihood of archaeological deposits being encountered in areas where little or no formal archaeological work has been undertaken. A lack of archaeological records for an area may therefore be down to a lack of research and not necessarily equate to no archaeological deposits being present on a particular parcel of land.</p>
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		<p>It is often only after detailed assessment and evaluation that the significance of any heritage assets that would be impacted by any development is fully understood. It is also only once detailed plans of proposed development have been produced that this impact of the development on these heritage assets can be assessed appropriately.</p> <p>Making this data available at a Local Plan stage would therefore not provide any certainty to a developer that there are no historic environment constraints on a particular site. There are numerous examples of significant heritage assets only being identified at the planning stage such which require physical preservation. It is only through detailed site-specific assessment and investigation, often in the form of site-specific field evaluations, that the significance of any surviving heritage assets can be understood.</p>
<p>P 38 Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.</p>	<p>11. Do you agree with our proposals for digitised, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes</p> <p>Whilst the move to digitise wherever possible is supported, there is still a need for a good mix of on and off-line media. Not everyone has access to a smart phone or the internet, particularly in more deprived neighbourhoods, which are already those areas where people tend to feel less able to have their say in the planning process. If we ultimately want to achieve co-creation of the planning requirements for a given area, the approach needs to be fully inclusive to involve the public.</p> <p>There are numerous small-scale improvements that could be made. Documents could be better organised and described more clearly to save the need to open numerous documents in order to find what you are looking for, for example with planning application documents.</p> <p>The level of digitisation proposed goes beyond that currently done anywhere, therefore, to achieve digitised, web-based Local Plans, we expect that support from government would be required. Such support, for example the free provision of the necessary software, should be available to support the range of planning documents, including Local Plans, Minerals and Waste Local Plans, Area Action Plans, Supplementary Planning Documents etc.</p> <p>The documents themselves need to be accessible PDFs with a clear contents list; in a searchable; legible; scalable format and appropriately sized and proportioned.</p> <p>Having documents in a machine-readable format may be beneficial and could integrate with modelling such as transport modelling. We have been at the vanguard of innovation in preparing a new type of transport model, the Oxfordshire Mobility Model, which will be an easy-to-use system for developers and planners.</p>

<p>P 40 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 government will consider what sanctions there would be for those who fail to do so.</p>	<p>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.]</p>	<p>No.</p> <p>We do not agree that a 30-month statutory timescale is appropriate as there could be circumstances where additional time is required in order to get a Local Plan right. It is also necessary to have sufficient time for consultation at all relevant stages to allow for meaningful input.</p> <p>The 30-month statutory timetable is also not long enough if all environmental constraints need to be identified and addressed at the Local Plan stage rather than, as now, by the developer at outline or detailed planning stage.</p> <p>The short time scale assumes that the level of information necessary to develop plans is already available. As noted previously, for example archaeology and wildlife habitats, this information does not become available until individual sites come forward. It is also presumed that site proposers would have all the information ready at the start of the plan making process when the local authority calls for site proposals.</p> <p>By removing the more detailed scrutiny of individual applications in some areas it also appears assumed that environmental information remains static. This is not the case. There will be a significant demand for the further development of environmental information baselines in a short time period. If this is to be undertaken nationally within a short timeframe there are likely to be issues with finding suitably qualified and experienced people to undertake these assessments.</p> <p>Additionally, this would not be sufficient time to undertake any new surveys to inform the baseline that would be needed to allocate areas for growth, protection and renewal. Greater clarity is sought on what would be sufficient information to consider in preparing a Local Plan, including a Minerals and Waste Local Plan, to pass the “sustainable test”. Currently the number of studies/background evidence required to ensure a Local Plan is sound takes far longer than twelve months to prepare.</p> <p>We consider that government timescales should be advisory rather than mandatory with sanctions, as we acknowledge having a timescale creates a level of certainty. We would seek greater clarity on the timescale should this proposal progress.</p> <p>The document states: ‘To support the transition to the new system, we propose a statutory duty for local authorities to adopt a new Local Plan by a specified date – either 30 months from the legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years or where a Local Plan has been submitted to the Secretary of State for examination. In the latter case, the 42-month period</p>
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		<p>would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later'. A timescale of the preparation of the proposed Bill, revised NPPF and other supporting documents is required for greater certainty for those currently preparing plans. The suggested timeframe could imply that work needs to commence now, when the proposals are not yet certain, and is therefore unreasonable.</p> <p>The proposed Local Plan process appears to have much less opportunity for local engagement than currently. We consider that the stage 1 call for sites will only really attract land promoters. It could be that the public will only get to comment after the Local Plan is submitted to the Planning Inspectorate at stage 3 if there is no public consultation at stage 2. The recipient councils don't have a stage to respond to public comment, as comments only get considered at inspection.</p> <p>The proposed 30-month statutory time frame for the delivery of the Local Plan is particularly problematic for the historic environment. This proposal sets out a timeframe of only 18 months between a Local Planning Authority asking for suggestions for areas under the three categories and the Local Planning Authority drawing up the plan. This is simply not enough time to allow for the detailed site assessments to consider the significance of any heritage assets on the site. Both geophysical survey and trenched evaluation can take a number of weeks to complete the onsite fieldwork, depending on the size of the site, and considerably longer to produce a report to the appropriate standards.</p> <p>It is likely that any particular Local Planning Authority may be dealing with numerous sites and so even the whole 30-month timeframe is likely to be insufficient for all of the sites to be considered and assessed appropriately. There is therefore a considerable risk that such assessments will either not be done to an appropriate standard or simply not undertaken at all ahead of the zoning of land. This will inevitably lead to considerable complaints and challenges to the Local Plan as well as increasing the risk of significant archaeological deposits being encountered following the granting of outline permission which is highly likely to increase costs, delays and uncertainty for the developer. This specifically runs counter to the overall aims of the White Paper.</p>
<p>P 42 Proposal 9: Neighbourhood Plans should be retained as an important means of community input,</p>	<p>13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes</p> <p>Neighbourhood Plans cannot affect minerals and waste development, and therefore have no impact on the County Council's statutory minerals and waste planning function.</p>

<p>and government will support communities to make better use of digital tools</p>		<p>Oxfordshire County Council is generally supportive of neighbourhood plans, and seeks to provide comment on draft plans, even though County Councils receive no direct funding for this (unlike District Councils).</p> <p>Neighbourhood Plans provide an opportunity to describe at a local level the 'fine-grain' detail on what is important, which could prove to be a useful complement to a more broad-brush authority-wide plan.</p> <p>Neighbourhood Plans are important in ensuring new development is rooted in local distinctiveness and sense of place. Communities also need to feel they are driving development in their area, not having it done to them. It is therefore welcome to see that such plans are proposed with the White Paper. For such plans to positively affect the Local Plan however they would need to be completed prior or close to the very start of the Local Plan process. Once land has been zoned into the three proposed categories there will be little scope for Plans to impact on future decisions until such time as the Local Plan is due for renewal. With only 30 months between the initial call for sites to be included and the delivery of the Plan there will be little scope to take into account Neighbourhood Plans that were not completed before the initial zoning of sites.</p> <p>As such there is a risk that, rather than being well thought out and resourced, Neighbourhood Plans may need to be rushed through in order to complete them in time. This not only runs the risk of reducing the quality of such plans but also increasing the demands on the time of Local Planning Authority officers who currently provide expert advice and technical comments on areas such as drainage, listed buildings and archaeology.</p>
<p>P 43 Proposal 10: A stronger emphasis on build out through planning.</p>	<p>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?</p> <p>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.</p>	<p>Additional resources would be required to help local communities develop these Plans to a consistent and acceptable standard, if Neighbourhood Plans continue. There could be an argument that the investment required is not worth the results, particularly in small areas where there are few proposals for development.</p> <p>Yes</p> <p>We support there being a stronger emphasis on building rather than gaining consent and not progressing development, but we are conscious of the need for infrastructure to be provided to support the build out of developments. Infrastructure is often phased, recognising the costs and need for cash-flow. It is not always possible to have infrastructure</p>

	Please provide supporting statement.]	<p>provided at very early stages of the development. We are also conscious that there can be occasions where it is reasonable that build out slows, as happened with the recent lockdown due to coronavirus.</p> <p>We also support stronger emphasis on the build out of Minerals and Waste permitted developments, in particular for minerals where operators can sit on permitted sites, affecting the County's ability to meet demand.</p>
Pillar 2: Planning for beautiful and sustainable places		
Page 44 Overview	<p>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]</p>	<p>The scope of the question seems largely focused on housing development and excludes other schemes such as minerals and waste and strategic infrastructure. The design quality of development that comes forward to our county authority has been highly variable. Large scale developments supported by skilled and professional consultants can be good. Smaller developments can often come forward with little or no consideration of environmental impacts and require significant challenge and support to make them acceptable. Amendments to the planning process will need to consider how to ensure that these concepts are embedded in applications from the outset if the hoped-for gains in efficiency are to be achieved other than at the expense of environmental quality.</p>
	<p>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]</p>	<p>The framing of this question seems to imply that sustainability can be distilled down to a few specific things that need to be 'done' – more trees, green space, fewer cars etc.</p> <p>Evidence from a review of investment in green infrastructure in Oxfordshire identifies a number of key sustainability challenges such as mental health, obesity, air pollution and transport congestion which have major impacts on residents and businesses across the county. The solutions to these are complex and cut across many different areas of planning and sit within the wider challenge of the global climate emergency. Any future planning system needs to provide local authorities with the tools to understand and address these challenges.</p> <p>We consider that there also needs to be proposals to more closely integrate transport and land use planning as that is fundamental to reducing the need to travel and reducing reliance on private cars.</p> <p>We would refer you to our answer to Question 4 for Oxfordshire County Council's priorities relating to sustainability.</p>

		<p>In addition to our priorities set out in Question 4, like many other local authorities, Oxfordshire County Council has acknowledged a climate emergency, and in response has produced a Climate Action Plan for a Thriving Oxfordshire. This plan sets out our commitment to be a zero-carbon organisation by 2030 and play our part in enabling a zero carbon Oxfordshire. We have committed to take action in five main areas: to deliver a carbon neutral county council by 2030; to enable our schools to decarbonise their estate; to green our supply chain; to make policy-making more climate-focused; and to innovate, collaborate and support communities. In order to meet this target, we believe that unless the standard set by central government for new homes is net zero, Local Planning Authorities must have the ability to set higher energy efficiency standards. This objective is also embedded in the Oxfordshire Energy Strategy, which was developed by the Oxfordshire LEP in partnership with the County, City and District councils.</p> <p>There are existing and emerging tools which can help to set the context for the planning system. These vary in scale from the consideration of natural capital such as is being piloted in the Ox-Cam Arc to more local opportunities such as the emerging Oxfordshire Nature Recovery Network and the value that can be provided from protecting and developing the Public Rights of Way network. Standards such as 'Building with Nature' and the forthcoming Environment Bill could also be considered as part of a national planning framework.</p> <p>The forthcoming Oxfordshire Infrastructure Strategy objectives are linked to the Oxfordshire Growth Board's updated emerging objectives of Environment, Health, Place Shaping, Productivity and Connectivity. The Local Transport and Connectivity Plan vision and objectives will be produced for consultation by end of 2020, but are likely to be closely linked to these, as well as taking into account Oxfordshire County Councils Climate Action Plan and our current focus on Active Travel. De-carbonising the transport network will be a key part of this given the high contribution that transport makes to carbon emissions.</p> <p>Oxfordshire County Council is also part of England's Economic Heartland, which is producing a transport strategy, with an emphasis on developing a 'net-zero carbon emission transport network' by 2050.</p>
<p>P 48 Proposal 11: To make design expectations more visual and predictable, government will</p>	<p>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.]</p>	<p>Yes</p> <p>We are assuming this is relating mainly to housing and the built environment, rather than Minerals and Waste.</p> <p>We generally support the increased use of design guides and codes. Many Local Planning Authorities have already produced local design guides to good effect. Oxfordshire County</p>

<p>expect design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.</p>		<p>Council has recently produced Walking and Cycling Design Guides for example. We consider that there could be opportunities for further design guides to help with Healthy Place Shaping in future.</p> <p>The White Paper says that ‘where locally-produced guides and codes are not in place, we also propose to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development’. The blanket use of a national pattern book risks the loss of local character and innovation.</p> <p>Design codes / guides should include elements which support Healthy Place Shaping in their remit - this needs to be explicitly stated by the government. Also, the Building for Life 12 standards which have recently been re-worked to provide a focus on Healthy Place Shaping should be explicitly referred to by the government as a key source of national guidance, especially as these were formulated with the support and involvement of Homes England.</p> <p>Design guides are a useful tool to help in setting out aspirations for design, but they cannot be fully prescriptive and require interpretation for each locality and development. It is wrong to think that the provision of a design code will get rid of the need to assess designs.</p> <p>It would be useful to have the National Model Design Code, proposed to supplement the National Design Guide which was published in October 2019; and a revised and consolidated Manual for Streets as proposed, as early as possible. This will help ensure that work does not go into preparing local guidance where it is not needed.</p>
<p>P 49 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</p>	<p>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.]</p>	<p>Yes</p> <p>The idea of a senior officer with a specific remit for environmental quality is welcomed. Noting what has been said about environmental issues not necessarily following local authority boundaries, and the different remits within two tier authorities there will need to be a degree of co-ordination at the appropriate level, providing an opportunity for pan-authority sharing of expertise and resources. In Oxfordshire it may be appropriate to have a small team linked to Oxfordshire Growth Board workstreams.</p>

<p>should have a chief officer for design and place-making.</p>		
<p>P 50 Proposal 13: To further embed national leadership on delivering better places, government will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.</p>	<p>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.]</p>	<p>Yes</p> <p>The idea of further embedding national leadership on delivering better places in Homes England's strategic objectives is supported in principle.</p>
<p>P 52 Proposal 14: Government 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.</p>	<p>20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>No.</p> <p>The concept of beauty is subject to infinite interpretation and differs from the well-established concept of landscape character. How would an authority judge whether there has been a net gain in beauty? Whilst noting the great importance of protecting and developing high quality landscapes, a more useful concept for a planning authority would be that of natural capital. Considerable progress is being made in objectively defining what the elements of natural capital are and the benefits that these assets bring to communities, such as the work being undertaken by the Ox-Cam Arc Local Natural Capital Plan pilot and elsewhere.</p> <p>However, we acknowledge that some level of standardisation in construction could be beneficial for innovation, as it could allow for increased use of automated and off-site construction and simplification of the supply chain. Ultimately this could lead to faster delivery of housing. We would support increased use of standardisation of components in house building.</p> <p>If this is also intended to apply to Minerals and Waste developments, then stating that Local Planning Authorities could prepare Masterplans and codes for sites alongside or subsequent to preparing its Plan, could be more resource intensive and require specialist input and decision making.</p>

<p>P 57 Proposal 15: Government 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.</p>	<p>No questions related to Proposals 15, 16, 17</p>	<p>We support opportunities to improve identifying places where renewable energy creation can be accommodated. Within Oxfordshire we are trialling processes to identify these opportunities through Project Local Energy Oxfordshire (LEO). LEO is a national demonstrator tackling energy at the community scale: it looks for ways to tackle energy challenges and drive energy investment that are only possible across multiple homes, schools or businesses. The Council will deliver a new spatial ‘energy insights’ tool to identify potential for generation and energy efficiency across the County. This strong Oxfordshire coalition involving public sector, community, academia and private sector, is a model for addressing systemic energy challenges.</p> <p>A sustainable environmental system is the result of many elements that work together. Our world-wide understanding of how these complex elements inter-relate is improving though still poor. In trying to simplify a complex system there is a real risk that that the important detail will be lost, and the environmental quality will gradually be eroded as a result.</p> <p>The baseline evidence, whilst improving, is not likely to be sufficient for protecting and enhancing the most valuable and important habitats, and conserving heritage as it would need to be under these proposals. Considerable effort and new investment would be required to get this up to the necessary standard. For some aspects e.g. archaeology it may not be practicable to do this until the detailed stages of a development.</p> <p>The White Paper refers to ‘our commitment to make all new streets tree-lined’. We will comment on the detail of such a proposal when it is prepared, as clearly not all small new streets can be ‘tree-lined’.</p> <p>In relation to Proposal 17 about historic buildings, we support the intention to largely retain the existing protections. We note the desire to see more historic buildings have the right energy efficiency measures to support zero carbon objectives, which we support. We would caution against any relaxation of consent requirements as the individual circumstances need to be considered in detail.</p> <p>This again returns to the issue of archaeological evaluation. If this is not considered early in the plan making process, it will lead to delays as unexpected archaeology being found too late in the process may require rethinking of plans already in place. This will lead to greater costs and delays for developers rather than less. It will also lead to worse outcomes for our nation’s heritage as the time and resources will not have been factored in to record or protect them early on in the process as in the well-functioning system already in place.</p>
<p>P 57 Proposal 16: Government 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.</p>		

<p>P 58 Proposal 17: Conserving and enhancing historic buildings and areas in the 21st century</p>		
<p>P 59 Proposal 18: To complement the planning reforms, government will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.</p>	<p>No question related to Proposal 18</p>	<p>We welcome, in principle, the ambition to improve energy efficient standards in order to deliver net-zero by 2050, particularly the requirement that new homes are fit for zero-carbon.</p> <p>The County Council provided a response to the Future Homes Standards (FHS) consultation, in which we stated we do not believe that the FHS proposals go far enough; particularly if the intention is to remove the ability of Local Planning Authorities to set higher energy efficiency standards. We strongly object to this restriction on Local Planning Authorities, unless the standard set for new homes is zero carbon. At the very least, the standards set should be a minimum, leaving Local Planning Authorities the option to set higher local standards.</p> <p>Furthermore, in order to prevent the need for future retrofit, the focus of the revised standards should be on fabric efficiency to minimise the operational energy requirements of dwellings (in line with the Energy Hierarchy). Additionally, the FHS does not set standards for embodied energy that can be reduced in the design and construction of buildings. It needs to be included in the updated FHS or allow Local Planning Authorities to address this process. The Climate Emergency Design Guide, which was produced by London Energy Transformation Initiative is an example of best practice, and sets out practical guidance for developers, policymakers and designers.</p>
<p>Pillar 3: Planning for infrastructure and connected places</p>		
<p>Overview Page 60</p>	<p>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]</p>	<p>As the authority responsible for preparing a Local Transport Plan, we have responsibility to prepare a forward looking, typically five-year plan for strategic transport connectivity, including public transport, active travel, private car use and freight movement. Oxfordshire's emerging Oxfordshire Local Transport and Connectivity Plan will also include a focus on digital connectivity to improve access to full fibre broadband and reduce the need to travel. It is important to closely integrate transport and land use planning, which is fundamental to reducing the need to travel and reducing reliance on use of the private car. As the Local Highways Authority, we seek to ensure that all new development provides for safe and effective movement on the highway network, and that opportunities for active travel are maximised.</p>

		<p>From an Education perspective, we seek to ensure that sufficient school places are available and prepare an annual Pupil Place Plan. In respect of new school sites, we ensure that developers do not locate school sites on land considered unsuitable for housing with problems such as flooding, steep gradients, poor air quality, noise nuisance, contaminated land, proximity to sewage works etc or that there are sites of an unsuitable shape for the planned school use and potential future expansion. Without input and review of the technical attributes of a site we are unable to ensure that a school site is sustainable, in the long term, leading to cost, management and adaptability problems along with lasting complications in the delivery of pupil places.</p> <p>In respect of archaeology we seek to ensure the protection and enhancement of heritage assets. Archaeological heritage assets are some of the most fragile and irreplaceable assets in the County and contribute greatly to its sense of place.</p> <p>In respect of minerals and waste, we seek to ensure that proposed development avoids the sterilisation of mineral by avoiding safeguarded mineral sites or excavating the mineral prior to building. Also, as the Planning Authority responsible for planning matters related to the extraction of minerals and the management and disposal of waste, we deal with proposals for those uses, along with other County Matters.</p> <p>As the Lead Local Flood Authority, the county council leads the coordination of flood risk management for surface water, ground water and smaller watercourses in our area, often commenting on development proposals.</p> <p>The County Council has a statutory duty to record, maintain and protect the Public Right of Way network (footpaths, bridleways, restricted byways and byways). We manage these in partnership with landowners, user groups and local communities. We also try to improve and extend the network to help it meet current and emerging needs.</p> <p>As Public Health Authority and the provider of social and health care services, we seek to ensure that development meets public health needs for all, including market interventions to meet the specialist needs of vulnerable groups.</p> <p>In respect of Healthy Place Shaping and climate change, the County Council seeks to influence Local Plan policies and guidance in order to reduce carbon emissions in line with national and local targets.</p> <p>The County Council is focused on seeking transport and education funding from development through S106 agreements, in order to ensure that the required infrastructure is provided.</p>
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<p>P 62 Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally set rate or rates and the current system of planning obligations abolished.</p>	<p>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.]</p>	<p>No</p> <p>The Third Pillar is 'planning for infrastructure and connected places' but the focus appears very much on delivery of housing including affordable housing. We consider that the government should not replace the current system and replace it with an Infrastructure Levy, but instead focus on ways of making the process more transparent and more effective in funding infrastructure and housing.</p> <p>The White Paper indicates an intention to raise more money for infrastructure and deliver more affordable housing whilst removing the delay and uncertainty that is considered inherent in negotiated agreements. This is laudable but S106 cannot be wholly replaced, unlike, perhaps, the Community Infrastructure Levy.</p> <p>The purpose of S106 is wider than securing contributions. It can:</p> <ul style="list-style-type: none"> • restrict the development and use of land in a specified way (e.g. for education use); • require specified operations or activities to be carried out (e.g. highway works); • mitigate the impact of a development that would otherwise make the development proposed unacceptable in planning terms. <p>S106 agreements have proved to be a valuable tool to secure obligations, and prevent a refusal of permission, because planning conditions attached to a planning permission cannot guarantee delivery or are not appropriate. For example, a S106 agreement binds all parties with an interest in the land to the obligations in the S106.</p> <p>S106 agreements have a crucial role to play requiring certain works to be undertaken, such as highway works. The modifications to the highway are then secured and delivered via a S278 agreement.</p> <p>We note that little mention is made of supporting infrastructure, albeit it is a function of housing. There is no discussion of the role of Counties in securing and delivering strategic items of infrastructure and services. Indeed, the word 'County' does not appear at all in the White Paper. S106 is particularly important for County Councils who are often responsible under legislation for costly items of infrastructure such as highways and schools. Even if local government is reformed and more Councils become Unitary, there remains the need to ensure that infrastructure is a priority.</p> <p>Proposal 22 includes allowing Local Planning Authorities to spend the proposed Infrastructure Levy receipts on policy priorities once infrastructure obligations have been</p>
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		<p>met - but the major infrastructure expenditure is at County level, and we need to be sure we will get all the funding we need before Districts decide to spend on other priorities. The proposals could exacerbate tensions between tiers around who gets how much and for what.</p> <p>It is not clear how we will ensure that the technical requirements of a school site are met along with the delivery of a suitably proportioned site with vehicular accesses, appropriate levels, services, drainage etc. Discussions to rectify school site issues usually happen during S106 negotiations.</p> <p>We are concerned where the White Paper states: 'There is scope for even more flexibility around spending. We could also increase local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met'. There is a lack of detail in how the proposed Infrastructure Levy will work in two-tier authorities and ensure mitigation is adequately funded and delivery timely. Of particular concern:</p> <ul style="list-style-type: none"> • There is no evidence that the Infrastructure Levy will raise sufficient funds; • The White Paper suggests that the Levy will be available for wider purposes; • In-kind delivery of affordable housing would be offset from the final cash liability to the proposed Infrastructure Levy. We have concerns about how the 'cash' is left for other infrastructure provision and how this is negotiated between the authorities (and bearing in mind a proportion (25%) might be a 'Neighbourhood share'). <p>We are concerned at any proposal which makes it less clear how sufficient funding for infrastructure will be achieved and increases the tension between different infrastructure priorities when the viability of development is debated.</p>
	<p>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]</p>	<p>The White Paper says the proposed Infrastructure Levy should be set locally as far as possible, but it is unclear what would constitute 'area specific' rates.</p> <p>A 'one size fits all' rate will not work, and in fact could be counterproductive. We consider that an average flat rate across the Country would mean a below value rate in more dynamic areas, and a punitive rate in lower valued areas.</p> <p>The White Paper states: 'This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would address issues in the current system as it would:</p>

- Be charged on the final value of a development (or to an assessment of the sales value where the development is not sold, e.g. for homes built for the rental market), based on the applicable rate at the point planning permission is granted;
- Be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
- Include a value-based minimum threshold below which the Levy is not charged, to prevent low viability development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold; and
- provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.'

There is much to be considered. For example:

- If it is a 'value based' charge – will this mean it will be based on land values? Land values differ widely between areas. We consider this reinforces the point that an area-based approach would work best;
- Whether a national rate or area-based rate is applied, the rates will be set nationally. How is 'area specific' to be defined – District and City Council, Region? Will the government consult on area specified rates?
- The Levy would 'be charged on the final value of a development'. There could be issues here depending on when development came to fruition. Local Planning Authorities and Counties will want to ensure infrastructure requirements are identified when sites are allocated, and associated costs assessed. If land values increase at point of permission, will there be an increased Levy applied? Equally, the reverse applies. What happens if the rate drops and the Levy collected cannot cover the full cost of the package of necessary infrastructure. Who determines and how is the final value of development determined? Will viability assessments be required?
- The White Paper states that the proposed Infrastructure Levy will 'be levied at point of occupation, with prevention of occupation being a potential sanction'. Presumably a rules-based system would require this to form primary legislation otherwise how would such a sanction be enforced?
- Would all the Levy become payable or would instalments be required?
- How would Councils guarantee payment is made where they themselves make a contractual arrangement to deliver a large item of infrastructure, for example a new school? Currently, the mechanism is via a security bond;

		<ul style="list-style-type: none"> • The White Paper also refers to ‘a value-based minimum threshold below which the Levy is not charged, to prevent low viability development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold’. How would necessary infrastructure be paid for where the value lay at or below the threshold and so no Levy is imposed? Having no Levy imposed on small sites could severely impact small developments in villages that would result in no infrastructure being provided; • It is proposed all land uses are charged the Levy. Different land uses command different land values and different final values (the value of a project once it is completed and ready for occupation). Residential development on greenfield sites commands higher final value than a retail use or some commercial uses. How would the flat rate reflect this? Can there really be only one flat rate or do we need area-specific and use-specific rates? • On page 63 the White Paper states: ‘Alternative option: The Infrastructure Levy could remain optional and would be set by individual local authorities.’ If the proposed Infrastructure Levy would remain optional, is this intended for low value areas or would other mechanisms be available? <p>We consider that any new system should aim to capture as much land value uplift as possible (as per para on p.63 of the White Paper). For example, owners of land on Local Plan sites in the Oxford Green Belt will see a significant value uplift from agricultural to development value - we should capture more of this for input to infrastructure spending.</p>
	<p>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.]</p>	<p>The White Paper states that the aim of the proposed Infrastructure Levy is to raise more revenue for infrastructure than under the current system through capturing the uplift in land values, so yes, the Levy should aim to capture the same or more value (that value should be ring-fenced only for infrastructure and not used for other purposes). This will prevent one of the common problems experienced in high values areas, where the developer overpays for land then claims viability issues.</p> <p>We would like to see what evidence/assurances there are that the proposed Infrastructure Levy would raise more revenue than under the present system. CIL was also meant to increase funding for infrastructure (Impact Assessment for CIL, 2009) but CIL is raising much less than it was originally stated it would raise (CIL Review Team Report, October 2016) and is nowhere near enough to pay for highways and education infrastructure, hence the retention of S106 agreements to fund these in most cases. Districts which attempted to set higher CIL were told it would make development unviable. Some Local Planning Authorities are more successful than others in securing developer funding so even if the</p>

		<p>proposed Infrastructure Levy brings in more on average (for which there is no evidence provided) currently successful Local Planning Authorities will be penalised. For example, based on 2018/19 data, of the 154 Education Authorities, only 83 identified that they had secured developer-funded additional school places to be provided by 2023, and of those Oxfordshire was the 4th largest developer-funded places provider, after West Sussex, Leicestershire & Devon, which are all larger authorities. During the 5-year period 2015/16-2019/20 Oxfordshire County Council secured £267m s106, including £180m for education. We are not convinced that any new Levy would get us close to that.</p> <p>In the case of school places, if expansion of capacity at schools is not funded by developers, it is not clear how expansions will be funded. DfE provides a Basic Need grant, and if that is increased, it pushes the cost of infrastructure from developers onto general taxation. Similarly, if Councils are required to fund expansion of school capacity through other means, it would likely be a burden on local taxation. This is a point which was understood by the DfE during the debate about pooling restrictions.</p> <p>It is vitally important that new schools are properly funded though the proposed Infrastructure Levy.</p> <p>If the Infrastructure Levy is introduced, it will need to cover the cost of affordable housing at locally agreed rates; the cost of necessary infrastructure and services provided by County Councils and provide for a 'neighbourhood share'.</p>
	<p>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.]</p>	<p>Yes</p> <p>We support this suggestion that Local Authorities should be allowed to borrow against the Infrastructure Levy generally, but there are risks. As the proposed Infrastructure Levy is paid on occupation there is a risk if development stalls after borrowing to provide infrastructure. That would put us in a position where we will not be able to repay debt. This approach also runs counter to the current objective to forward fund infrastructure to ensure it is delivered in a timely manner to unlock development sites.</p>
<p>P 64 Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.</p>	<p>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.]</p>	<p>Yes</p> <p>Any reform should capture changes of use through permitted development rights, such as office to residential conversions.</p>

<p>P 64 Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision.</p>	<p>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.]</p> <p>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]</p> <p>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.]</p> <p>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.]</p>	<p>No</p> <p>a) We are not convinced that the Infrastructure Levy is the appropriate mechanism for achieving the provision of affordable housing.</p> <p>The priority should be for on-site provision of affordable housing. It could be that an Infrastructure Levy would be mis-used as a convenient way of avoiding providing new affordable homes on the same sites as other housing.</p> <p>B, c, d) This is a question best dealt with by the district and city councils, however one concern about in-kind provision of affordable housing, where the cost of that is then deducted from the final financial contributions, is the ability of County Councils to have their infrastructure requirements considered prior to any such considerations.</p>
<p>P 67 Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy</p>	<p>25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>No</p> <p>Currently developer funding does not cover all the cost of infrastructure, so unless more developer funding is raised through the proposed Infrastructure Levy (and there is no evidence of this) it is disingenuous to suggest there will be money left over for other priorities such as cutting council taxes. Instead, 'more flexibility' will simply increase tensions</p>

	25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]	<p>between two-tier authorities. There needs to be a clear hierarchy of uses, with the statutory requirements needing to be funded before anything is available for council tax cuts etc.</p> <p>Also, we need to be mindful that council finances across the country are squeezed and the impact of COVID-19 and public services will be strongly felt. There should be no room for the Infrastructure Levy to be diverted to meet other council policy objectives.</p> <p>Overall, we are very concerned at the implications of the proposed changes on Oxfordshire County Council's capital programme given the potential lack of certainty about receipts going forward.</p>
Delivering change		
P 71 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.	No question related to Proposal 23	<p>We welcome the proposal for a comprehensive resources and skills strategy for the planning sector.</p> <p>We welcome that some of the development contributions will be earmarked to Local Planning Authorities for the preparation and review of Local Plans, design codes and enforcement. It's an area that has been underfunded for many years, so we are pleased to see its importance recognised.</p> <p>What is the performance framework? Who would be responsible for this?</p> <p>If the Planning Inspectorate and statutory consultees become more self-financing – where would they seek this financing from? Would they pass it on to Local Authorities?</p>
P 72 Proposal 24: We will seek to strengthen enforcement powers and sanctions.	No question related to this proposal	We welcome the proposal to strengthen enforcement powers and sanctions, assuming that this will apply to Minerals and Waste Enforcement as well. We presume that this will be the subject of a further, separate consultation in due course that we would be interested to respond to.
	26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics	It is possible that areas designated for 'growth' and those designated for 'renewal' will be in or near deprived areas, whereas those that are designated for protection will be in more affluent areas. There are likely to be more changes to the urban areas than rural areas. Though this need not be a negative thing, it could disproportionately affect those groups in the deprived areas. These groups are likely to include those from BAME groups who are

	as defined in section 149 of the Equality Act 2010?	more likely to be in urban communities based around religious or other social needs. It could also affect sufferers of certain health conditions who need easy access to local healthcare and therefore live in more urban areas. Consideration also needs to be given to those without internet access, it is often those from more deprived areas who have limited internet access.
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