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Dear Sir or Madam

Planning for the Future – White Paper Consultation

Surrey County Council welcomes the opportunity to respond to this consultation on the 'Planning for the Future' White Paper.

Surrey is an area of unique opportunity with its proximity to London, strong economy and natural assets making it a great place to live, work and visit. Surrey offers a mix of urban living in reach of the capital city, with vibrant market towns and villages, as well as swathes of beautiful countryside. It is the most wooded county in England and includes the Surrey Hills Area of Outstanding Natural Beauty, with over 70% of the county designated as Green Belt. These strengths contribute to a resilient economy and a great quality of life for residents, who want to make sure Surrey's green and natural assets are preserved for future generations.

Our shared ambitions for Surrey are set out in the 2030 Community Vision:

By 2030 we want Surrey to be a uniquely special place where everyone has a great start to life, people live healthy and fulfilling lives, are enabled to achieve their full potential and contribute to their community, and no one is left behind. We want our county's economy to be strong, vibrant and successful and Surrey to be a great place to live, work and learn. A place that capitalises on its location and natural assets, and where communities feel supported and people are able to support each other.

However, there are challenges we need to address to achieve this vision. Surrey's attractiveness and typically high quality of life and proximity to London mean that it is a desirable place to live and there is high demand for housing to meet the needs arising from its resident population and immigration, most especially from London. House prices tend to be high and are driving a significant proportion of the skilled middle workforce out of the

county – the population aged 25-44 is projected to decline by 7.6% by 2030 - which is hampering economic growth. There is a considerable need for affordable housing, especially for family homes, that is not being met.

We also need to accelerate reductions in carbon emissions enough to meet our net zero carbon target by 2050, or earlier. Transport is one of the key contributors – we have very high levels of traffic and congestion, with our Annual Average Daily Flows being 6,900, far above the South East (5,018) and England (4,065) averages. There is a lack of infrastructure to support alternative and more environmentally friendly means of transport, such as cycle and bus lanes, but securing funding to invest in improvements is difficult. The 2017 Surrey Infrastructure Study identified a funding gap of almost £780m for transport infrastructure (excluding rail) to support planned growth across Surrey. This highlights the vital importance of sustainable development in Surrey – with housing planned where the transport infrastructure is best placed to absorb additional cars, with walking, cycling and public transport integral to the plans.

There is a key role for strategic planning to support place-based growth and the integration of planned development, economic and environmental priorities and infrastructure funding, timing and delivery and to ensure improvements to the economy and quality of life. In Surrey, we are addressing this through the “Surrey Future” partnership and the ‘One Surrey Growth Board’. “[Surrey’s 2050 Place Ambition](#)” sets out an agreed shared vision and set of strategic objectives and spatial priorities to facilitate ‘good growth’ that encompasses health and well-being, resilience and flexibility in the local economy, infrastructure investment, climate change, high quality design and cross-boundary/sub-regional/regional relationships. Building on this, the Growth Board is currently developing the “One Surrey Plan for Growth” to support the recovery and future growth of the Surrey economy and that of the UK. It will establish how a focus on Surrey’s economic strengths alongside long-term planning of transport and digital infrastructure and the creation of quality homes and sustainable communities can underpin recovery and growth. A revised Surrey Infrastructure Plan supports these initiatives. The Board will bring a Growth Deal proposition to Government in early 2021 to enable sustained, strong partnership working in the county to deliver at speed on multiple Government priorities.

A new approach to strategic planning being advocated in a recent report prepared for the County Council Network (CCN), “[Planning Reforms and the Role of Strategic Planning](#)”, would build on this work. We urge Government to consider and explore further these proposals.

We have considered the proposals in the Planning White Paper in the context of all the above and the county council’s roles as the local highway authority, minerals and waste planning authority for Surrey, lead local flood authority, as a key infrastructure provider, its passenger transport and public health responsibilities and its strategic economic leadership role. Our responses to the questions posed in the consultation are attached as an annex to this letter. The key issues for this council are summarised below:

- The White Paper is too focussed on the delivery and quality of housing with little, if any, consideration given to other types of development. It is unclear how reforms would apply to the **minerals and waste planning** system for which county councils have responsibility.
- There are no proposals to support **strategic planning** to ensure the integration of planned development, economic, environmental priorities and infrastructure funding.
- It is not clear how planning for **strategic infrastructure** to support more than local growth is to be integrated into Local Plans based on categorising land into Growth, Renewal and Protected areas.

- The new approach will require **resourcing to deal with the ‘front-loading’ of the process** to ensure infrastructure requirements, especially transport, and environmental issues are fully assessed before land is categorised in plans.
- Any standard method for establishing housing requirements should take into account **Green Belt constraints and strategic infrastructure constraints** (notably the capacity of the major and strategic route networks) **and environmental limits**, such as carbon emission reduction commitments and water stress.
- We have concerns over the **funding and delivery of infrastructure and affordable housing** if the scope of S106 obligations is significantly changed and the new Infrastructure Levy is to provide for both.
- Guidance is needed on how **biodiversity net gain, Nature Recovery Networks, heritage and archaeology and energy efficiency and renewable energy** will be integrated into the new plan-making approach.
- Design codes should emphasise **planning for zero carbon and climate resilient communities** as well as beauty.
- More **resources to invest in digital technology and skills** are needed.

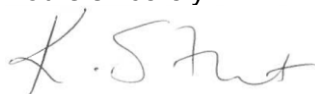
We again wish to highlight the serious issues that have been evident under the Community Infrastructure Levy (CIL) regime in two tier areas. CIL receipts are collected at a district and borough level whereas county councils with much greater responsibility for infrastructure delivery have no role in the allocation of receipts. Within Surrey, the County Council has received limited amounts of CIL despite pressing local and strategic infrastructure needs across the county as each borough and district sets their own funding priorities. These problems appear likely to continue under the proposals put forward and potentially intensified given that the proposed Infrastructure Levy is also expected to provide for affordable housing.

The County Council maintains that within two tier areas a proportion of the receipts should come to the upper tier authorities that have already identified infrastructure priorities that are vital to supporting the growth that is brought forward, for example for transport schemes and education provision, without needing to spend significant officer resource in bidding and allocation processes that vary from district to district. Frankly, the outcomes achieved through the CIL regime in Surrey, and we know elsewhere in the country, have not delivered the kind of infrastructure that has been so desperately needed to support and bring forward expected housing and commercial growth. In many cases, this has left communities accepting growth but without the infrastructure to make that growth sustainable.

We agree that the production and adoption of Local Plans is currently too time-consuming and protracted a process and needs to be simplified and speeded up. Central to achieving our 2030 Vision is the relationship between local government and our residents and we strongly support those aspects of the White Paper that emphasise the role of local communities in shaping their local plans. In Surrey, we are committed to enabling our residents, communities and local businesses to have a greater say over the issues that matter to them and that they can access the right services where they are needed most.

We trust that you will take these comments into consideration along with our responses to the questions in the attached annex and would be pleased to work with you to shape the proposals to help deliver our ambitions for Surrey.

Yours sincerely



Katie Stewart

Executive Director Environment, Transport and Infrastructure

Surrey County Council response on Planning for the Future

Q1. What three words do you associate most with the planning system in England?

No comment.

Q2. Do you get involved with planning decisions in your local area?

The County Council is the local planning authority for Surrey for minerals and waste and determines applications for waste management facilities such as landfills and waste treatment plants and mineral supply facilities such as quarries. The council also determines applications for its own development, such as schools and libraries (known as Reg 3 applications).

As the Highway Authority for the county, we are a statutory consultee on the highway and transportation issues relating to planning applications determined by district and borough planning authorities. We also fulfil a statutory role providing specialist archaeological advice on planning proposals for new development to local planning authorities and, as the Lead Local Flood Authority, provide technical advice on surface water drainage on major developments.

As Local Education Authority we are consulted by the district and borough planning authorities in relation to the impact of proposals on school places provision and early years settings.

Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

No comment.

Q4. What are your top three priorities for planning in your local area?

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

Our [Community Vision for Surrey 2030](#) and the county council's strategic economic leadership role means that all the above are relevant. In addition, given its statutory responsibilities, planning for minerals extraction and managing the waste arising from homes and the economy are priorities for the County Council as is strategic waste, flood and transport infrastructure and archaeology.

Q5. Do you agree that Local Plans should be simplified in line with our proposals?

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

Not sure.

The Government's stated aim is a fundamental reform of the planning system, but the consultation document is focussed on key reforms to help improve the delivery and quality of homes and neighbourhoods. While we would not dispute how important this is, any 'wholesale' reform of the system must take account of the fact that planning is about much more than housing and that land categorisation needs to be undertaken within an appropriate economic and environmental context and an infrastructure first approach. The White Paper gives little, if any consideration to other types of development and the operation of the minerals and waste planning system does not feature despite the timely and adequate supply of suitable construction minerals being essential to the delivery of housing.

Strategic infrastructure such as waste and education facilities and transport improvements to support growth across district and borough planning authority areas is vital to achieving sustainable development. By their nature, Local Plans tend to be 'inward looking' and the current system is not set up to promote co-ordination of cross-boundary infrastructure especially when plans are on different timetables. The lack of joining up is also exacerbated by districts, as CIL collecting authorities, looking to their own areas and own local priorities as to what to fund. This can make it difficult in two-tier areas to deliver mitigating infrastructure to serve a development if it is not within the same district authority. In our view, unitary councils covering larger areas would help facilitate the integration of planning for new development and strategic infrastructure to achieve the housing potential of an area by being able to apply an infrastructure first approach. The County Council also experiences these issues when housing allocations either individually or collectively outside Surrey require mitigating highway improvements on Surrey's road network. The White Paper indicates only that 'further consideration' will be given to the way in which strategic cross-boundary issues such as major infrastructure can be adequately planned for.

The White Paper makes no distinction between the planning that takes place at the county level and that which takes place at the district and borough level. Currently, minerals and waste planning is undertaken by upper tier authorities who have responsibility for determining planning applications for waste and minerals related development and for preparing local plans which consider how and where such development should come forward in future. It should be noted that district and borough councils also have related responsibilities, for example, by ensuring that non-waste and minerals development does not come forward in a manner that unnecessarily sterilises mineral resources or hinders the operations of existing facilities (via safeguarding).

We consider that waste and minerals planning should occur at least at the county, unitary or combined authority level due to its strategic nature and functional geography. Management and supply facilities almost always serve an area that is larger than the lower tier administrative area (district, borough) in which they are located and so it would not be appropriate for district and borough councils to be planning for minerals and waste within Growth and Renewal areas in the manner expected by the White Paper (although areas suitable for industrial development should allow certain types of waste management and minerals infrastructure to come forward within them).

Moreover, because mineral can only be worked where it is found, it is hard to see how allocation of sites for extraction fits with the system of Growth, Renewal and Protected areas as proposed. Amongst other things the White Paper states that Protected areas "would also include areas of open countryside outside of land in Growth or Renewal areas"; in identifying such areas there is a need to take account of the fact that economic minerals which may need to be worked in future underlie open countryside.

A mechanism is needed to ensure that the identification of Growth and Renewal areas will not jeopardise existing waste and minerals infrastructure (including wharves and railheads) and takes account of mineral safeguarding areas (that is areas where economic mineral geology exists) and the 'Agent of Change' principle is continued to be applied.

Government needs to consider and set out guidance on how planning for minerals, waste and strategic infrastructure are to be integrated into simplified Local Plans based on categorising land into Growth, Renewal and Protected areas. Guidance is also needed on how biodiversity net gain, Local Nature Recovery Networks and archaeology will be integrated into the proposed new plan-making approach and we are interested in enabling opportunities for renewable energy and woodland/forestry creation to be delivered. For example, will all the land that must be identified within Local Nature Recovery Strategies as necessary to achieve the intended national Nature Recovery Network be categorised as

Protected areas? Archaeology is a “hidden resource” that requires assessment and evaluation to identify and quantify, prior to determining whether an area of land is appropriate for development. The proposals outlined in the White Paper will not speed up development, unless archaeological assessment is made a prerequisite stage of the initial scoping exercise to determine to which category land is being allocated. Without any prior assessment, the allocation of land, particularly where development would be given outline approval/permission in principle, could lead to an increase in the loss of archaeological sites, finds and features, and also will inevitably lead to delays and risk of increased expense for developers, when “unexpected” archaeological remains are revealed on development sites later in the process.

Another aspect that needs to be addressed and requires further guidance is flexibility to designate the type of development that is acceptable in Growth and Renewal areas to ensure that the right development is taking place in the right location. Town centres are likely to include Growth, Renewal and Protection areas with some predominantly Renewal areas potentially containing Protected areas. While Government’s recent introduction of a new Use Class E and changes to permitted development rights are designed to address shifts in consumer behaviour and can help town centres and high streets adapt, it is not clear how the planning reforms will help achieve a strategic vision to revitalise a town centre, ensure that high streets remain the focus of communities and balance housing pressures and commercial floorspace needs - a particular issue in a high pressure housing area like Surrey. It is also noted that the White Paper makes little reference to strategic employment sites other than potential clusters of growth-focussed businesses around universities and guidance is needed on how strategic employment needs and large-scale inward investment opportunities are to be met and realised.

During the land identification and area categorisation process, it is important that assessments of site-related and cumulative infrastructure requirements are made. This must include detailed transport assessments where appropriate for individual sites put forward by developers/local planning authorities and on a strategic basis. In Surrey, the capacity of the major and strategic route networks to accommodate increased traffic associated with growth proposals either individually, if they are substantial, or cumulatively can be an issue for Local Plans unless highway improvements can be funded and delivered at the appropriate time to avoid there being a severe impact on the road network. Front loading assessments for major sites much earlier in the planning process during plan preparation rather than at the planning application stage as currently, will have considerable resource implications, especially for statutory consultees who will have to respond on several plans (in Surrey this will be the eleven Local Planning Authorities within the county and potentially a number of surrounding Local Planning Authorities) and compounded if there is a requirement to prepare new Local Plans and carry out this process within very similar and relatively short timeframes. Consideration should be given as to whether landowners/developers promoting large sites should be charged fees to have them assessed. Landowners and developers working proactively with the Local Planning Authority at the Local Plan stage could help to speed up the development process.

While we support greater certainty for developers and communities on the principle of development as a result of the new process, it is vital that sufficient resources will be available to Local Planning Authorities and statutory consultees like county councils to enable the investment required in personnel, skills, training and technology to give communities confidence in the process.

Q6. 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.]

Not sure.

We agree that it should be possible for many issues to be addressed through nationally set general development management policies, and within the proposed national suite of policies we would like to see a stronger link to energy from waste and heat use such as via district heating networks to maximise Energy from Waste (EfW) plant efficiency. However, we would support the approach set out in the alternative option, to allow local planning authorities to set development management policies as under the current framework as long as they do not duplicate the NPPF, as this would allow a locally specific approach to certain issues and where it can be demonstrated that exceptional circumstances require such an approach. For example, in Surrey, we would cite the following examples: Restoration of mineral working; where local circumstances can justify lower site thresholds for affordable housing contributions to support the delivery of affordable housing; where criteria based policies can help protect appropriate employment sites in areas where there is a shortage of commercial/industrial land.

The current NPPF recommends that all Local Plans set out a “positive strategy” for the conservation of the historic environment and this is currently managed through local, detailed development management policies, for example on the process to “predict the likelihood” of archaeological remains being present on a site. Any reforms need to ensure effective development management policies to deal with heritage matters. We are concerned that the White Paper is suggesting that technical reports in support of planning applications could be assessed automatically by computer to screen developments. In relation to heritage, and potentially other specialist areas, we consider that technical reports require validation by staff qualified in that specific area of expertise.

Q7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

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

Not sure.

Any sustainable development test will need to be sufficiently rigorous in setting out how Local Plans will contribute to the three dimensions of sustainability - economic, social and environmental - and the relationship between them. Consideration of environmental impact must be given due weight and the new sustainable development test should include a meaningfully measurable test of whether new development will be zero-carbon, whether identified infrastructure requirements (including cross boundary requirements) can be delivered and general conformity with any strategic framework (see answer to Q7(b)).

In addition, it is considered that some assessment/consideration of reasonable alternatives, for example an appraisal of issues and options, should be retained to demonstrate to communities how the proposed plan offers a robust solution.

Q7(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 been the main mechanism for addressing strategic (cross boundary) planning matters since the revocation of statutory regional planning in 2011. However, it has not proved to be an effective mechanism for dealing with significant strategic challenges, for example a sustainable strategy for housing distribution to meet needs in

areas of Green Belt, environmental and strategic infrastructure constraints; a situation Surrey authorities face coupled with pressure to accommodate London's unmet housing needs. There is a need for a more effective approach to strategic spatial planning to support place-based growth and ensure the integration of planned development, economic and environmental priorities and infrastructure funding, timing and delivery in order to tackle issues such as these.

A report prepared for the County Council Network (CCN), "[Planning Reforms and the Role of Strategic Planning](#)" advocates a new approach to strategic planning to support place-based growth comprising:

- New powers placed on all local authorities to support sustainable development: The powers would replace (or complement) existing powers to promote wellbeing and should be linked to the proposed new definition of 'sustainable development'.
- Designated Strategic Planning Advisory Bodies (SPAB) appointed by the Secretary of State for each strategic planning area: This would be a statutory role with specific responsibilities to advise the Government on local growth priorities and how these support national objectives, and on local plan housing targets, ensuring that different spatial strategies have been fully tested and can deliver specific sustainable outcomes. Membership of the SPAB would include local authorities, Local Enterprise Partnerships, Sub-national Transport Bodies and leaders from the environment and health sectors. The SPAB designation could be appointed to strategic partnerships with a role that goes beyond input to spatial planning such as Growth Boards.
- An Integrated Strategic Framework (ISF) prepared by local authorities in collaboration with key strategic partners: Although the ISF would be required (through legislation) for each strategic planning area (as covered by the SPAB), it would not be part of the statutory development plan. However, ISFs would play a key role in guiding development plans, particularly in testing the most appropriate spatial strategies (including distribution of growth) for delivering the shared vision and objectives and providing a framework within which the proposed new approach to categorising land could be implemented.
- A ten year rolling Strategic Delivery Plan prepared as part of the ISF: This would set out what strategic interventions (including any specific delivery vehicles) would be needed to implement the framework, when these interventions should be delivered and how key partners are contributing to the shared vision and objectives. It would also provide a basis for infrastructure funding and other strategic investment prioritisation.

In Surrey, local authorities and other stakeholders have been working together to try and fill the strategic planning void left by the abolition of Structure Plans and regional planning. The Surrey Future Steering Board has overseen the development of "[Surrey's 2050 Place Ambition](#)", which sets out an agreed shared vision and set of strategic objectives and spatial priorities to facilitate 'good growth'. It is place-based and encompasses health and well-being, resilience and flexibility in the local economy, infrastructure investment, climate change, high quality design and cross-boundary/sub-regional/regional relationships. Furthermore, the county has established a Growth Board, the "One Surrey Growth Board", comprising senior business leaders, local politicians, representatives of both the LEPs serving Surrey and senior officers. To support the drive for economic growth across the county, the Board is currently developing a comprehensive One Surrey Growth Plan building on the Place Ambition work and centred on four key priorities: Addressing intra-county economic disparities; developing economic programmes with partners to support businesses and promote local growth and jobs; promoting Surrey's specialisms and consolidating existing high-tech hubs connected by 'business corridors; promoting a healthy and inclusive Surrey including accessible housing and sustainable infrastructure to support economic growth.

We urge Government to consider fully the proposals on strategic planning in the CCN commissioned report and to explore them further.

Specifically, in relation to minerals and waste Local Plans, the Duty to Cooperate has not been entirely successful in ensuring that waste management and minerals supply are planned for effectively. In order to plan strategically for waste and minerals, we would like to see:

- Strengthening the Mass Aggregate Supply System (MASS) so there is more rigour around ensuring national aggregate requirements are understood and planned for in Local Plans and Local Aggregate Assessments (LAAs).
- Production of new National & Sub-national Guidelines for aggregates supply and reinvigorating the role of the Aggregate Working Parties (AWPs) by requiring them to calculate and apportion requirements that individual Mineral Planning Authorities (MPAs) would need to plan for (subject to local deliverability tests).
- Collaboration and cooperation between MPAs in pooling skills and resources and potentially producing joint plans across larger geographic areas.
- Placing regional Waste 'Technical Advisory Bodies' (TABs) (for example the South East Waste Planning Advisory Group (SEWPAG)) on a statutory footing and providing funding. This would help ensure greater consistency and rigour surrounding the evidence and data on waste arisings, management and capacity to provide a regional understanding of requirements such that key strategic issues (including management of residual waste, for example by landfill, and energy from waste facilities and hazardous waste) can be addressed taking account of the proximity principle and net self-sufficiency.
- Consideration given to improving 'data-driven insights' for minerals and waste movements/flows to help inform minerals and waste Local Plans. There is an opportunity to link this with the National Waste and Resources Strategy and the Waste Management Plan for England, in particular work Defra is undertaking on waste tracking.

Q8(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.]

Not sure.

We are concerned that the current standard method (and the changes to it recently consulted on) is establishing annual housing requirements for many Surrey authorities that are unlikely to be deliverable by housebuilders and is resulting in loss of Green Belt. We are also concerned that the methodology is about meeting and redistributing Government's national 300,000 annual housing target. If the requirement produced by any standard method is to be binding, it must look at both demand and supply and be based on robust evidence.

Most of Surrey is heavily constrained by Green Belt and other important environmental designations that impose severe limitations on the county's ability to meet local housing need. Hence, Surrey authorities have argued since the inception of the current standard method that such constraints on new development should be reflected in the process and so we agree that any revision to the methodology should take these constraints into account. However, no details are presented as to how Government will establish the housing requirements; whether it will consider the land supply situation in each area or simply adjust the standard method formula to include a further 'modifier'. We would be concerned if the result was only a small reduction to housing targets in Surrey and they remained broadly similar in scale to those being produced by the existing standard method or the proposed changes to it in the 'Current changes to the planning system' consultation. If housing requirements of this order are to be binding and Green Belt protected, this could mean a

significant intensification of urban areas across the county beyond the gentle densification envisaged in the White Paper and even then, for many Surrey local authorities, urban extensions and new communities would still be needed on Green Belt sites.

As stated in response to Q5, a further significant constraint to development in Surrey is the capacity of the major and strategic route networks in the county to accommodate increased traffic associated with growth proposals either individually, if they are substantial, or cumulatively. Unless improvements can be funded and delivered at the appropriate time, then additional development will result in there being an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is a situation that is already facing a few Local Plans in Surrey proposing Green Belt release for urban extensions and new communities. In these instances, according to the NPPF, such development should be prevented. Paragraph 2.20 of the White Paper indicates that Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period. We therefore consider that any binding housing requirement set by Government needs to consider strategic infrastructure constraints where potential funding for necessary mitigation has not been secured and the prospects for securing funding to enable delivery within an appropriate timescale are unclear.

Any standard method should also factor in environmental limits, such as carbon emission reduction commitments and water stress.

The CCN is proposing that designated Strategic Planning Advisory Bodies could advise Government on local housing targets (see response to Q7(b)) and we would urge Government to consider this approach.

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

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

Not sure.

The weight given to the affordability ratio as a modifier in the current standard method is a cause for concern in Surrey where environmental and Green Belt constraints limit land availability and it produces annual housing requirements of a scale that the market is unlikely to deliver and will not help to increase the affordability of market housing. Using the extent of existing urban areas as an indicator of the quantity of development to be accommodated could force additional pressure on areas that have already delivered significant housing in recent years and so may not have the capacity to simply absorb more. A more nuanced approach is needed that considers land constraints and the complex nature of the housing market including factors such as the market absorption rate as highlighted in the Letwin Review.

Q9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

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

Not sure.

The process of categorising a site as a Growth area in a Local Plan means that the principle of development has already been considered and accepted and so it would seem reasonable that this should confer outline planning permission. However, as stated previously in response to Q5, this would necessitate bringing forward detailed consideration of the infrastructure and environmental impacts and any necessary mitigation as part of the Local Plan preparation process. If this is to be achieved within the Government's proposed timescales for plan preparation and for new style plans to be in place there will be considerable resource implications, particularly for statutory consultees such as highway

authorities who may be dealing with multiple plans and sites simultaneously. For public bodies that are statutory consultees funding should be available in line with the new burdens principle to support transition to the new planning system. More generally and in the long term, landowners/developers promoting sites could be charged fees to have them assessed including an element payable to statutory consultees.

For archaeology, there would need to be an assessment and evaluation of potential Growth areas for the possibility of archaeological remains during the plan-making process, ideally developer-led. Otherwise, the process of archaeological investigation would shift to the technical/detailed consent stage when opportunities for influencing designs to promote preservation in-situ could be more limited and if archaeology were to be encountered unexpectedly cause delays to pre-defined timescales and additional expense.

If it were necessary to impose conditions on development, would these need to be set out in the Local Plan?

The 'permission in principle' proposed for Growth areas could be translated and applied to allocated sites for minerals and waste to provide greater certainty (while acknowledging that outline permission does not apply to minerals extraction and so the terms of the 'permission in principle' would need further consideration). However, in areas with a two-tier system and separate Minerals and Waste Local Plans and district and borough Local Plans, who decides which plan designations take precedence where there are overlaps?

Again, any shift in the burden of requirements on minerals and waste planning authorities away from dealing with planning applications and towards plan making must be recognised and lost application fees received by the planning authority compensated for.

Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

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

Not sure.

The tests that apply to enable development in Protected areas such as 'exceptional circumstances' in AONBs and National Parks and the acknowledgement that minerals extraction is not necessarily harmful (e.g.s. 'not inappropriate' in Green Belt; compatible in Flood Zones) must continue to apply and not become more onerous.

Mineral safeguarding areas should default to the category of Protected areas with the same requirements for a full planning application for non-minerals development within these areas i.e. development can come forward subject to a planning application demonstrating impact on the economic mineral. The 'presumption in favour of development' proposed for Renewal areas could apply to Preferred Areas for minerals.

Any presumption in favour of non-minerals development within Renewal areas cannot automatically apply in areas underlain by economic minerals.

Q9(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.]

Not sure.

The proposal has potential and would help to promote an integrated approach and possibly enable faster delivery with all consents being secured through the DCO process. However, new settlements are not considered NSIPs under the 2008 Act and there is no framework to establish what is acceptable and potential locations.

Q10. Do you agree with our proposals to make decision-making faster and more certain?

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

Not sure.

The proposals set out are too vague and unformed to support and require more detail. While we can see the proposed move to greater standardisation of technical supporting information might support faster decision making especially for smaller schemes, there is a risk it could lead to a poorer quality assessment process of little value.

Consideration needs to be given to improving 'data-driven insights' for minerals and waste movements/flows to help inform new-style digital Minerals and Waste Local Plans. There is an opportunity to link this with the National Waste and Resources Strategy and the Waste Management Plan for England, notably work Defra is undertaking on waste tracking.

Q11. Do you agree with our proposals for accessible, web-based Local Plans?

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

Yes.

We support the move towards inter-active, web-based Local Plans in principle, subject to issues of digital exclusion and resourcing implications being addressed, as it should enable more people to get involved in the plan preparation process. There is concern however, as to the significant additional resources this will require both in terms of skills and the cost of necessary software and how Government will support local authorities through the transition process to web-based technology.

Q12. 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.]

No.

We support a simpler, more stream-lined plan preparation process in principle, but as set out in responses to previous questions we have significant concerns that the proposed timetable does not leave sufficient time if plans are going to be properly justified and evidence based. For example, detailed transport modelling and other assessments for major sites and to determine cumulative impacts on the local and strategic road network will be required. These will need to be commissioned and agreed with key external stakeholders such as Highways England and may not be possible to complete within the timeframe to both inform where development should go to shape the spatial strategy and then subsequently to justify the consultation version of the plan. We assume that archaeological consideration would occur during stage 2 of the process, but it is not clear who would undertake this. If it were the local authority, this would be a fundamental step away from the accepted current practice and would require considerable additional resources allocated to local authority archaeological advisory departments and Historic Environment Records.

Stage 2 would need to encompass the various committee meetings required to seek agreement for consultation and submission of the Plan (Stage 3) and this can take up to 2-3 months.

We are also unclear how the proposed process allows for stakeholder engagement on options for a spatial strategy and it is noted that the first time that communities will be consulted on actual proposals is at stage 3, which is the same stage the plan is submitted to the Secretary of State for Examination. Reducing the opportunities for the public to engage with the planning process through consultation is likely to exacerbate the erosion of public trust in the system.

In our view, it will be extremely difficult to achieve Minerals and Waste Local Plans within 30 months without a significant increase in resources to ensure technical evidence gathering and consultation is adequate. A shift in emphasis in the planning system away from the planning application stage to the plan making stage means that whether plans have been properly prepared and evidenced will come under additional scrutiny. To ensure plans can withstand such scrutiny and for them to be prepared within 30 months with adequate consultation is very ambitious. Minerals and waste plans often attract a high degree of community involvement and are frequently contentious and the evidence required to justify proposals needs to be rigorous and effective. The management of this can take considerable additional time and resources. If consultation results in very significant changes to proposals, then an additional consultation stage or further time for scrutiny and testing at Examination would be necessary. Joint local authority plans (frequently the approach taken with minerals and waste (though not historically in Surrey) take longer to prepare due to the requirement for approval by more than one authority and the fact that meeting, as well as electoral, cycles are rarely in sync.

Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

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

Not sure.

There is a lack of clarity in the Planning White Paper about the scope of Neighbourhood Plans and where they would sit in the decision-making process. Current Neighbourhood Plans in Surrey vary widely in what they cover and so if they are to be retained, there needs to be guidance as to their scope and content.

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?

Neighbourhood Plans could contribute to local design guides and help to shape communities, particularly around 'living locally' to give residents the ability to meet most of their everyday needs within an easy walk, cycle ride or local public transport trip of their home. To rely solely on digital tools would discourage and potentially preclude those who cannot use computers from taking part in the process. Unless local people have the necessary design expertise then local planning authorities should be resourced to employ individually or jointly with another authority such expertise.

Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

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

Yes.

As the Letwin Review found, developers will ultimately dictate how quickly they wish to build out their sites and it may be difficult to seek a variety of building types by different builders when most of a site is either already owned by a single developer or under a single-developer option. Nonetheless, incentives, including outside of the planning system, to encourage SME housebuilders and self-builders should be explored.

Q15. 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]

No comment.

Q16. 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]

We consider all the above to be priorities along with protection and enhancement of the natural environment and conservation and management of heritage assets (which is wider than Historic Buildings and Areas). However, sustainability also comprises social and economic aspects and for Surrey these include fostering a strong, vibrant economy, revitalising town centres and high streets and more affordable housing.

We are disappointed to note that the 'Living with Beauty' report's key policy proposition 24 ("encourage the recycling of buildings") is missing from the proposals set out in this White Paper. It contributes significantly to the climate change agenda.

Building standards are a central component in achieving zero carbon homes and therefore it is essential that Government publishes its response to the Future Homes Consultation, which we hope will address its original lack of ambition in setting binding carbon standards for new homes and its proposal to remove the discretion of local planning authorities to set higher standards.

Delivering net zero communities depends on a strong definition of net zero and how that is implemented, monitored and evaluated in relation to net zero homes and net zero developments. This needs to be more specific than an ambition or general policy. Furthermore, the White Paper must be clear on what is measured to represent net zero – whether embodied and/or operational emissions (Scope 1, 2 and 3).

The White Paper does not state that new style local plans will be required to pursue carbon emission reductions in line with the Climate Change Act. National and local climate targets need to inform the production of new Local Plans and must influence planning decisions. We would strongly recommend that planning reforms seek to meaningfully align the Planning Act and the Climate Change Act.

We would welcome clearer more robust national standards for all types of flood risk - fluvial, surface and ground water - as well as guidance on how these should be interpreted. Currently, all LLFAs have slightly different levels of application of existing standards and this inconsistency doesn't help developers.

It is unclear how the proposals will work with new schemes coming on-stream such as Biodiversity Net Gain and Environmental Land Management and we would welcome further details on how the new Local Plans should address the Nature Recovery Network.

Q17. 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.]

Not sure.

The National Design Guide is a positive document in encouraging good design and local design guides and codes can be useful. However, there will be considerable resource implications for local planning and highway authorities to producing local codes in consultation with communities, and in the absence of such codes, national guides and codes will prevail which could lead to homogenisation of design and 'anywhere places', and potentially affect conservation and creativity. The National Model Design Code - currently pending – and a revised Manual for Streets should contain enough flexibility to ensure that local distinctiveness is reflected in design, even in the absence of a local design code.

Nevertheless, while emphasis on aesthetics and beauty are important, they should not be prioritised above planning for zero carbon and climate resilient communities. We would

strongly encourage that national and local design codes are aspirational in allowing local authorities to require key climate and sustainability design elements to address the climate emergency including use of materials in construction and energy use, net emissions of development and green infrastructure. There should also be integrated consideration of waste management within development, for example storage of waste and reuse facilities.

Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

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

The Government has already announced that it will set up a new design body.

The proposal for each authority to have a chief officer for design and place-making is supported. However, it is important that extra resources are provided by government to ensure local authorities can bring in the necessary expertise and upskill their officers in design (which would cover aesthetics, whole life homes and planning for zero carbon and climate resilience) to support such a function.

Q19. 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.]

Yes.

But this should not be at the expense of other key policy objectives such as achieving policy-compliant levels of affordable housing, securing low carbon outcomes and provision and performance (in terms of access to nature) of green infrastructure.

Q20. Do you agree with our proposals for implementing a fast-track for beauty?

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

Not sure.

Fast-track approval of proposals for refurbishment and the sympathetic re-use of existing heritage buildings that fall outside of the listing process should also be considered. The 'Living with Beauty' report notes that these are valued locally, provide a contribution to local character which new structures are unable to reproduce, and are often the cause of contention in the planning process when lost.

Q21. 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]

All aspects that make a development sustainable. We would add conservation, enhancement and management of the natural and built environment and contribution to zero carbon and climate change to this list as priorities.

Effective engagement with national programmes and joint and strategic planning across Local Plan areas is essential to achieving balanced and sustainable development of both strategic and local matters.

Q22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

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

Not sure.

The new planning system must provide councils with the levers to secure infrastructure and raise sufficient funds to get new infrastructure in place to avoid new development adding to existing infrastructure pressures. More detail is needed on the scope of the proposed Infrastructure Levy and how it would operate and clarity regarding what will happen to Section 106 planning obligations; whether they are to be abolished or whether they will still have a role in achieving purposes other than securing funding for infrastructure and affordable housing. We would urge Government to retain S106 agreements to ensure that required infrastructure is secured and delivered where and when it is needed but also, as currently, to continue to cover other mitigation measures and maintenance issues for which planning conditions would not be possible/appropriate. For example, the County Council receives developer funded contributions towards the running of bus services through S106 Agreements to mitigate transport impacts.

Planning obligations are important for securing the transfer of funds from collecting authorities to infrastructure providers where they are not the same to enable the delivery of infrastructure improvements, for example to county councils in relation to transport schemes. The abolition of S106 would exacerbate the continued and growing infrastructure gap in financial terms that we have experienced as a result of the adoption of CIL by districts and boroughs and subsequent reduction in S106 receipts to deliver improvements that residents and communities expect. We again wish to highlight the serious issues that have been evident under the CIL regime in two tier areas. CIL receipts are collected at a district and borough level whereas county councils with much greater responsibility for infrastructure delivery have no role in the allocation of receipts. Within Surrey, the County Council has received limited amounts of CIL despite pressing local and strategic infrastructure needs across the county as each borough and district has set their own funding priorities. These problems appear likely to continue under the proposals put forward in the document and potentially intensified given that the IL is also expected to provide for affordable housing. The County Council maintains that within two tier areas a proportion of the receipts (based on infrastructure need) should come to the higher tier councils that have already identified infrastructure priorities, for example for transport schemes, without needing to spend significant officer resource in bidding and allocation processes that vary from district to district.

The White Paper does not refer to any proposed changes to S38 or S278 of the Highways Act 1980, which are regularly used to secure adoption of new estate roads, and works to the existing highway carried out by developers, together with commuted sums for their maintenance. We would welcome confirmation that these key mechanisms for securing and maintaining these types of site-specific infrastructure will remain.

Many large minerals and waste developments are subject to S106 agreements which secure mitigation measures that would make otherwise unacceptable development acceptable; and S106 agreements are necessary in securing long-term commitments to the delivery of high quality and measurable restoration of mineral workings to beneficial after-uses at the earliest opportunity as per Government guidance. This applies equally to certain waste management facilities such as landfills and large-scale land remediation schemes.

The Planning White Paper refers to the IL as a value-based charge across all use classes. We consider minerals supply and waste management facilities (which are infrastructure, but some can be classed as industrial use) should be exempt from the infrastructure levy. Aggregates extraction already incurs aggregates levy and disposal of waste to landfill incurs landfill tax.

It is not clear how infrastructure would be funded and delivered to support proposed development where such development might fall below the value threshold required to pay the IL and whether local planning authorities would have the ability to prevent such

development coming forward if it does not contribute to necessary infrastructure. We note that the White Paper also states that “sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period”. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value above the threshold. The result could be very small contributions (a threshold in terms of amount to be paid would probably be better). There could also be scope for ‘gaming’ by manipulating proposals so they come in below a threshold and provision would have to be made to prevent this. There is concern that this situation can lead to funding gaps.

Furthermore, as with the move to CIL, there is a risk of a substantial gap in funding for infrastructure between the old system ending and the new one having effect as a result of IL being charged when schemes are finished rather than at commencement of development.

Q22(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]

Locally.

The approach adopted should ensure that in areas where there are higher values councils are able to capture these accordingly. We support allowing the levy to be worked out locally and request that a clear methodology is set out in national guidance.

Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

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

At least same amount or more.

The overall aim should be to capture as much value as possible to address the cost of necessary infrastructure and level of affordable housing to support planned growth in an area. It is essential that monies raised through the Infrastructure Levy are equivalent to, or greater than, the current system of capturing development value to support investment in infrastructure, affordable housing and local communities.

Q22(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.]

Not sure.

Currently in Surrey, CIL only covers a small proportion of the overall funding required to support growth and funds often need to be accumulated and decisions taken on prioritisation before schemes are delivered. Therefore, the proposal to allow councils to borrow against future IL receipts is to be welcomed in principle. In two-tier areas, Government should consider allowing county councils to charge a strategic infrastructure levy to support the funding of cross-boundary strategic infrastructure and the potential to borrow against revenues to facilitate delivery.

However, borrowing against the IL could carry considerable financial risks to local authorities should the anticipated developments not occur or are delayed. Further guidance is needed from Government and consideration as to whether there should be penalties for developers that fail to build out in good time, to ensure local authorities are not financially disadvantaged.

Q23. 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.]

Yes.

This is particularly important given the recent expansion of permitted development rights to meet housing numbers and the pressure such schemes can have in adding to the cumulative impact on an area's infrastructure.

Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

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

Yes.

But this should not be at the expense of funding to mitigate the infrastructure impacts of development.

In areas such as Surrey, it is critical that as much on-site provision as possible is secured. In-lieu payments can be secured, and financial contributions from smaller sites collected, but there are limited suitable development sites where these can be used to deliver more affordable homes.

It is not just the amount of affordable housing that is important. There is a need to address the range of local needs for different types of affordable housing.

Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

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

Not sure.

Further details and guidance are necessary. A situation where any in-kind delivery with the value being taken off the Infrastructure Levy leaving little funding for mitigating the infrastructure impacts of development needs to be avoided. Will discount rates be set nationally or by the local authority, or subject to individual negotiation between developers and affordable housing providers?

Q24(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.]

No comment.

Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

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

It is vital that any such approach should include the necessary requirements to support affordable housing quality.

Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

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

Not sure.

We note that a neighbourhood share of IL on which there will be fewer spending restrictions is proposed to be retained. Therefore, only where it can be demonstrated that infrastructure needs – and in two-tier areas this should include infrastructure that county councils are required to provide - to support growth have been met should other local authority priorities be considered.

Q25(a). If yes, should an affordable housing 'ring-fence' be developed?

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

No comment.

Q26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

No comment.