

# Public Document Pack

## Mid Devon District Council

### Cabinet

Thursday, 1 October 2020 at 6.00 pm  
Remote Meeting

Next ordinary meeting  
Thursday, 29 October 2020 at 6.00 pm

**Important** - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

To join this meeting, please click the following link:

<https://zoom.us/j/96078267790?pwd=bkxVZEVKdmZZR2lMMjlrMlVDTFFlQT09>

Meeting ID: 960 7826 7790

Passcode: 470279

One tap mobile

08003582817,,96078267790#,,,,,0#,,470279# United Kingdom Toll-free

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Dial by your location

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0 800 031 5717 United Kingdom Toll-free

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Meeting ID: 960 7826 7790

Passcode: 470279

Those attending are advised that this meeting will be recorded

## Membership

Cllr R M Deed

Cllr R J Chesterton

Cllr R Evans

Cllr D J Knowles

Cllr B A Moore

Cllr C R Slade

Cllr Ms E J Wainwright

Cllr Mrs N Woollatt

## **A G E N D A**

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

1. **Apologies**  
To receive any apologies for absence.
2. **Protocol for Remote Meetings (Pages 5 - 10)**  
To note the protocol for remote meetings.
3. **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
4. **Declarations of Interest under the Code of Conduct**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
5. **Minutes of the Previous Meeting (Pages 11 - 22)**  
Members to consider whether to approve the minutes as a correct record of the meeting held on 3 September 2020.
6. **Climate Strategy and Action Plan (Pages 23 - 66)**  
Following consideration of a report of the Group Manager for Corporate Property and Commercial Assets, the Environment Policy Development Group has recommended that the Climate Change Strategy and Action Plan be approved.
7. **Mid Devon District Council's Response to the Government Consultation on Changes to the Current Planning System (Pages 67 - 232)**  
To consider a report of the Head of Planning, Regeneration and Economy considering two current consultation papers published by the Government: "Changes to the current planning system – consultation on changes planning policy and regulations", and "Planning for the Future – White Paper" and responses by Mid Devon District Council to these.
8. **S106 Governance (Pages 233 - 242)**  
To consider a report of the Head of Planning, Economy and Regeneration following a previous audit report which flagged up the need to review and formalise governance arrangements. Draft proposals were subsequently drawn up and sent out for consultation with Parish and Town Councils. This report brings together the output from that consultation and subsequent amendments to draft governance proposals.

9. **Appointment of consultants in respect of a draft masterplan SPD for the East Cullompton allocation and a draft framework masterplan for Culm Garden Village** (Pages 243 - 250)  
To consider a report of the Head of Planning, Regeneration and Economy seeking approval to engage consultants to progress the production of the East Cullompton Masterplan SPD and Culm Garden Village Framework Masterplan, including the commissioning of necessary evidence base reports.
10. **Mid Devon District Council - Emergency Budget** (Pages 251 - 274)  
To consider a report of the Deputy Chief Executive (S151) seeking to present a revised budget for 2020/21 which will address the loss of income and the additional expenditure arising from the pandemic and those actions that have been taken to control it. The report also sets out some in-year changes to budget and the capital programme.
11. **Financial Monitoring**  
To receive a verbal report by the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.
12. **Performance and Risk** (Pages 275 - 312)  
To consider a report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.
13. **3 Rivers Developments Limited - Update** (Pages 313 - 316)  
To receive a report of the Chief Executive providing Cabinet with an update on current project performance, emerging risks and progress with recommendations emanating from the Cabinet report of the 9 July 2020.
14. **Notification of Key Decisions** (Pages 317 - 328)  
To note the contents of the Forward Plan.

**Stephen Walford**

Chief Executive

Wednesday, 23 September 2020

### **Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Carole Oliphant on:  
E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues – meeting management**

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

## **19. Technical issues – Individual Responsibility (Members and Officers)**

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"*

**Wait.....**

*"You have now entered the meeting"*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 3 September 2020 at 6.00 pm

### **Present**

#### **Councillors**

R M Deed (Leader)  
R J Chesterton, R Evans, D J Knowles,  
B A Moore, C R Slade, Ms E J Wainwright  
and Mrs N Woollatt

### **Also Present**

#### **Councillor(s)**

G Barnell, J Cairney, S J Clist, L J Cruwys, Mrs C P Daw,  
R J Dolley, Mrs S Griggs, B Holdman, F W Letch,  
Mrs M E Squires, B G J Warren, A Wilce, J Wright and  
A Wyer

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy  
Chief Executive (S151)), Jill May (Director of Corporate  
Affairs and Business Transformation), Maria De Leiburne  
(Legal Services Team Leader), Jenny Clifford (Head of  
Planning, Economy and Regeneration), Aarron Beecham  
(Forward Planning Officer), Christie McCombe (Area  
Planning Officer) and Sally Gabriel (Member Services  
Manager)

## 221. **APOLOGIES (00-03-50)**

There were no apologies.

## 222. **PROTOCOL FOR REMOTE MEETINGS (00-03-55)**

The protocol for remote meetings was **NOTED**.

## 223. **PUBLIC QUESTION TIME (00-04-20)**

The Chairman read a letter from Mr Quinn referring to Item 10 on the agenda which stated that:

In June last year, I asked Cabinet to consider changing the 3 Rivers programme to deliver affordable housing. I did not receive a direct answer, from Cabinet, at that meeting - but you did promise to reconsider my question when the programme was next on the agenda.

Fifteen months have passed and things have moved on quite a bit at the Council.

You have agreed your Mid Devon Corporate Plan for 2020-24, in which you say: "Our villages and towns need more affordable houses for local people. We aim to build more social rented housing and housing for purchase that is truly affordable". You

now have a Cabinet Member for Climate Change, a Strategy and Action Plan - as well as a target for the Council to be Carbon Neutral by 2030.

These are positive aims for the Council - but not for your 3 Rivers Company. It is clear from the report, that 3Rivers is still a commercial operation, where cost and profit are the only considerations.

However, the Company has not been able to deliver on its high profit aims - and changes are being undertaken. But why not take even more positive action....

Ditch the big-profit goals and use this Council resource for the Community.

Make use of 3 Rivers to deliver your affordable housing plans and bring about those long-term community benefits you are aiming for.

Specify the construction materials and fittings for the homes you build, to ensure they meet the 'greenest' standards available. You cannot possibly ask other commercial enterprises in the District to do this, if you don't. Provide the lead!

Implement your aims by using 3 Rivers to build low-cost and low-carbon homes, and sell them to local people at minimal profit levels - making them truly affordable.

I repeat my June 2019 question: Will the Cabinet consider changing the aims of the 3 Rivers programme - from "Build for Maximum Profit" to "Build for Maximum Community Benefit"?

The Chairman then read a question on behalf of Cllr Wilce referring to Item 10 on the agenda. You will be aware that part of the recording of the cabinet meeting held on the 9th July, which was open to the public, was edited by Officers, without any precedent, policy, or regulation, to remove reference to the potential liability to the Council of its loans to 3 Rivers. Members of the public were present, as was a member of the press. Since it is not possible to erase the memories of those persons present and given that the purpose of the recording is to provide a true and accurate record of the meeting, do you agree with me that this action is undemocratic and that the full recording of the meeting should be made public?

And, that having recently acknowledged that the loans made to 3 Rivers were 'substantially without security' can you update members on the current level of potential indebtedness of the Council and the security of those loans, given that the build at St George's Court has not resumed?

Liz Pole referring to Item 8 on the agenda - Tiverton Eastern Urban Extension - Area B stated that she was concerned with the return to a Conservative Cabinet through what appears to be a grab of control, I am concerned about the level of competence and the confidence that local residents and taxpayers alike should be placing in the plan and the administration of it. The Tiverton Eastern Extension Masterplan is not going to be receiving any Community Infrastructure Levy and the so called affordable housing promised at 35% is now suggested in the document to be under threat from viability assessments. Last year I spoke to the Planning Committee about my concerns for the Cullompton Urban Extension Masterplan, where affordable housing was slashed from a promised 28% to just 10% and at that time I mentioned that the

2016 - 2020 Corporate Plan which had promised 250 new council houses had by that time last year only delivered 6 out of those 250 promised council houses.

Additionally communities have been subject to unwanted development due to failures in maintaining a 5 year land supply, evidence points to tax payers subsidy having to prop up the Council's 3 Rivers commercial investments to the tune of potentially millions of pounds. Other evidence indicates that council tenants may ultimately have to pay for a £600k settlement which may possibly relate to the Turner Rise element or wherever that applies because there is a confidentiality agreement apparently. If that £600K has gone to the Housing Revenue Account, then presumably it will have to be recouped through rents from Council tenants? So I am concerned about the management of these housing projects and would like to have some assurance from the Cabinet that the people of Tiverton will be receiving the 35% of affordable housing that they are due under the current Eastern Urban Extension Masterplan.

The Chairman then read a letter he had received from the Liberal Democrats Group which again referred to Item 10 on the agenda:

In the year or more since you have been Leader, the Council has given unsecured loans to 3 Rivers in excess of £9 million. During the same period the financial losses being incurred by the Company have increased at a rate that are now alarming.

These losses are primarily the result of continuing delays and cost overruns on the St George's site in Tiverton. The losses being incurred on the St George's site have increased from £250k a year ago to more than £1 million today. It is understood the main contractor on the St George's site has not been on site for nearly six months and is in dispute with the Council. It is not clear when they might resume work. We understand that this may be 7<sup>th</sup> September.

In consequence it very likely that the losses forecast for the St George's site will be considerably in excess of the £1 million loss already incurred. These losses have to be paid for by the taxpayer and now threaten the future delivery of key public services.

You have responded to this crisis by commissioning various reports, by changing the governance and financial control arrangements of the Company and, above all, by continually passing the blame onto senior officers and the Directors of the Company. None of this has addressed the fundamental issues relating to the losses being incurred by this Company.

You failed to stop the flow of Council loans to 3 Rivers until some £9 million had been lent. You have also failed to take the action necessary to deal with the continuing problems on the St George's site.

During this period Cabinet Colleagues have repeatedly asked you to present and discuss your plans for the future of the Company and, in particular, for your plans for dealing with the problems on St George's site. These requests have been met by your making yet more requests for reports from Senior Officers. Previous members of your Cabinet have put forward their own proposals for addressing these issues. These have not been responded to.

This prevarication is putting the Council at risk and must come to an end.

Four questions now require urgent answers:-

1. When will the main contractor be returning to the St George's site and what is the revised date of completion of the building works there?
2. What is the current revised forecast for the losses being incurred on the St George's site?
3. What is your plan as Leader for controlling these losses?
4. What is your plan as Leader for the future of the 3Rivers Company?

The Chairman indicated that answers to questions would be provided when the items were debated.

#### **224. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (16-18-00)**

Members were reminded of the need to make any declarations of interest when appropriate.

#### **225. MINUTES OF THE PREVIOUS MEETING (00-16-38)**

The minutes of the previous meeting were approved as a correct record.

#### **226. CONTAMINATED LAND COST RECOVERY POLICY (00-17-51)**

Following consideration of a report of the Group Manager for Public Health and Regulatory Services reviewing the Contaminated Land Cost Recovery Policy, the Community Policy Development Group had made the following recommendation that: the revised Contaminated Land Cost Recovery Policy be adopted.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that minor amendments were incorporated into the revised policy which included the following:

- Reformatting the policy in-line with current policy document templates and changing reference to the 'local authority' to 'the Council' where necessary for clarity.
- Minor legislative updates (EU Exit regulations on Environmental Regulations in 2019 and repeal of Housing Act 1996 in England)
- Pending changes to updated Environment Agency Guidance (Land contamination: risk management (LCRM – due to replace current model procedures called CLR11 in 2020)
- Closure of the Defra Contaminated Land Capital Projects Programme in March 2017
- The updated Housing Assistance Policy 2019-22 (availability of Healthy Homes Grants in addition to the on-going Wessex Home Improvement Loan product)

- Cost recovery

Consideration was given to:

- The number of sites that had the potential to meet the definition of contaminated land
- How many times had the council secured remediation
- The financial implications for the Council.

**RESOLVED** that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr D J Knowles and seconded by Cllr C R Slade)

Reason for Decision – there is a need for the Contaminated Land Cost Recovery Policy to be in place.

Note: \*Report previously circulated, copy attached to minutes.

## 227. **REVIEW OF DEVELOPMENT MANAGEMENT POLICIES ON PARKING (00-23-19)**

The Cabinet had before it and **NOTED** a \* report of the Head of Planning, Economy and Regeneration providing an update and proposed next steps in response to Motion 560 (Review of Development Management Policies on Parking).

The Cabinet Member for Planning and Economic Regeneration outlined the content of the report stating that the report provided an update and proposed next steps in response to his Motion 560 (Review of Development Management Policies on Parking). The Motion was agreed at Full Council on 8 January 2020 and stated that:

“...Officers start work on undertaking a review of Mid Devon’s development management policies regarding parking on new estates. These should include the number of parking spaces per property as well as how development management can help ease the transition to electric or hybrid vehicles in the future”

The paper highlighted some of the possible changes members may wish to consider and the most appropriate mechanisms to bring those forward.

The report also provided a detailed review of the evidence in relation to the number of parking spaces per property. It set out the Council’s current standard of 1.7 spaces per dwelling and the methodology applied to calculate that figure. It then considered any changes to the evidence base that had arisen since that standard was formulated. The report noted that there had been very little change in household car ownership between 2002/03 and 2017/18. Whilst car ownership had seen little change, the number of journeys being made by each car was falling. The report also recognised that Mid Devon was a rural area and therefore many areas had limited transport choices.

Taking all of those factors into account, it was considered that the current minimum parking standards were still justified and appropriate at this time. There was a need to keep this under review as the next Local Plan was progressed. Should no up-to-

date evidence be available nationally, the Council might wish to consider producing a local evidence study to understand car ownership and usage in more detail.

The report also considered how development management could help ease the transition to electric or hybrid vehicles in the future. The Local Plan included minimum standards for the provision of electric vehicle charging infrastructure.

In terms of possible changes members might wish to consider that evidence indicated that the number of ultra-low emissions vehicles was rising rapidly in Mid Devon. It was therefore considered that a planning policy which required a higher proportion of EV charging points within new housing and commercial developments could be justified. The most expedient way of achieving this was to consider a EV charging infrastructure policy through the next development plan.

Consideration was given to:

- Whether certain evidence was required if Council sought to increase the number of cars per dwelling.
- The need to review the parking policies regularly, specifically with regard to climate change issues and the impact of the Covid 19 pandemic where the use of the car to travel to work may change
- The need to increase the use of public transport
- Charging points in public spaces
- The parking policies within the adopted Local Plan Review and the need for a further review of the Local Plan to begin as soon as possible as well as reviewing the transport strategy and other associated guidance
- Whether new development should have wider roads to allow for more parking
- The Government had recently consulted on an amendment to Building Regulations for electric vehicle charging point installation
- The desire to deliver further electric charging points in the district and possible negotiations with developers
- The idea of drafting a policy now that could be adopted in the future as part of a review of the Local Plan

Note: \*Report previously circulated, copy attached to minutes.

## 228. TIVERTON EASTERN URBAN EXTENSION (AREA B) MASTERPLAN

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration informing members of the outcome of the Stage 2 public consultation and the draft masterplan that has subsequently been produced taking these comments into account and to seek a recommendation to Council to adopt the Tiverton Area B Masterplan Supplementary Planning Document (SPD).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that: masterplanning of proposed development at the Tiverton Eastern Urban Extension was now well advanced. A masterplan for Area A had already been adopted, but did not go into detail over the area of the application to the south- east known as Area B. A further masterplan had now been produced in draft in order to guide development, and in particular provide greater clarity over the development allocated, but also the extensive green infrastructure areas.

The report dealt with the representations received from the second stage public consultation on the emerging masterplan document, the amendments to the draft document as a result and the next steps for the masterplan towards its adoption as a Supplementary Planning Document.

Public consultation had taken place over an extended period between 27<sup>th</sup> February and 23<sup>rd</sup> April 2020. Details of the consultation measures and how they needed to be adapted to take account of the COVID-19 pandemic were provided in the report.

The Area Planning Officer then provided the meeting with a presentation which highlighted the confirmed boundary of the Area B masterplan, a summary of the key elements of the plan, that of the number of units, the employment area, the formal sports area, the allotments, the country park and public open space which included children's play areas and the principal point of access to the site. She outlined the consultation process and the consultation feedback, also the areas of concerns that had been raised and the responses to those concerns and where the plan had been amended to accommodate those concerns.

The Head of Planning, Economy and Regeneration then answered questions posed in public question time: with regard to affordable housing proposed on the site, this had been established via a policy in the adopted Local Plan Review. The provision of a 5 year land supply had been tested by the Local Plan Inspector. Further, with regard to proposals for affordable housing as part of planning applications, those would be assessed against policies within the adopted Local Plan Review as all affordable housing percentages rested within the Local Plan.

Consideration was given to:

- The need for careful project management for the site following approval of the masterplan
- The need for members to have an oversight of large developments and the role of the Development Delivery Advisory Group
- The need to fulfil the commitment to becoming net zero
- The new Local Plan needed to be ambitious with regard to climate change
- The approved Statement of Community Involvement included a paragraph on publishing viability information
- The views of local residents in the area of the masterplan had been considered and acted upon
- The legacy of the Covid 19 pandemic and the need for the provision of local sports areas for local residents

It was requested that the conscientious work of the Area Planning Officer and her colleagues be recognised and recorded.

**RESOLVED** that: the comments received at the Stage 2 public consultation (Appendix 1) and proposed changes as a result be **NOTED**;

**RECOMMENDED** to Council that:

- i) Subject to the updating of the policy section and policy references following the adoption of the Local Plan Review, the Masterplan Supplementary Planning

Document for Tiverton Eastern Urban Extension Area B (Appendix 2) is adopted; and

- ii) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration prior to publication to
  - a) update the policy section and policy references following the adoption of the Local Plan Review and;
  - b) make any typographical, grammatical and formatting changes to the Tiverton EUE Area B Masterplan SPD

Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for the decision – the approval of the masterplan for Area B of the Tiverton Eastern Urban Extension as a supplementary planning document is necessary to control and guide development on this part of the development allocation in this area.

Note: \*Report previously circulated, copy attached to minutes.

## 229. **FINANCIAL MONITORING (1-27-46)**

The Deputy Chief Executive (S151) presented a verbal report presenting financial information in respect of income and expenditure so far in the year.

He stated that the forecasted deficit for the year had now been reduced to £1,218m an improvement of £285k. The forecast recognised the 3 tranches of Covid grant from the Government and the furlough monies but it did not make any allowance for amounts that would be received under the Income Compensation Scheme of which guidance had only just been received on what could be claimed over the remainder of the financial year. An emergency budget would be brought to the Cabinet meeting on 1 October 2020.

He highlighted the significant underspends on equipment and utilities within the leisure service. The movement within the Housing Revenue Account of £593K largely related to a settlement agreement of £600k which related to a long standing contractual dispute, the conditions of which were subject to a confidentiality agreement.

Consideration was given to:

- The use of confidentiality agreements
- The impairments with regard to 3 Rivers Developments Limited
- The details set out in the approved Accounts for 2019/20 and the Auditors approval on how the transactions had been shown within the Accounts.

### 230. 3 RIVERS DEVELOPMENTS LIMITED - PROJECT UPDATE (1-42-15)

The Cabinet had before it and **NOTED** a \*report of the Chief Executive produced in accordance with recent Cabinet decisions to request a quarterly update from 3RDL, to provide Cabinet with an update on current project performance and any key risks. In addition, the report provided a quick overview on the progress of the Action Plan worked up resulting from previous Cabinet decisions.

The Leader answered the question posed in Public Question Time:

With regard to Mr Quinn's question about affordable housing, he stated that he knew that along with Mr Quinn, many others had been following the company's progress and he welcomed the recognition that changes had been made to ensure greater oversight on these important issues. The company had already delivered a number of homes for social rent as well as market housing and there was nothing to prevent the company doing more of this in the future.

The Cabinet had the opportunity to approve the company's business plan each year and this could include market, affordable and social housing. To do more of this would align with the Council's ambitions to deliver high quality and deliverable social housing for local people and it was hoped to bring forward some exciting proposals shortly to meet those objectives.

With regard to Cllr Wilce's question; he was aware that Cllr Wilce had spoken with the Monitoring Officer about this issue and he knew that she had expressed her concern that the council were being subsequently forced to publish information that its members had voted to treat as restricted and not in the public domain. When Part II restrictions were breached, whether in error or otherwise, the minutes should not have to compound that error by publishing it as a report after the event. The Monitoring Officer was considering bringing a revised protocol on the recording of meetings forward for Council to discuss, so that all members could be clear on this in future.

The second question from Cllr Wilce referred to the amount of the current loans to 3 Rivers which was at £9,401,000, currently there was no form of security held against any of those assets or developments and Members were aware that ACS have been instructed to provide more detailed loan agreements and all the necessary securities required. EBC, the main contractors on the St Georges site had returned to site that week.

With regard to questions from the Liberal Democrat Group: with regard to the return of the main contractor to the St Georges site and what was the revised date of completion for the building works there. The contractors had returned to site and the agreed completion date as agreed in August 2019 remained December 2020, although it was expected that the Covid shutdown would have some impact on that once construction was underway and that we would be working to understand the completed work schedule once they returned to site. The company was not in contractual dispute with the contractor, discussions were continuing about the cost of unplanned works and site dormancy throughout Covid and whether those costs were client side or contractors side costs. Such negotiations were normal within standard construction contracts even if the pandemic had delivered an entirely abnormal set of circumstances.

The current revised forecast for the losses being incurred on the St Georges site, this information was contained within the confidential section of the report along with a range of other detailed information on the commercially sensitive aspect of the company's business.

Plans for the Leader to control those losses - his first priority was to strengthen the issue of Governance, following the completion of 2 external reviews, which made a number of recommendations to make improvements, the then Cabinet made sure that those recommendations went before the Council's Scrutiny and Audit Committees to ensure that the whole council was content with the new governance arrangements. The action plan referred to in the report provided details of the progress made with implementing those, and as a recent member of the Cabinet Cllr Barnell would know that some had already been completed whilst others had required the drafting of new documentation and were in the process of being finalised prior to implementation.

Plans of the Leader for the 3Rivers company - he referred Cllr Barnell to the decisions made by the Cabinet which included the Liberal Democrats in June and July. The Council's Forward Plan identified an item on the SPV due at the end of September. He looked forward to discussing this with the new Cabinet in a productive way.

He continued by informing the meeting that the Cabinet would be having discussions in the following week to review the outstanding issues.

Consideration was given to:

- Whether the work of the 3 Rivers company was purely commercial or whether there were a good procurement opportunities to reflect on climate change issues
- The need to revisit the objectives of the company
- The planning process for the Bampton site.
- A request for a more detailed forecast for losses and how those losses were being addressed
- The difference between impairment and write off
- The construction issues at the St Georges site
- Design specifications and planning applications

Note: \*Report previously circulated, copy attached to minutes.

## 231. **NOTIFICATION OF KEY DECISIONS (2-24-35)**

The Cabinet had before it and **NOTED** its \*rolling plan for September 2020 containing future key decisions.

Note: \*Plan previously circulated, copy attached to minutes.

(The meeting ended at 8.26 pm)

**CHAIRMAN**



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## **ENVIRONMENT PDG** **8 SEPTEMBER 2020**

**Cabinet Member(s):** Cllr Elizabeth Wainwright, Cabinet Portfolio Member, Climate Change

**Responsible Officer:** Andrew Busby, Group Manager Corporate Property and Commercial Assets.

**Reason for Report:** To provide Members with the final draft of the Climate Strategy/ Handbook and action plan.

**Recommendation:** For the Environment PDG to recommend to Cabinet to endorse the Climate Change Strategy and Action Plan.

**Financial Implications:** All actions within the Action Plan are subject to the budget available for the 2020/21 financial year. Future financial years will be subject to budget approval.

**Budget and Policy Framework:** The Council declared a Climate Emergency on the 26 June 2019, but there has been no dedicated budget set to date. Any projects or workstreams which are likely to incur more than negligible costs outside budget will need formal approval through Cabinet and Council. It is therefore important that some thought is given to the costs of projects and how/when these are reflected in the budget/capital programme.

**Legal Implications:** None directly arising, but there will be implications arising from planned projects and decisions brought forward to deliver progress on cutting our carbon footprint, those implications and whole life carbon costings will be considered as part of those projects

**Risk Assessment:** The Climate Change risk assessment will be reviewed and managed via the Council's SPAR system and will be regularly reported to the Audit Committee

**Equality Impact Assessment:** The impact on equality will be considered for each action within the plan and reported to the relevant Policy Development Group, as attached to this report

**Relationship to Corporate Plan:** A Sustainable Planet - Environment

**Impact on Climate Change:** The Full Council declared a Climate Emergency and as part of that commitment, the Council agreed to produce a Carbon footprint baseline. This document will be the Council's strategy document for tackling climate change within its own estate and how we can influence reduction of CO2 throughout the District

### **1.0 Introduction**

1.1. The Council has declared a Climate Emergency and aims to become carbon neutral by 2030. Carbon neutrality is a term used to describe the actions that organisations, businesses and individuals can take to remove as much carbon dioxide from the atmosphere as each puts in to it. The overall goal of carbon neutrality is to achieve a zero carbon footprint. To become carbon neutral we needed to accurately measure our carbon footprint and create a baseline against which future changes can be measured. The assessment needed to establish a baseline from which to measure the reductions that we plan to make via our action plan and make informed recommendations to Members.

1.2. Following the recent climate change declaration by councils across Devon, there are now two emerging work streams; an internal organisation focus on reducing CO2 emissions to (net) zero; and the wider agenda looking at reducing emissions across

the whole Mid Devon area. Clearly, the first of these is much more of a process that a) the Council can manage/monitor/influence; and b) can control to a significant degree, as it relates to our own assets and operational base. For the wider piece linked to the whole of the Mid Devon area achieving net zero emissions, this is work that DCC will be initiating linked to baselining work being undertaken for the whole county. However, as a District we will work as a partner with local businesses, organisations, community groups and other residents to support the District's journey to net zero. As we learn figures for the whole District's CO<sub>2</sub> footprint, we will be able to do this more effectively.

- 1.3. The definition of a carbon footprint is the amount of carbon dioxide released into the atmosphere as a result of the activities of a particular individual, organisation, or community. A carbon footprint is measured in tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) and CO<sub>2</sub>e is calculated by multiplying the emissions of each of the greenhouse gases (GHG) by its 100 year global warming potential (GWP).
- 1.4. Having a net zero carbon footprint, refers to achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal (often through carbon offsetting) or ideally, by eliminating carbon emissions altogether (the transition to a post-carbon economy). It is used in the context of carbon dioxide releasing processes associated with transportation, energy production, agriculture and commercial/industrial processes.

## **2.0 Achievements from the previous Corporate Plan and the 2016-2020 Climate Change Action Plan**

- 2.1 In support of the Climate Emergency, the measures that we've already taken within, our own district to reduce carbon footprint include:
  - Installation of over 1,170 Solar Photovoltaic (PV) systems to our housing stock in 2012, which has since been recognised at the 2019 South West Energy Efficiency Awards (income received from this scheme is being used to fund energy efficiency projects, specifically aimed at providing renewable energy and technologies, and reducing the carbon output from our tenanted residential properties)
  - Installation of Solar PV systems at our main offices at Phoenix House, Tiverton and all three of our leisure/sports centres, which provide a total of 278.32 kWp (kilowatt-peak) of electricity, in turn, saving 150 carbon tonnes per annum, thereby reducing our baseline budget for electricity by around £60k per annum
  - Low voltage lighting upgrades at all three of our leisure/sports centres and the multi-storey car park in Tiverton
  - Installation of Variable Speed Drives (VSDs) for large motors in our air handling units, pool pumps, etc., at Lords Meadow and Exe Valley leisure centres to conserve energy and reduce consumption
  - Implementation of vending machine controls at all three of our leisure/sports centres to reduce energy consumption
  - Optimisation of the boilers at all three of our leisure/sports centres using dynamic control measures
  - Application of pipe lagging on our business properties to reduce heat loss
  - Installation of two Electric Vehicle (EV) charge points at each of our leisure/sports centres, (so far recording nearly 3,000 charges saving over 12,000 litres of fuel) and

two twin outlet chargers at the multi-storey car park in Tiverton, with the aim of increasing availability as part of a future roll-out across Mid Devon

- Installation of a Biomass Boiler at Lords Meadow Leisure Centre to reduce gas consumption as part of the Non-Domestic Renewable Heat Incentive (RHI) scheme

- Entering into a joint fleet contract provided by Specialist Fleet Services (SFS) in partnership with Exeter City Council on 7 March 2019, with the flexibility of trialling and using vehicles with ever lower emissions (technology pending), over the life of the contract

- Our kerbside waste collection rounds are constantly under review to ensure the most efficient use of our fleet

- Almost all the recycling we collect is reprocessed in the UK with the remainder in the EU - none of the waste we collect is exported to developing countries

- All the food waste we collect is sent to Anaerobic Digestion plants to be used as a source of renewable energy

- We ceased sending non-recyclable black sack waste to landfill in 2017, instead utilising this waste stream as feedstock for Energy from Waste Plants

### **3.0 Working across service areas**

3.1 A series of meetings are taking place with key officers from various services to explore opportunities, connections, ideas and challenges from different perspectives and service areas within the council. We see each team representative who joins the meeting acting as a 'Climate Connector' for the Council, with the intention of building a joined-up approach in our journey to be net zero by 2030

### **4.0 District-wide community engagement**

4.1. Devon-wide Citizens Assemblies to discuss the climate crisis and seek input from residents were planned, but the Covid19 crisis has pushed these back to 2021. At a more local level, Cllr Wainwright had hoped to host in-person 'Mid Devon Climate Conversations' with town, parish, community group and business representatives, to encourage networking and collaboration, and to listen to ideas, questions and information. The Covid19 crisis has meant we have had to put in-person meetings on hold, but in the meantime, we have been hosting online discussions. Content from these discussions will be documented and considered as the Council moves forward with this work, and as part of the Net Zero Advisory Group. This agenda is one that many people are interested in and have expertise in, which the council can benefit from. It is also a good opportunity to improve community engagement.

4.2. We are mapping district-wide groups and initiatives that are working on the net zero carbon agenda, to support residents to connect and learn more. We will put this on our website.

4.3. Members are of course invited to be part of the Climate Conversations mentioned above. In addition, please feel free to share articles, ideas and suggestions as we move forward with this work. It is a topic that goes beyond any one political party, and a collaborative approach will help us tackle this complex issue at a local level.

## **5.0 The Climate Strategy 2020 with Action Plan**

5.1. Our Climate Action Strategy and Action Plan is attached to this report as Annex A and B . The strategy sets out our approach to tackling emissions and draws on input from various reports, research, case studies and conversations, and is a work in progress. The Action Plan includes details of actions with a red/amber/green status marker to identify which proposed actions and schemes have a high, medium or low impact on reducing our carbon footprint and includes estimated emission savings so we can track performance. There are current projects within our Capital Medium Term Financial Plan that present opportunities for reducing our carbon footprint. For example, replacing end of life boilers and reviewing the Combined Heat Plant at Exe Valley Leisure Centre, the plan will also include strategic and larger projects such as the Hydroelectricity scheme in Tiverton that will have a high impact on our carbon emission reduction, as well as plans that would need budget and capacity to deliver. We have taken into account the feedback from Members to date from the Environment Policy Development Group, Scrutiny and Audit meetings. The plan will be shared with the Net Zero Advisory Group for review.

## **6.0 Mid Devon Updated and New Related Policy, Plans and Strategies.**

- Corporate Plan 2020-2024
- Mid Devon Core Strategy 2007-2026
- Local Plan 2013 - 2033
- Forward Planning/Local Plan documents
- Green Infrastructure Assessment
- Housing Strategy
- Asset Management Plan

## **7.0 Devon Climate Emergency**

7.1 The Council are part of the tactical group for the Devon-wide carbon plan. The group met most recently on 5 August 2020. DCC are also business planning for the offer of a local power purchase agreement between large energy consumers in Devon and community-owned renewable energy, and we are talking to DCC about this.

7.2 More widely, the tactical group is a key link for the synchronising of MDDC's climate plans with Devon-wide plans. The Devon Climate Emergency put out a call for evidence to contribute to the Devon Carbon Plan -- the group received almost 900 submissions, mostly from individuals, and a summary of submissions by theme can be viewed here: <https://www.devonclimateemergency.org.uk/devon-carbon-plan/call-for-evidence/>

7.3 Some of the suggestions have been reviewed and incorporated into our own plan, and others will need to be discussed as part of our NZAG and Mid Devon Climate Conversations.

## **8.0 Central Government Position**

8.1 The Paris Agreement, following the 2015 United Nations Conference on Climate Change of 195 countries, was to holding the increase in global temperature to well below 2 deg. C and pursue efforts to limit the increase to 1.5 degrees C.

8.2 The Government has also committed to support Mission Innovation. This is a commitment of 20 leading governments to seek to double their clean energy research and development investment over five years. New investments would be focused on transformational clean energy technology innovations that can be scalable to varying

economic and energy market conditions that exist in participating countries and in the broader world.

## **9.0 Solar Together Devon Project**

- 9.1 The Council will be part of the Solar Together Devon project. To support the region's energy and climate strategies DCC is looking to incentivise a solar PV collective purchasing scheme for the residential 'able-to-pay' sector. The project will be called 'Solar Together Devon' and delivered by iChoosr. DCC will manage the project and cover all costs. The procurement process and implications post the Covid-19 crisis are being considered.
- 9.2 iChoosr estimate the project will deliver a 20% reduction in installation prices for residents and achieve 800+ installations, 793 tonnes of CO2 saved in the first year and 3MWh total generation capacity. In the UK they have run successful schemes with the Greater London Authority, Greater Manchester Combined Authority, Essex, Norfolk and Sussex councils. Local installers will be encouraged to bid for the works.
- 9.3 Where needed, external funding will always be considered before the use of internal Council funds, and Property Services and the Corporate Management Team will work together to help facilitate and maximise the funds available to the Council from our existing Capital programme. Some projects may be suitable for funding from climate/energy efficiency grants that are created to help the transition to a low carbon economy.
- 9.4 The action plan now includes a visual to show the impact of our actions on our carbon emissions, and travel towards our 2030 target. The actual carbon saved will be verified as part of the annual review exercise that will be carried out independently.

## **10.0 Biodiversity**

- 10.1 Impacts of climate change on our wider ecosystem also needs to be considered as part of our climate change journey (i.e. availability of water, changing natural habitats and landscapes). Taking one example the Council prepared and consulted upon a draft Green Infrastructure Plan (GIP) in 2011, the Green Infrastructure Assessment (Section 2 of the GIP) was then revised to take account of comments from residents and other stakeholders. Other planning policies have links to Biodiversity and these will be listed and signposted on an updated web page for Climate Change.
- 10.2 The Council needs to consider the issues of safeguarding the environment and promoting biodiversity and bring forward a report to the Environment PDG to establish what our approach to managing road verges on our own estate should be to encourage and protect biodiversity, some of our residents may wish to see our verges cut and any implications on other internal services will need to be considered. One result of the lockdown has been that verges across our estate have been left to grow and in some areas, this has resulted in steep banks and verges having wildflowers. It is suggested that we should continue to leave these particular verges this season in order to assess the full impact that will inform a future report. This resource from Plantlife provides good background information.  
<https://www.plantlife.org.uk/uk/about-us/news/road-verge-management-guide>
- 10.3 The existing design principles allow us to review and designate areas for wildflowers or naturalisation. Naturalising areas is very different to planting wildflower seeds and allowing them to grow in areas that have been prepared for this. A trial took place in 2016-2017 and at the time we did receive complaints regarding the appearance in these areas.

- 10.4 We have also sowed wildflowers in some areas over the last couple of years; including Tiverton and Crediton. This has been viable, as the seeds have been predominantly sown in areas that previously contained bedding, we have also trialled areas within Crediton and Tiverton to ascertain response and viability, and that has been well received.
- 10.5 There is an additional cost associated with maintenance and sowing, however we are also looking at our own grass banks that we can naturalise with very limited maintenance once flowered and self-seeded, such as Linear Park in Cullompton.

**List of Background Papers:**

- Cabinet report 19 December 2019 Update on carbon baseline.

<https://www.middevon.gov.uk/residents/planning-policy/adopted-local-plan-evidence/green-infrastructure-assessment/>

- A vision for green infrastructure was then produced that can be reviewed as part of our journey: <https://www.middevon.gov.uk/media/114235/vision-and-strategic-objectives.pdf>
- As part of our Local Plan review on sustainability appraisal dated January 2017 can be found here: <https://www.middevon.gov.uk/media/342723/sustainability-appraisal-update-2017.pdf> this also links into biodiversity across the District.

**\*\*DRAFT\*\***

MID DEVON DISTRICT COUNCIL'S

Climate  
strategy  
&  
handbook

2020-2024

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# Introduction

The concept of sustainable development was described by the 1987 Bruntland Commission Report as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Sustainable development weaves together societal, environmental, cultural and economic goals. One threat to all of these goals is the climate crisis.

In June 2019, Mid Devon District Council (MDDC) signed up to the Devon Climate Declaration. MDDC acknowledges the evidence that shows that our climate is changing fast, and will have far-reaching effects on the UK’s people, places, economy, society and environment.

MDDC members unanimously agreed to a goal of net zero carbon emissions by 2030, and is seeking to address the challenge through our services, as well as by enabling the wider district. The Council can make a positive impact through the quality of housing, energy supply, planning decisions, choice of transport, tree planting, education and more. As a large partner in the area, we can influence wider decision making.

Climate knowledge, actions and case studies are evolving, and so this strategy, as well as the action plan itself, are living documents which will be reviewed frequently. In addition, MDDC is setting up a Mid Devon Climate website, which will showcase local initiatives, events, resources, actions, targets and progress.

The aim of this document is to lay out the background to our work, as well as the areas that will need attention if we are to achieve net zero by 2030. We hope it can be used in these ways:

- For **Council staff** seeking guidance on opportunities for collaboration, efficiencies and change.
- For **elected Councillors** who want to familiarise themselves with MDDC efforts to tackle the climate crisis, and to support their communities.
- For **residents** who want to understand and input to MDDC’s approach, and to find resources and opportunities to support their efforts to reach net zero.

The past few months have presented another crisis – Covid19. Many communities, organisations and others have faced unprecedented challenges. In this time, we’ve learned lessons, too – like how Mid Devon can adapt quickly; that we can partner with communities to achieve more together; that the air has become cleaner; that there is an opportunity to rebuild in a way that supports the present as well as the future. Making decisions about MDDC’s work through the lens of the climate crisis will be part of our responsibility to build back better. Our plan is a first iteration, and not perfect – we welcome your input on the journey to net zero.

**Cllr Elizabeth Wainwright**  
**Portfolio holder for Climate Change**

# Background

## The climate is changing

In the last century our climate has started to change rapidly. There is overwhelming evidence that most of the warming we have seen is due to increased concentrations of greenhouse gases (GHG) in the atmosphere. Human activities have directly increased the amount of carbon dioxide, methane and some other greenhouse gases. Carbon dioxide and methane are the GHGs which have the greatest impact on our changing climate. Methane has a stronger greenhouse effect, but there is less of it. Carbon dioxide is more abundant in the atmosphere and remains much longer, having a greater cumulative effect on our climate. By the start of the 20th century, the CO<sub>2</sub> concentration in the atmosphere had exceeded the highest levels of the past 800,000 years. Ice cores show that in the time that human beings have roamed the planet, CO<sub>2</sub> levels have stayed well below 300 parts per million (ppm). This threshold was crossed in 1910. As of January 2020, it stood at 414ppm. Globally, three quarters of GHG emissions come from fossil fuels and industrial processes such as cement-making. Agricultural practices like forest felling and peatland destruction account for much of the rest. As we emit more GHGs they continue to build up.

The average temperature of the world has increased by at least 1degC since the pre-industrial era. Two thirds of that warming has taken place since 1980. A single degree might not sound like a lot – but life survives in a 'Goldilocks zone' of not too hot, not too cold.

(During the last ice age, the global average temperature was only about 5decC below what it is now).

On top of this we have seen more extreme weather events like heatwaves and heavy rainfall, and there is increasing attribution of this to increased GHGs in the atmosphere. And 16 of the 17 warmest years on record have occurred since 2001, with 2016 being the warmest yet.

### References:

- 'Carbon Dioxide: vital signs of the planet', NASA, 2020
- 'Global GHG Emissions (by economic sector)', EPA, 2014
- '800,000 years of Carbon Dioxide', Climate Central, 1 May 2019
- 'What are Climate Change and Global Warming?' WWF, <https://www.wwf.org.uk/climate-change-and-global-warming>

If we are to prevent the worst effects of climate change, there is global agreement that temperature rises need to be kept well below 2°C from the pre-industrial era, with an ambition to keep it below 1.5°C.

Assessments suggest that we are currently on course for temperature rises of up to as much as 4°C or higher.

## Globally...

A warming planet increases the risk of coastal flooding and population displacement. More than half of the world's population now lives within 60 kilometres of shorelines. As well as injury or death, floods increase risks of infection from water-borne diseases. Population displacement could increase tensions and the risk of conflict.

More variable rainfall patterns are likely to compromise the supply of fresh water. Water scarcity already affects four out of every 10 people. A lack of water and poor water quality can compromise health, e.g. an increased risk of diarrhoea, which kills approximately 2.2 million people every year, and other illnesses.

Malnutrition already causes millions of deaths each year, from a lack of sufficient nutrients to sustain life and a resulting vulnerability to infectious diseases like malaria, diarrhoea, and respiratory illnesses. Increasing temperatures and more variable rainfalls are reducing crop yields in many regions, where food security is already a problem.

## In the South West...

Sea levels are likely to be 26–29 cm higher by the 2050s than they were in 1991.

Between 1961 and 2006, winter precipitation increased by 15.9%. By the 2050s, winter precipitation is likely to increase by a further 17%.

Between 1961 and 2006 summer precipitation decreased by 8.8%. By the 2050s, summer precipitation is likely to decrease by 20% (and possibly by as much as 44.5%).

These figures have been taken from the UK Climate Projections 2009 (UKCPO9) and are based on the 1961–1990 baseline.

This report also contains information about how these changes may affect key sectors across the South West's environment, economy and society. In November 2010 Climate South West hosted a workshop to bring together partners in order to identify the climate impacts which are most pertinent for the South West. The following key themes emerged:

**Critical Infrastructure** – Disruption to infrastructure and transport links from flooding and severe weather, which affect access, utilities, and services. This is a particular issue for rural and isolated communities. Such disruption also poses a risk to business due to the impacts on logistics and supply chains.

**Tourism** – Impacts on tourism from coastal change, disruption to infrastructure, health effects (particularly heat-related); as well as the effects of increased visitors (due to hotter, drier summers) on infrastructure and the environment.

**Health** – Impacts of heat (e.g. heat stroke, skin cancer) particularly on elderly and transient populations (tourists), as well as increased risk of tick-borne diseases and mental health issues arising from flood events.

**Biodiversity** – Impacts of climate change on ecosystem services (i.e. availability of water, changing natural habitats and landscapes).

**Coastal Change** – Sea level rise and erosion impacting on business, people, property, transport and wildlife, it is recognised that agriculture is an important sector locally and that local government will have an increasing responsibility for delivering on adaptation in their local areas and engaging communities.

# UK regulations & legislation

The Government has taken a number of steps to limit the UK's emissions of greenhouse gases through legally binding targets. The UK has been signed up to the Kyoto Protocol since 1995.

The Paris Agreement followed the 2015 United Nations Conference on Climate Change of 195 countries, and aimed to hold the increase in global temperature to well below 2°C and pursue efforts to limit the increase to 1.5°C.

## The Climate Change Act

The Climate Change Act was passed in 2008 and established a framework for an emissions reduction path. At the time, it also strengthened the UK's leadership internationally by highlighting the role it would take in contributing to urgent collective action to tackle climate change under the Kyoto Protocol. The Climate Change Act includes the following:

1. A **2050 Target**. The act commits the UK to reducing emissions by at least 80% in 2050 from 1990 levels. This target was based on advice from the CCC report: Building a Low-carbon Economy.
2. **Carbon Budgets**. The Act requires the Government to set legally binding 'Carbon budgets'. A carbon budget is a cap on the amount of GHGs emitted in the UK over a five-year period. The first four carbon budgets have been put into legislation and run up to 2027. The CCC has recommended a target for a further 4 year period (see table opposite).
3. A **National Adaptation Plan** requires the Government to assess the UK's risks from climate change, prepare a strategy to address them, and encourage critical organisations to do the same.

4. The **Committee on Climate Change** was set up to advise the Government on emissions targets, and report to Parliament on progress made in reducing greenhouse gas emissions

## UK carbon budgets:

Year	Million tonnes of CO2 equivalent
2008-12	3,018 MtCO2e
2013-17	2,782 MtCO2e
2018-22	2,544 MtCO2e
2023-27	1,950 MtCO2e
2028-32	1,765 MtCO2e

## See appendix for details of:

- The Energy Act 2011
- The Green Deal
- Housing Assistance Policy 2019-22

# National indicators

On 31 January 2011, the Department of Energy & Climate Change (DECC) requested views from local authorities on a way forward on sharing information on GHG emissions from local authority owned estates and operations.

DECC signed a Memorandum of Understanding (MOU) with the Local Government Association (LGA, formerly the Local Government Group) in 2011 to recognise the pivotal role local authorities have in reducing emissions at the local level.

The first milestone in the Annex to the MOU was to develop and agree an approach for sharing information on greenhouse gas emissions from council own estate and operations. DECC and the LGA agreed and signed an updated MOU in 2013 that recognises councils have a unique insight and reach into communities, and can ensure carbon reduction policies and programmes benefit communities and protect the most vulnerable. The reporting criteria for greenhouse emissions have been split into various 'scopes' as outlined below:-

SCOPE	DETAILS
1 (direct emissions)	Activities owned or controlled by MDDC that release emissions straight into the atmosphere. Examples include emissions from combustion in owned or controlled boilers, owned or controlled vehicles.
2 (energy indirect)	Emissions being released into the atmosphere associated with the consumption of purchased electricity, heat, steam and cooling. These are indirect emissions that are a consequence of MDDC's activities but which occur at sources we do not own or control, e.g. electricity purchased for own consumption from the National Grid or a third party.
3 (other indirect)	Emissions that are a consequence of MDDC actions, which occur at sources which we do not own or control, e.g. business travel not owned or controlled by MDDC (eg. use of public transport), commuting, use of 'grey fleet' (use of employees' own cars for which fuel costs are claimed back), emissions from contractors, and supply chain procurement.
4 (other not categorised in other scopes)	Emissions produced by secondary sources such as businesses and Farms (see action plan for details)

MDDC has reported the following baseline emission figures to the Department of Energy as well as making them available on our website:

Scope	Emissions for 2018-19 (tCO2)
1	6500.8
2	3550.6
3	10350
4	Refer to Action Plan

In MDDC's climate action plan, we have determined a figure for the impact of each scope's actions on carbon emissions. This will provide a way to visually track the reduction in emissions over the years, and will give a quick-glance sense of impact of the various actions we plan to undertake.

**\*\*Add graphic here to show breakdown of Mid Devon's carbon emissions\*\***

**20,390  
tCO2e**

MDDC's baseline annual carbon footprint, as of January 2020:

# MDDC context

## Corporate Plan 2020–24

MDDC states in its Corporate Plan that its aims with respect to the Environment are:

- Encourage retro-fitting of measures to reduce energy usage in buildings.
- Encourage “green” sources of energy, supply new policies and develop plans to decarbonise energy consumption in Mid Devon.
- Identify opportunities to work with landowners to secure additional hedgerow planting, biodiversity and reforestation.
- Consider promoting the designation of the Exe Valley as an Area of Outstanding Natural Beauty (AONB).
- Encourage new housing and commercial developments to be “exemplars” in terms of increasing biodiversity and reducing carbon use.
- Increase recycling rates and reduce the amounts of residual waste generated.
- Explore large-scale tree-planting projects and re-wilding to enhance biodiversity and address carbon pressures.
- Promote sustainable farming practices in partnership with local farmers, district and county councils; including research into best practice re better soil management and animal husbandry.
- Work with parish and town councils to promote the development and retention of parks and play areas across the district.
- Support community activities that improve the environment such as litter-picks, guerrilla gardening, or community adoption of assets.
- Work with developers to secure our ambitious plans for the J27 ‘Devon Gateway’.

## Local Plan

The Local Plan was adopted on the 29th July 2020. It includes policies to achieve sustainable design and reduce carbon emissions and pollution in accordance with the latest national policy and guidance.

However MDDC is keen to begin work on the next version of the local plan imminently, to create a plan that more ambitiously supports our aim to become carbon neutral by 2030.

## Climate Action plan

Building on previous work, our Climate Action Plan was created in 2020, and runs to 2030 and beyond. This is a tool and a guide for reducing our carbon emissions to net zero.

The plan was created in a context of years of reduced funding for local government, and more recently, the Covid19 global pandemic. Recognising these challenges, alongside the ever-worsening climate crisis, our plan starts by identifying actions that will increase the efficiency and effectiveness of our existing work in reducing emissions. The plan will become more ambitious as new funds, capacities and projects are identified. The unanimous Council commitment to the climate agenda in 2019 also promised to take all future Council decisions through the lens of the climate emergency. So, rather than seeing our climate plan as a separate 'project', it should be seen as a curator of workstreams that -- with some support, training and climate friendly decision-making -- will support council services and our residents in a climate neutral way.

## How is MDDC strategically addressing the climate crisis?

- Play our part in helping to deliver local targets on climate change.
- Implementing adopted planning policies that require new development to mitigate and adapt to climate change through sustainable materials.
- Allowing renewable energy development in suitable locations and at an appropriate scale in accordance with planning policies and guidance.
- Achieve significant reductions of greenhouse gas emissions from the Council's operations through energy conservation, greater use of renewable energy and sustainable transport, reducing the consumption of resources and minimising the environmental impact of procurement of goods and services.
- Ensure that the Council's policies and actions are consistent with the concept of sustainable development.
- Develop plans with our partners and local community to progressively address the causes and impacts of climate change.
- Empower and encourage sustainable communities by committing support and where possible, resources to community-led initiatives.
- Work with partners in tackling the climate crisis, encouraging our partners to commit to positive action.
- The Council has a number of Policy Development Groups that will all work to monitor and review the Climate Change Action Plan. It has been shown which PDG is responsible for monitoring which category of this strategy and recommendation to the Council's Cabinet for approval.

**Mitigation** – this refers to actions that reduce our contribution to the causes of climate change. This means reducing our emissions of GHGs like carbon dioxide (CO<sub>2</sub>), through energy efficiency and using alternative forms of transport and energy. Mitigation is important in the long term as it is only by reducing our GHG emissions that we will minimise human-induced climate change. Many of the measures to help reduce emissions may also have other benefits such as saving money and encouraging a more inclusive society.

**Adaptation** – addresses the impacts and opportunities resulting from a changing climate. Irrespective of the success of mitigation efforts, there will still be some degree of climate change. This stems from our historic greenhouse gas emissions and the persistence of these gases in the atmosphere.

### See appendix for details of MDDC's:

- Planning Strategy policies
- Development management policies
- Procurement sustainability policy
- Enforcement policy 2019
- Energy projects

# What is MDDC doing already to tackle the climate crisis?

This section provides an insight into a number of schemes introduced by Mid Devon District Council that directly benefit its corporate aim to reduce its carbon footprint.

1. Solar PV to Housing Stock – In 2012 the Council signed an agreement to allow over 1,170 Solar PV systems to be fitted to the Council's housing stock

2. Across the non-housing stock property portfolio, the Council has implemented the following measures:

- Low voltage lighting upgrades.
- Air handling unit upgrades.
- Variable Speed drives for large motors in air handling units / pool pumps etc. In order to reduce energy consumption.
- Vending machine controls at three leisure centres.
- Boiler optimisation at three leisure centres
- Valve Insulation

3. Solar PV panels have been installed on the roofs of our main offices at Phoenix House and our leisure/sports centres.

4. Individual home owners have benefitted from energy saving council initiatives such as the energy tariff switching scheme, the Eco Flex Scheme and referrals to the LEAP scheme.

5. Two Electric Car charging points have been installed at each of the Councils three Leisure Centres.

6. Biomass Boiler has been installed at Lords Meadow Leisure Centre. This is fuelled by locally sourced woodchip and heats water for the whole building.

7. Waste and recycling – No waste is sent to landfill – all waste collected by Mid Devon is either recycled or used as feedstock for a recovery process

8. Fleet Contract – The new fleet contract for Mid Devon, in partnership with Exeter City Council, was awarded on 7th March 2019. This allows the council to trial new Eco-friendly vehicle types as technology emerges over the life of the contract which will make an impact on decisions regarding fleet replacement.

# Devon-wide collaboration

Across Devon, there are processes and plans to support the County to become net zero in its carbon emissions by 2030. Mid Devon is collaborating with these processes, including with the following groups and processes: :

## Devon Climate Emergency Response Group (DCERG):

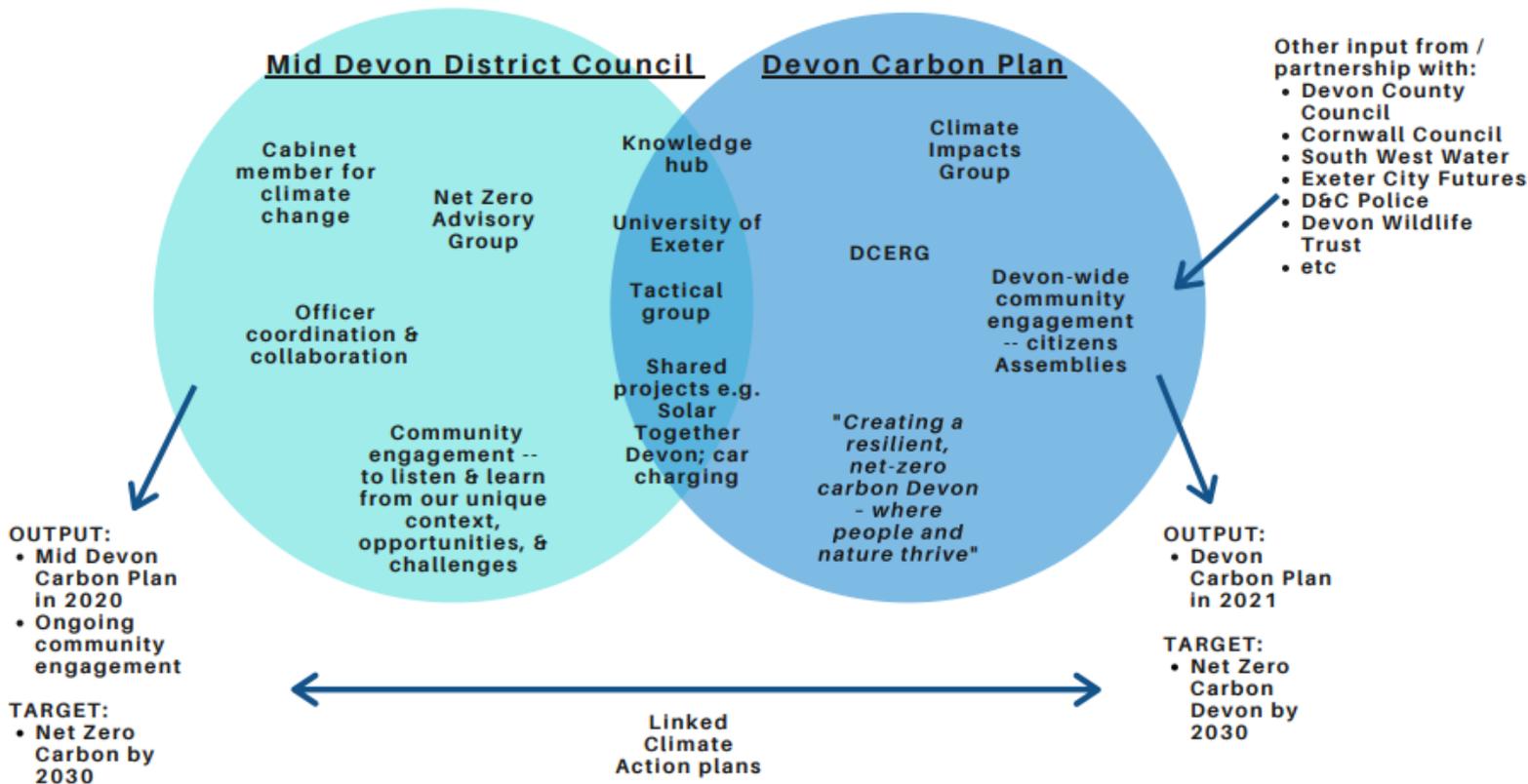
Responsible for coordinating a Devon-wide response to the Climate Emergency. In 2019, the DCERG put out a call for ideas from the public on how to get Devon to net zero. Almost 900 responses were received.

## Knowledge Hub

A platform that brings together various neighbouring authorities to discuss initiatives, share resources, and prioritise shared work.

## Devon Carbon Plan

A Devon-wide plan being coordinated by the DCERG. A Citizens Assembly to inform the plan was planned for 2020 will now happen in 2021 because of the Covid19 pandemic. MDDC is working with the DCERG to apply relevant parts of the Devon Carbon Plan to our own work.



# Connection & conversation

The climate agenda is not one that will be tackled without discussion, connection and conversation. Understanding different priorities and perspectives will help us identify opportunities, challenges and priorities.

With this in mind, in 2020 the Cabinet member for Climate Change set up two platforms to enable this:

## Internal 'climate connector' meetings

An opportunity for staff within different service areas of the council to meet together and discuss current priorities, challenges and decisions through the lens of the climate agenda. The aim is to reduce siloed thinking and increase the opportunities for sharing knowledge, resources and capacity.

*If you are an MDDC staff member (or elected member) and would like to join these meetings, please get in touch.*

## External 'Mid Devon Climate Conversations'

The Climate Conversations were set up to enable connections and collaboration between community members, Town and Parish Councils, organisations and MDDC.

There are various organisations, businesses and community groups that are also working on the climate agenda, and working to reduce their carbon footprint. There is much expertise and experience in the community, and MDDC would like to learn from and work with this.

## The Net Zero Advisory Group (NZAG)

This is a group of Councillors who meet to discuss, advise and support the rest of Council on climate priorities, bringing in external expertise where needed. The NZAG reports to the Environment Policy Development Group.

## Feedback after the first 'Mid Devon Climate Conversation':

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"It was very interesting and so useful to connect with like minded people. I now have a lot to think about!"

"I would like to say how much I enjoyed the opportunity to be involved in the discussion about the Net Zero action plan. You laid out an interesting programme of topics which generated much sensible discussion."

"Thank you for organising and leading the meeting today which I thought was very interesting."

# Our Climate Action Plan

Our plan broadly breaks down into actions that will 1) directly reduce MDDC's own emissions, and 2) enable the wider district to reduce its emissions. Our target is for MDDC to be carbon neutral by 2030, but we will also work to support the wider district to become carbon neutral.

You can view the plan by clicking here **\*\*MAKE THIS A HYPERLINK\*\***

Directly reducing MDDC's emissions

Theme	To include
<b>Internal structures and processes</b>	Internal process that support our climate plan, e.g. through procurement; communications; decision-making guidance; home-working; remote meetings
<b>Training</b>	Climate literacy training for Officers and Councillors, plus key thematic briefings
<b>Housing, energy, assets</b>	Tree-planting; hydro electric scheme up and running; energy efficient homes
<b>Planning</b>	Update our Local Plan to include ambitious climate policies; lobby government for powers and finances
<b>Transport</b>	Replace vehicles with hybrids / electric; car charging points; training for taxi drivers

Enabling the wider District

Theme	To include
<b>Tree planting &amp; biodiversity</b>	Partnering with residents to provide sites and trees for planting; support community-led biodiversity projects; review and revise verge-cutting policies to promote greater biodiversity
<b>Food and farming</b>	Promoting local farmers and suppliers through food hubs; supporting farmers to adapt and lead on climate crisis
<b>Business</b>	Create business toolkit; raise business awareness of the Devon Climate Declaration
<b>Transport</b>	Promote and improve walking, cycling and public transport
<b>Community engagement</b>	Benefit from expertise and partnership opportunities; support community-led projects

# Key 2020–24 climate priorities

## 1 Increase climate knowledge, literacy and capacity at MDDC

Climate literacy training will be created and rolled out to staff and Councillors. This will take the form of:

- Basic online modules for everyone.
- More in-depth training of key staff who can act as 'champions' and internal experts on particular activities.
- In-person thematic briefings to relevant officers and Councillors.

Extra staff time will be brought in to drive and coordinate our climate work.

## 2 Identify schemes that will put us on track for net zero carbon by 2030

Working with partners and residents, we will identify 'big ticket' initiatives and ways of working that will keep our plan on track.

## 3 Get our Hydro-electric scheme running in Tiverton

This will provide renewable energy to the Council offices, making Mid Devon the first effectively 'off grid' Council.

Extra energy generated will be sold back to the grid.

## 4 Create a 'Community Climate & Biodiversity Support Fund'

There are many local residents and community-led organisations that, with a bit of financial support, will work to reduce carbon emissions and increase local biodiversity. We see this as part of our partnership approach.

## 5 Identify cycling and walking priorities and opportunities

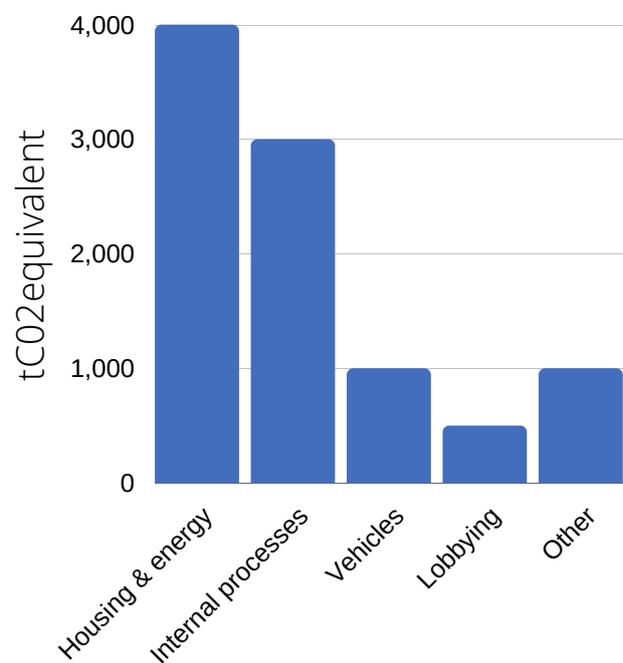
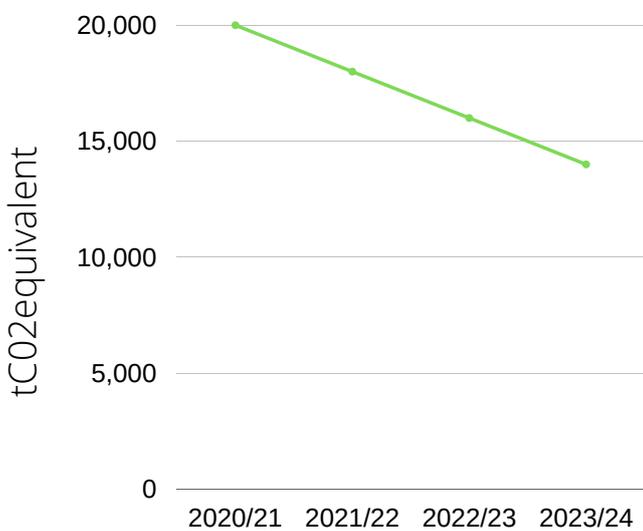
The Covid19 lockdown in the UK saw increased demand for cycling and walking infrastructure, and the Government committed funding for Active Travel schemes. Though Devon County Council is responsible for transport infrastructure, MDDC nonetheless wants to create partnerships and opportunities to improve active and public transport in Mid Devon. Transport is one of the biggest contributors to CO2 in Devon.

## 6 Review and update MDDC Procurement strategies

MDDC's supply chains are a significant contributor to emissions. There are various tools and frameworks that can improve the social and environmental value achievable through procurement.

# Tracking the impact of our actions

Our plan will include graphs and tables to show the impact of different actions on the reduction in CO2. This will be viewable by year, by project, by Council workstream, and by category of activity, e.g. efficiencies, lobbying, upgrades, etc. (The below are for demonstration and are not accurate).



Tracking our impact this way will allow us to test and monitor the impact of our proposed activities. We have figures for MDDC's annual carbon baseline as of 2020. This figure covers MDDC property and assets, and our direct and indirect activities. It does not cover the wider District of Mid Devon e.g. businesses, farms, private households, transport.

Some Parishes are working to determine their own carbon baseline, with the help of Exeter University. This is something we will explore and encourage in Mid Devon, so we have an accurate picture of the District's entire carbon footprint, and can better support our towns and Parishes to decarbonise.

# Local organisations & initiatives

**\*\*To add spreadsheet info\*\***

**\*\*This will eventually link to a 'community map' to enable connections\*\***

# Resources & reading

**\*\*Need to update and  
organise this section\*\***

## Planning:

**The Centre for Sustainable Energy** – support and tools for creating neighbourhood plans:  
<https://www.cse.org.uk/projects/view/1343>

**How Green in My Neighbourhood Plan?** – <https://www.cse.org.uk/downloads/reports-and-publications/policy/community-energy/planning/renewables/how-green-is-my-plan-rural.pdf>

**The Town and Country Planning Association** – the role of the planning system in carbon reduction, and legislative underpinning – <https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/PDF/3-Town-and-Country-Planning-The-Climate-Crisis.pdf>

Letter: **tightening the Future Homes Standard** part L (Making a new home genuinely zero-carbon at the outset is around five times cheaper than retrofitting it later, and almost always will reduce residents' energy bills too. The letter proposes recommendations).  
<https://www.theccc.org.uk/publication/letter-future-homes-standard-and-proposals-for-tightening-part-l-in-2020/>

**Garden Villages and Garden Towns: Visions and Reality:**  
<https://www.transportfornewhomes.org.uk/the-project/garden-villages-and-garden-towns/>

The revised National Planning Policy Framework (NPPF) contains ambitious policies on climate change but on-the-ground delivery remains slow, largely because of a lack of practical advice and support to local councils on how to secure a radical reduction in carbon emissions. Government guidance has also been weak on adapting to climate change, particularly in relation to addressing issues such as heat waves and sea-level rises. The guide was launched in May 2018 by Caroline Lucas MP. It provides an overview of policy and legislation which can be used to address climate change at a local level, overcoming the barriers faced by many local authorities in England. The guide, '**Rising to the Climate Crisis: A Guide for Local Authorities on Planning for Climate Change**', has been relaunched in December 2018 following the publication of the revised NPPF. The report is here:  
<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=fd66dbe5-2b88-4acf-b927-256a82db9abe>

Subsequently, the TCPA, RTPI and ClientEarth have produced a short briefing document which outlines the **key overarching legislative and policy requirements for local planning authorities on climate change**. This can be downloaded here:  
<https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=4927d472-a9f0-4281-a6af-463ddc642201>

## Resources & reading continued

### News articles:

'Switch road cash to broadband, adviser says' – <https://www.bbc.co.uk/news/science-environment-52371140>

Are Local Plans planning for the zero carbon future we need? – <https://www.cse.org.uk/news/view/2484>

Environment Journal – New Plans unveiled for UK's first net-zero neighbourhood: <https://environmentjournal.online/articles/new-plans-unveiled-for-uks-first-net-zero-neighbourhood/>

### Transport:

Collaborative mapping tool to understand and prioritise walking, cycling and public transport (MDDC is creating a similar tool): <https://bathnesliveablestreets.commonplace.is/>

UK Government: Creating the transport decarbonisation plan: <https://www.gov.uk/government/publications/creating-the-transport-decarbonisation-plan>

### Other resources:

**SCATTER** – local authority focussed emissions tool – <https://scattercities.com/>

**Climate Action Tracker:** <https://climateactiontracker.org/>

**Action on Climate in Teignbridge (ACT)** – resources and guidance that supports Teignbridge Council, as well as local parishes and towns: <https://actionclimateteignbridge.org/>

**LGA support on climate work:** <https://www.local.gov.uk/our-support/climate-change>

**How Climate Friendly is Your Area?** a tool to search by local authority: <https://takeclimateaction.uk/climate-action/how-climate-friendly-your-area>

**Devon Climate Emergency Response Group:** <https://www.devonclimateemergency.org.uk/>

## Supporting disadvantaged communities:

Climate Just is a free webtool for public service providers designed to:

1. Identify who is vulnerable to climate change and fuel poverty and why.
2. Highlight neighbourhoods where climate disadvantage is highest.
3. Explain the factors involved and help you decide what actions to take.

Resources available here: <https://www.climatejust.org.uk/resources>

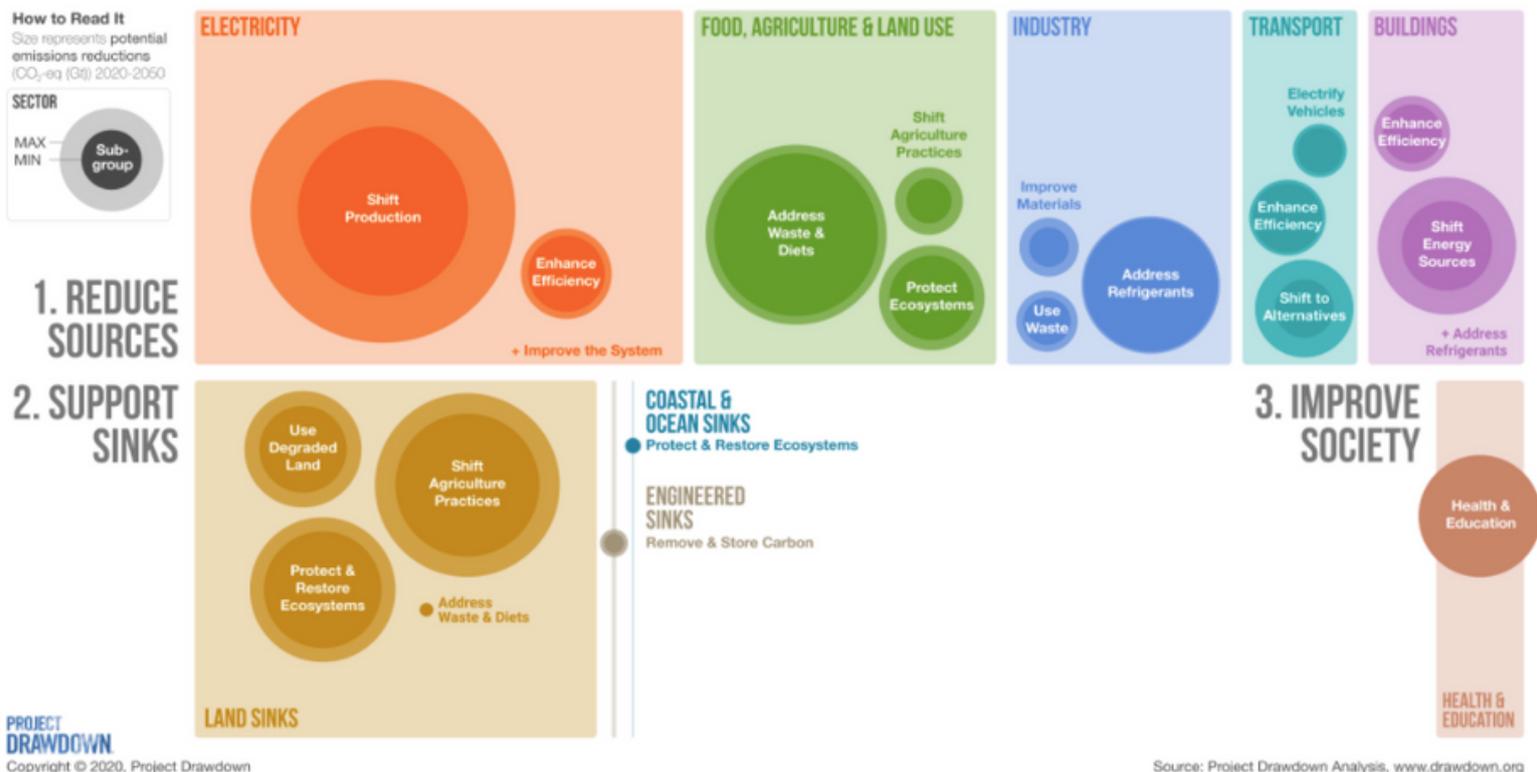
## Project Drawdown – taken from <https://drawdown.org/drawdown-framework>

We must work on all aspects of the climate equation—stopping sources and supporting sinks, as well as helping society achieve broader transformations.

1. Reduce Sources — bringing emissions to zero
2. Support Sinks — uplifting nature’s carbon cycle
3. Improve Society — fostering equality for all

Nested within each area of action, there are sectors and subgroups of diverse solutions—practices and technologies that can help the world stabilize and then begin to lower greenhouse gas levels in the atmosphere. Together, they comprise the Drawdown Framework for climate solutions.

## DRAWDOWN FRAMEWORK FOR CLIMATE SOLUTIONS



## Appendix 1: UK regulations & legislation continued

### The Energy Act 2011

The Act is underpinned by three policy objectives: tackling barriers to investment in energy efficiency, enhancing energy security, and facilitating investment in low carbon energy supplies.

The majority of the Act is made up of provisions to enable the financing and facilitation of the installation of energy efficiency measures in homes and businesses – the ‘Green Deal’ – with the remainder of the Act dealing with securing fair competition in energy markets and the supply of low carbon energy.

#### The Act is made up of five parts:

**Part 1: Energy efficiency.** Improving energy efficiency by tackling barriers to investment in energy efficiency through the Green Deal and measures to maximise its uptake; introducing powers for a new Energy Company Obligation from 2012 to complement and work in tandem with the Green Deal; making energy performance data from Energy Performance Certificates more widely available; extending powers to direct the roll out of smart meters; and conferring powers to require cheapest tariff information to be included on energy bills.

#### **Part 2: Security of energy supplies.**

Enhancing energy security through better monitoring of future electricity security; strengthening market incentive mechanisms for ensuring sufficient gas is available during a Gas Supply Emergency; improving third party access to UK oil and gas infrastructure; putting in place a Special Administration Regime for gas and electricity suppliers; and maximising the UK’s ability to exploit the UK Continental Shelf.

#### **Part 3: Measures for reducing carbon emissions.**

Enabling implementation of the enduring offshore electricity transmission regime beyond 2010, giving investors in the new nuclear sector increased certainty as to their obligations and making provision in respect of the decommissioning of infrastructure converted for carbon capture and storage demonstration projects and pipe-lines for conveying carbon dioxide.

**Part 4: Coal Authority.** Extending the power of the Coal Authority in relation to offering and charging for services relating to non-coal mining activities.

**Part 5: Miscellaneous.** Including the repeal of the Home Energy Conservation Act (HECA) 1995.

### The Green Deal

The Green Deal was initiated in 2013 under the 2011 Energy Act. It was a UK government policy initiative that gave homeowners, landlords and tenants the opportunity to pay for energy efficient home improvements through the savings on their energy bills from 2012 to 2015. At the heart of the Green Deal was the rule that savings on bills would exceed the cost of the work.

### Housing Assistance Policy 2019–22

This policy covers the financial assistance that the Council may provide to help support the improvement of private sector homes within the district. The funding associated with this policy relates to the Better Care Fund (BCF) and therefore there are some restrictions on the use of the funding.

The main purpose of the policy and the BCF is to focus the funding on helping disabled people to remain safe and independent within their own homes. Alongside this, discretionary grants have been introduced to help deal with urgent repairs to homes not related to disabled adaptations, assisting with hoarding, and to help top up eco flex applications.

ECO flex 3 is a scheme that was introduced by the Government in 2018. Each of the big energy companies are required to help fund energy efficiency measures in dwellings in the private sector. ECO (Energy Company Obligation) has evolved over a number of years and been through a number of cycles. The current flexible scheme allowed each Council to develop its own Statement of Intent expanding the eligibility for ECO funding to fit with the requirements of the local area.

HHCRO (Home Heating Cost Reduction Obligation) is still being provided so that households on a qualifying benefit are eligible for the energy efficiency measures to be installed for free. But the Statement of Intent increases the number of households able to apply for free measures.

In some cases the cost or extent of the measures to be installed falls outside of the ECO scheme and in these cases the Council is committed to provide a top up grant of up to £2000 to ensure the installation can go ahead and the household can take advantage of the other free measures available.

As this 'ECO Flex Top Up' grant is discretionary priority is given to helping those with a contribution that have qualified for HHCRO or have an underlying health condition.

In order to qualify under the Statement of Intent the installer or lead generating company on behalf of the installer must apply for a Local Authority Declaration (LAD). This provides a unique reference number for the household and the installer to apply for the free measures.

The LAD must be submitted to the Council for checking and signing before the installation can proceed or funding can be claimed. Between April 2018 and March 2020 730 LADs had been signed for measures within the district.

## Appendix 2: Existing MDDC policies

### Mid Devon Local Plan Policy S1:

**Sustainable Development** is now an adopted planning policy. Relevant clauses are summarised below:

All development will be expected to support the creation of sustainable communities by:

e) Promoting sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycle, and providing safe environments while recognising Mid Devon's rural locality;

h) Requiring good sustainable design that respects local character, heritage, surroundings, and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place;

j) Meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources. Encourage the effective use of land, taking into account the economic and other benefits of the best and most versatile agricultural land.

l) Minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites;

**Policy S9: Environment** requires that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change through:

a) High quality sustainable design which reinforces the character and distinctiveness of Mid Devon's historic built environment, mitigates and adapts to climate and creates attractive places;

d) Renewable energy development in locations where there is an acceptable local impact, including visual, on nearby residents, landscape character and wildlife, balanced with the wider sustainability benefits of renewable energy.

**Site Allocations:** In relation to the strategic allocations at North West Cullompton and East Cullompton, The Local Plan includes policies on carbon reduction and Air Quality (CU5 and CU11). These policies require that the development of these strategic sites will be required to implement a Carbon Reduction and Low Emissions Strategy. This will propose measures to minimise the overall carbon footprint of the development, making provision for sources of decentralised onsite renewable or low carbon energy and ensure that impact of the site on air quality is acceptable, such as:

- a) Renewable & low carbon energy to provide a proportion of the site's energy use;
- b) Measures to ensure that residents, employees and businesses are encouraged to travel in the most sustainable fashion, including travel plans, information, car clubs, lift-sharing and infrastructure for low emission vehicles;
- c) Measures to encourage the sustainable treatment of waste;
- d) Measures to manage the impacts of construction;
- e) Offsite tree planting where sufficient cannot be accommodated onsite;
- f) Energy improvements to existing buildings;
- g) Other measures to capture or mitigate carbon emissions and air quality impacts from development.

## Existing MDDC policies continued

### Development Management Policies

**Policy DM1: High Quality Design** stipulates that designs of new development must be of high quality and based upon and demonstrating the following principles:  
 d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling

**Policy DM2 Renewable and low carbon energy** states that the benefits of renewable and low carbon energy will be weighed against its impact. Proposals must demonstrate that impacts are or can be made acceptable in relation to:  
 a) Landscape character and the character and setting of heritage assets;  
 b) Environmental amenity of nearby properties and the wider locality;  
 c) Quality and productivity of the best and most versatile agricultural land grade (1,2 and 3a); and  
 d) Biodiversity (avoiding habitat fragmentation)

**Policy DM3 Transport and Air Quality** request that development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment.

**Policy DM5: Parking** establishes planning policy standards for the provision of EV charging points as laid out below:

Use Class	EV Infrastructure (Crediton, Cullompton and Tiverton)
<b>Residential</b>	
C3,C4 Dwellings	1 charging point per 10 units
<b>Non-residential</b>	
A1 Non-food retail	
A1 Food retail	2 charging points per 200 sqm (gross)
A2 Financial and professional	
A3 Restaurants	
A4 Public houses	
B1,B2 Business and general industry	
B8 Warehousing and distribution	2 charging points per 10 parking spaces (employees/visitors)

## Existing MDDC policies continued

### Procurement Sustainability Policy

The purpose of this Strategy is to provide a sustainable focus to the procurement of goods, works and services, recognising the need for improving our environment and the quality of life enjoyed by people who live in the area and those who visit, ensuring all stakeholders who purchase anything on behalf of the Council(s) have due regard to the potential impacts. The 7 Devon Districts spend annually in the region of £90 million on goods, works and services. "Sustainable procurement is about delivering value for money, whole-life costing and benefits to society and the economy as well as the environment".

The Districts have a key role to play in helping to deliver a more sustainable Devon; as an employer with responsibility for staff and buildings; as a provider of local services; and as a community leader working in partnership with other organisations and local communities. The Districts' Sustainable Procurement Strategy sets out our commitment to put sustainable procurement at the heart of everything we do.

The EU Procurement regulations state that sustainable products can only be specified if they are reasonable and relevant to the nature of the contract. There must be a legitimate business need to specify sustainable products. The procurement process must not be anti-competitive or non-commercial (capable of being supplied). Criteria must be specified in the ITT document together with the allocated weighting. Evaluation criteria used needs to take into account:

- Social benefits
- Economic benefits
- Environmental benefits

### What is a sustainable product / service?

- One that is fit for purpose, providing value for money.
- One that is energy efficient / resource efficient.
- It uses minimum materials.
- It might be made with maximum use of recycled materials.
- Non (reduced) pollution.
- Durable, easily upgraded, and repairable.
- Reusable and recyclable.
- Ethically sourced.
- Reduced delivery miles.

### Whole life costing:

**Whole Life Costing (WLC) = taking into account and evaluating the Social, Economic and Environmental impacts of a product or service – the total 'cost' of the solution.** Whole Life Costing could consider areas such as:

- Direct Running Costs
- Training
- Disposal Costs
- Indirect Costs
- Recycling capabilities
- Disposal Options (Reduce, Re-use, Recycle)
- Administration Costs
- Refurbished products

## *Existing MDDC policies continued*

### **Enforcement policy**

In addition to the Housing Assistance Policy the council has a number of regulatory powers to improve the condition of private sector homes.

In particular the Council has a duty to take action to improve a property where it has been assessed to have a category 1 hazard under the Housing Act 2004. There are a number of hazards that are assessed by officers but the two most relevant to this strategy are the hazard of Damp and Mould and the hazard of Excess Cold. These hazards are often connected and result from poor insulation, inadequate heating provision and poor ventilation.

As well as the provisions under the Housing Act 2004, there have been various new regulations relating specifically to energy efficiency in dwellings.

The Energy Performance of Buildings (England and Wales) Regulations 2012 made it a requirement for an Energy Performance Certificate (EPC) to be provided at the beginning of any rental agreement or sale of a property.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 and amended by The Energy Efficiency (Private Rented Property) (England and Wales) (Amendment) Regulations 2019 includes provisions that enable a tenant to make reasonable requests for energy efficiency measures to be installed and a private residential landlord will be unable to refuse a reasonable request where the work is not more than the cost cap and can be wholly financed by the landlord or can be funded wholly or partly by external means.

The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 also introduces power to the council to take action against landlords that rent out a residential premises with an EPC rating of less than an E. This means that the council can issue fines to landlords for renting out substandard properties and also for trying to exempt a property from the regulations without valid justification.

The Enforcement Policy provides detail on the enforcement approach to be taken in respect of these regulations and the Housing Act 2004.

## Existing MDDC policies continued

### Energy projects

In Mid-Devon about a fifth of all homes pre-date 1919 and have solid walls, previously there have been no cost-effective measures (in terms of the economic payback periods) for treating them. In comparison with cavity wall insulation, for example, external insulation has cost up to ten times as much for a similar dwelling. Early Park Homes have similar, poor insulation, and can be difficult to improve internally because of the loss of floor space. There are developing technologies that are making the insulation of solid walls more cost effective. Many homes in Mid Devon are not on mains gas. For households on low income, fossil fuels are becoming increasingly expensive.

From April 2016, private residential landlords have been unable to refuse a tenant's reasonable request for consent to energy efficiency improvements, where a finance package, such as the Green Deal and/or the Energy Company Obligation (ECO), is available. Provisions in the Act has also provided for powers to ensure that from April 2018, it is unlawful to rent out a residential or business premise that does not reach a minimum energy efficiency standard (the intention is for this to be set at EPC rating "E"). These requirements are subject to there being no upfront financial cost to landlords; therefore, landlords will have fulfilled the requirement if they have reached "E" or carried out the maximum package of measures funded under the Green Deal and/or ECO.

We have been working with Devon County Council, Torbay and the other Devon Districts to bring back a scheme that will provide free insulation and replacement boilers to targeted fuel poor households (rented and owner-occupied). This was launched in 2014 under the Cosy Devon brand and with energy partner commitment will run to 2017.

The Council is seeking the provision of funding to support the installation of central heating systems in homes with no gas supply and benefit dependant household.

Mid Devon supports the use of renewable energy and would, if funds became available, be prepared to chase those funds to assist with renewable energy. However, because of financial restraints, the policy merely confirms support and signposting at present.

### Hackney Carriage and Private Hire Licensing Policy

The Hackney Carriage and Private Hire Policy and vehicle emission standards will likely be reviewed during the life of the carbon reduction strategy and subject to change. To do this we need to consult with all interested parties including the trade with potential options including a review of 'grandfather rights' for existing licenced vehicles and mechanisms to accelerate the adoption of low emission or ultra-low emission vehicles licensed within the District either on a voluntary or mandatory basis

## *Existing MDDC policies continued*

### **Air Quality Management**

Air quality management work does not have a policy but is related to our managing the environment work and has resulted in planning policies and action measures designed to improve local air quality.

Local Air Quality Management, known as LAQM, is a statutory regime introduced by the Environment Act 1995 which requires us to regularly assess outdoor air quality across the district. We do this through a network of monitoring locations and modelling work where required in the context of statutory LAQM technical guidance provided by Defra. The focus is on key pollutants which are harmful to health with an emphasis on transport emissions. Consequently, whilst this regime does not directly tackle carbon emissions it can have an direct impact through the reduction in transport emissions overall which also include CO<sub>2</sub>. This work is led by the Public Health and Regulatory Service within the Council working closely with planning, transport management and other services.

Information available at <https://www.middevon.gov.uk/residents/environment/air-quality/local-air-quality-management/> includes our latest air quality monitoring review and assessment reports and our statutory Air Quality Action Plan (AQAP) required in response to our declaration of two Air Quality Management Areas in the district (Crediton and Cullompton). We also have a Supplementary Planning Document (SPD) on Air Quality, resulting from our AQAP. The AQAP is updated regularly as measures are completed and new ones are adopted with the next update due in 2021 alongside a review and update of the Air Quality SPD.

With the new Local Plan adopted, the Council expects to continue fund air quality improvements through the planning obligations including s106 agreements and also through the new Community Infrastructure Levy going forward, details of which are available on the Council's website.

### **Housing Stock Reducing Fuel Poverty**

Although the work MDDC has done towards addressing fuel poverty is not current policy, this work has strong links with our work towards protecting the environment. Housing Services continue to deliver energy saving measures to help our tenants with fuel poverty such as solar photovoltaic panels that help reduce electricity costs, air-source heat pumps, replacement boilers and associated controls, insulation, solar thermal hot water and trials of air to air heat pumps. There is no single fix for all circumstances and alternative treatments for those unable to benefit directly from the extensive solar PV installations are being implemented with revenue stream provided by the solar PV and other funding. Investigations into the benefits of other and developing technologies are on-going. Opportunities will be taken to provide a main gas supply to those currently 'off-gas.

Climate Action Plan 2020-2030	Impact on Carbon	Progress	Scope 1, 2 or 3 4 - Other	Category: New Innovation, Maintenance Replacement, Lobbying, Efficiencies, Regulation, Offsetting	Estimate reduction in Co2 Tonnes	YEAR	Additional Funding Required	Revenue Programme 2020/21	Revenue Programme 2021/22	Revenue Programme 2022/23	Revenue Programme 2023/24	Capital Programme 2020/21	Capital Programme 2021/22	Capital Programme 2022/23	Capital Programme 2023/24	Estimated Total Ex	Costing narrative - estimated cost unless stated	
Action(s)	High, Medium, Low	RAG Status	Scope(s)	Category	Co2t Impact 20402	YEAR 2019/20	Extra Funding - Yes/No	Ek	Ek									
<b>INTERNAL STRUCTURES AND PROCESSES</b>																		
Carbon Baseline Figure 2018/19	High, Medium, Low	RAG Status	Scope(s)	Category	Co2t Impact 20402	YEAR 2019/20	Extra Funding - Yes/No	Ek	Ek									
Impact on Climate Change considered on all Council decisions	High		1,2 and 3	Efficiencies	tbc	2020/21	No										Additional Officer time	
Cabinet Member in post for Climate Change	High		1,2 and 3	Efficiencies	tbc	2020/21	No											
Zero Carbon Working Group to be established	High		1,2 and 3	Efficiencies	tbc	2020/21	Yes										3,000	
Set up Officer Energy Champion group - basics incl lights off at night	Medium		1,2 and 3	Efficiencies	tbc	2020/21	No										1,000	
Establish and role out on line training for Officers and Members	Medium		1,2 and 3	Efficiencies	tbc	2020/21	Yes										3,000	
Procurement Review - Supply Chain	High		1,3	Efficiencies	150	2020/21	No										5,000	
Reduce energy use in own estate and add renewable energy	High		1,2	Efficiencies	500	2023/24	Yes										tbc	
Divest from fossil fuels and invest in renewable energy projects	High		1 and 2	Offsetting	tbc	2023/24	Yes										tbc	
Reducing outgoing post	Medium		3	Efficiencies	50	2023/24	Yes										tbc	
Further reduce the usage of paper	High		3	Efficiencies	50	2023/24	Yes										tbc	
Refurbishment - Landlord responsibilities improved buildings efficiency	High		1 and 2	Maintenance Replacement	20	2023/24	Yes										15,000	
Seeking and applying for Grants as and when they come available	High		4	Efficiencies	tbc	2021/22	Yes										tbc	
Explore strategic links to the GESP	High		4	Efficiencies	tbc	2021/22	Yes										tbc	
Communications - review web page and manage content	High		4	Efficiencies	tbc	2021/22	Yes										tbc	
<b>HOUSING, ENERGY AND ASSETS</b>																		
Review HRA structure- focus on renewables and energy management post	High		2	Efficiencies	100	2020/21	Establishment Review										45,000	
Boilers and Combined Heat and Power Unit Review	High		1	Maintenance Replacement	50	2020/21	No Capital Programme					150,000					150,000	
Water treatment - recirculation modification - reduced gas to heat water	High		2	Efficiencies	50	2020/21	No Revenue Programme										tbc	
External doors for improved energy performance	Low		2	Maintenance Replacement	15	2020/21	Yes					12,000					12,000	
Sport Halls energy efficiency - asset review	High		2	Maintenance Replacement	10	2020/21	Yes					150,000					150,000	
Boiler replacement & controls- more efficient boilers	Medium		1	Maintenance Replacement	20	2020/21	No Capital Programme					90,000					90,000	
LED- Lighting main office	High		2	Maintenance Replacement	50	2020/21	Yes										15,000	
MSCP Capital Project-LED lighting top decks	Medium		2	Maintenance Replacement	20	2020/21	No Capital Programme										7,000	
Motion Sensors various decks - TBC	Medium		2	Maintenance Replacement	10	2020/21	Yes										10,000	
Old Road Depot Development Options - Energy efficient asset	High		1 and 2	Maintenance Replacement	70	2020/21	Yes						1,200,000				1,200,000	
Carlu Close - Solar PV main depot site	High		2	New Innovation	25	2020/21	Yes					20,000					20,000	
Market Walk - Flat roof replacement - additional insulation opportunity	Low		3	Maintenance Replacement	10	2021/22	Yes					30	30				60	
Solar PV - Retail units on pods	Medium		3	Maintenance Replacement	40	2021/22	Yes						80,000				80,000	
Energy rating review on commercial properties with action plan	Medium		3	Maintenance Replacement	50	2021/22	Yes						100,000				100,000	
Hardware replacement of Network Core Switch which provides all voice and data connectivity for PH and remote sites.	Medium		2	Maintenance Replacement	tbc	2021/22	TBC										tbc	
Hydro Electricity Project	High		2	New Innovation		2021/22	Yes					850,000					850,000	
Rationalise CO2 footprint housing stock on properties 181 E,F,G rating - Explore Grant	High		2	Maintenance Replacement	1810	2021/22	Yes						500,000	500,000	500,000	500,000	1,500,000	
Renewable Energy Fund- Properties solar thermal, quantum, an unvented cylinder	Medium		2	New Innovation	400	2021/22	No					150	250	250	250		900	
Switch street lighting to well-designed and well directed LED lights	Medium		3	Maintenance Replacement	5	2021/22	Yes										tbc	
HRA regeneration scheme 1- Additional energy efficient homes	High		2	New Innovation	tbc	2021/22	Capital Programme							3,000,000			3,000,000	
HRA regeneration scheme 2- Additional energy efficient homes	High		2	New Innovation	tbc	2021/22	Capital Programme						1,500,000				1,500,000	
HRA regeneration scheme 3- Additional energy efficient homes	High		2	New Innovation	tbc	2021/22	Capital Programme						2,000,000				2,000,000	
Mobile working Hardware	High		2 and 3	New Innovation	tbc	2021/22	Yes						25				25	
Changing our energy provider to use renewable energy	High		2	Efficiencies	tbc	2021/22	No										tbc	
Require deliveries to be by electric vehicles	High		3	Lobbying	tbc	2021/22	No										tbc	
<b>COMMUNICATION AND ENGAGEMENT</b>																		
Clarify communication, awareness and engagement priorities	High		4	Lobbying	tbc	2021/22	No											tbc
Carbon Efficiency Literacy training to introduce to staff	High		4	Lobbying	tbc	2021/22	Yes											tbc
Require new housing developments to include features that will minimize the carbon emissions produced.	High		1 and 2	Regulation	tbc	2021/22	No											tbc
Ensure all IT equipment is recycled/reused wherever possible to reduce the need for new equipment	Medium		1	Regulation	tbc	2021/22	Yes											tbc
Ensure the majority of recyclables are recycled in council buildings	Medium		1	Regulation	tbc	2021/22	No											tbc
Adopt circular economy waste policies	Medium		4	Regulation	tbc	2021/22	TBC											tbc
HRA regeneration scheme 4- Additional energy efficient homes	Medium		2	New Innovation	tbc	2021/22	TBC					1,500,000					1,500,000	
<b>TRANSPORT AND VEHICLES</b>																		
Pool Cars to be replaced with Hybrid vehicles	High		3	New Innovation	80	2021/22	Yes						60,000				60,000	
Continue to replace waste vehicle fleet with more carbon efficient options	High		1	New Innovation	200	2021/22	Yes											tbc
Training for taxi drivers on the Eco Stars scheme	Medium		3	Regulation	tbc	2021/22	Yes											tbc
Introducing additional charging bays in the MSCP as well as other Council owned carparks	High		4	New Innovation	tbc	2021/22	Yes						80,000				80,000	
Adding in charging bays in private car parks	Medium		2	New Innovation	tbc	2021/22	Yes											tbc
Partner with car and bike share schemes for towns	High		4	New Innovation	tbc	2021/22	Yes											tbc
Cycling/ Walking Set up interactive map	Med		4	New Innovation	tbc	2021/22	Yes											tbc
Promoting the use of bikes incl electric bike hubs and grant funding	Med		4	New Innovation	tbc	2021/22	Yes											tbc
Partnership with local bike shops and link in with tourist industry	Med		4	New Innovation	tbc	2021/22	Yes											tbc
<b>WIDER MID DEVON CONTEXT - LAND, BIODIVERSITY, WASTE, BUSINESS</b>																		
Use Council Land for tree planting to offset carbon emissions	High		4	Offsetting	tbc	2021/22	Yes											8,000
Land management techniques that reduce emissions and protect wildlife.	Medium		4	Lobbying	tbc	2021/22	Yes											tbc
Supporting farmers in adapting to the impacts of climate change	High		4	Lobbying	tbc	2021/22	No											tbc
Improving understanding about the importance of buying local produce.	Medium		4	Lobbying	tbc	2021/22	No											tbc
How we reduce reliance on the use of plastics in food packaging.	Medium		4	Lobbying	tbc	2021/22	No											tbc
A business toolkit to help reduce emissions from supply chains.	High		4	Lobbying	tbc	2021/22	Yes											tbc
Increasing the resilience of small businesses affected by changes.	Medium		4	Lobbying/Regulation	tbc	2021/22	No											tbc
Changing Council procurement processes to engage sustainable suppliers.	High		4	Efficiencies	tbc	2021/22	No											tbc
Organise / partner on a biodiversity survey to record what is alive and growing in green spaces.	Medium		4	Offsetting	tbc	2022/23	No											tbc
Engage with community expertise, site educational plaques suggesting wildflower planting schemes instead and introduce the concept of less mowing	Medium		1	Offsetting	tbc	2022/23	TBC											tbc
Identify areas suitable for renewable energy in the local plan	High		4	New Innovation	tbc	2023/24	Yes											tbc
Where there are investment gaps, lobby national government and get others involved to push for the necessary financial support.	Medium		4	New Innovation	tbc	2023/24	No											tbc
Support and connect community action and projects as a way to build a greater community spirit, and help build trust and friendships	Medium		4	New Innovation	tbc	2023/24	No											tbc
Create a Community Climate & Biodiversity grant for small-scale grants to community projects	High		4	New Innovation	tbc	2023/24	Yes											tbc
Reflecting on the working arrangements during the Covid pandemic to review work related travel and office space and utilities required (Office space strategy and green travel plan)	High		1, 2 and 3	New Innovation	tbc	2023/24	Yes											tbc
Undertake resource assessment and environmental constraint mapping for specific renewable technologies, solar and geothermal	High		2,3	New Innovation	tbc	2023/24	Yes						20,000					20,000

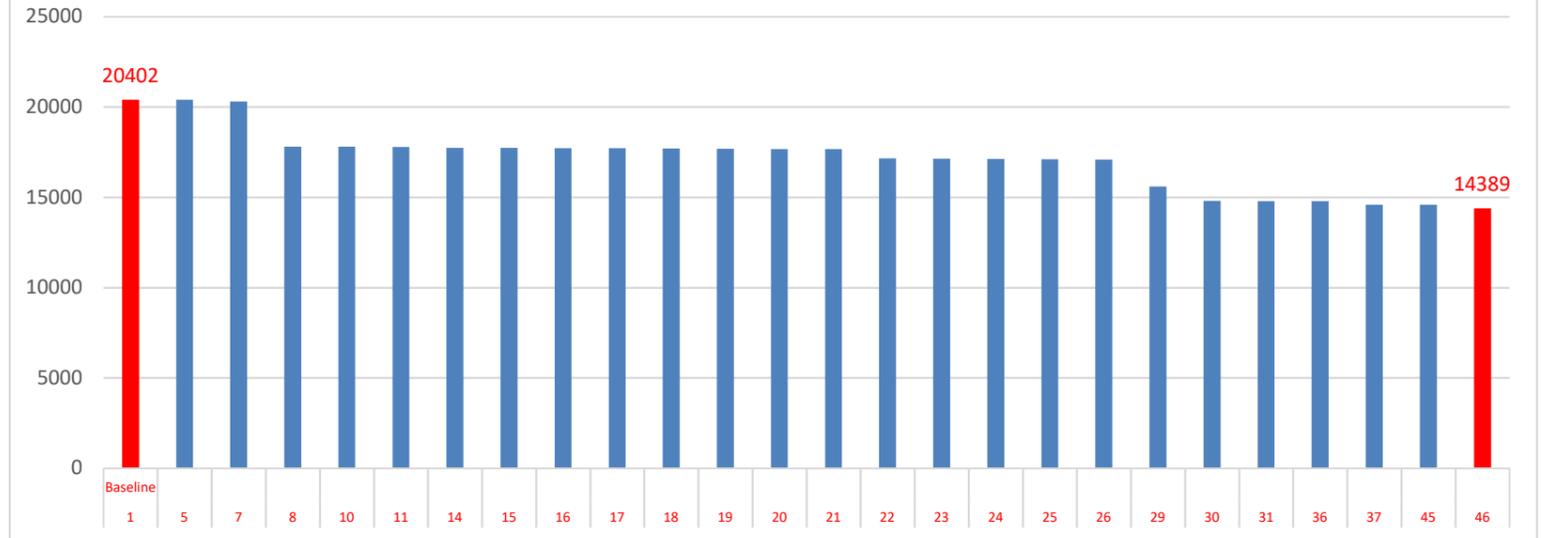
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Co2 reduction	(All)
Scope(s)	(All)
Category	(All)
RAG Status	(All)
High, Medium, Low	(All)
Co2t Impact	(Multiple Items)
Extra Funding - Yes/No	(All)

Sum of Co2 reduction				
Project Number	Workstream	Action(s)	YEAR	Total
1	Baseline			20402
5				20397
7				20297
8				17797
10				17792
11				17787
14				17737
15				17727
16				17722
17				17712
18				17692
19				17677
20				17669
21				17659
22				17159
23				17134
24				17124
25				17104
26				17094
29				15594
30				14794
31				14791
36				14791
37				14591
45				14589
46				14389
Grand Total				445221

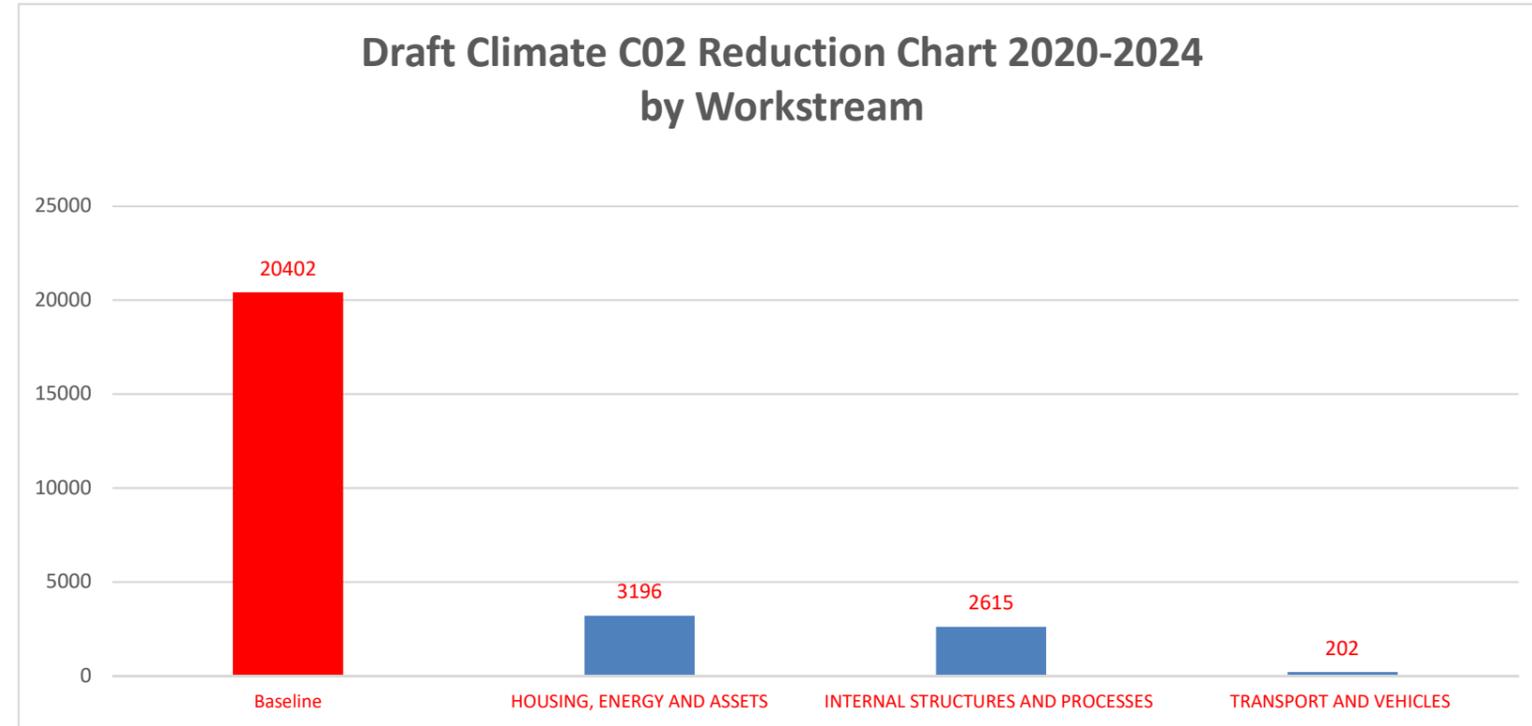
### Draft Climate CO2 Reduction Chart 2020-2024 by Project



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Co2 reduction	(All)
Scope(s)	(All)
Category	(All)
RAG Status	(All)
High, Medium, Low	(All)
Co2t Impact	(Multiple Items)
Extra Funding - Yes/No	(All)
Action(s)	(All)
YEAR	(All)
Project Number	(All)

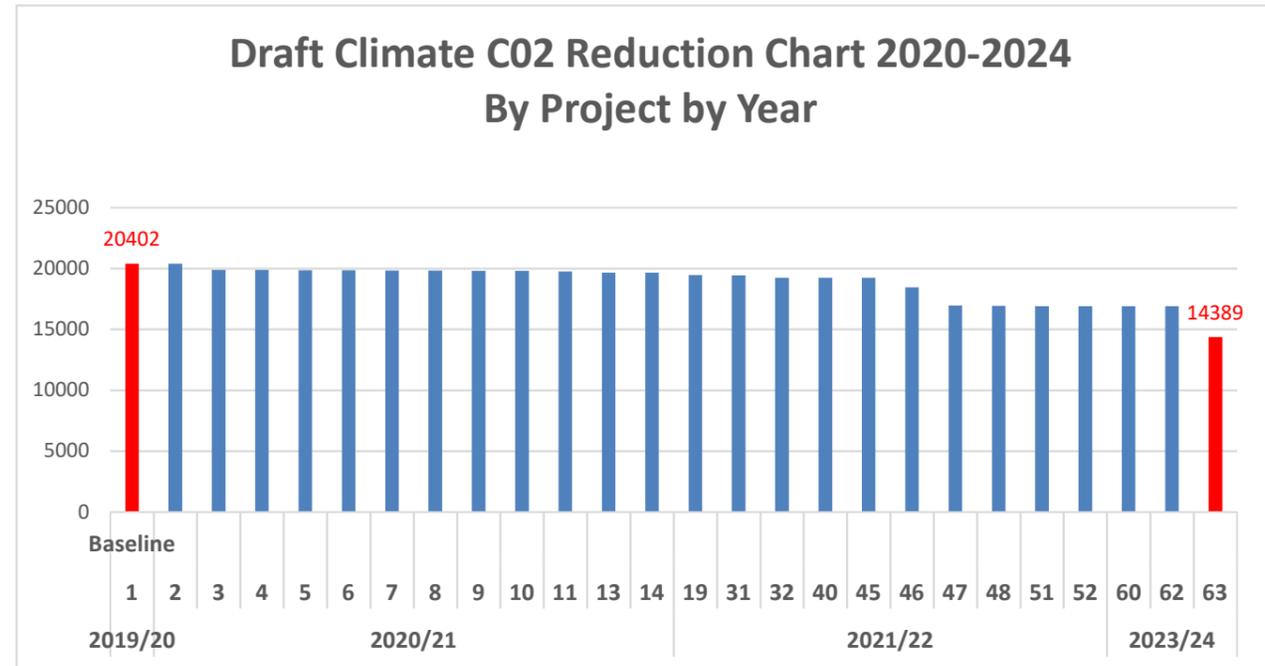
Sum of Co2t Impact	
Workstream	Total
Baseline	20402
HOUSING, ENERGY AND ASSETS	3196
INTERNAL STRUCTURES AND PROCESSES	2615
TRANSPORT AND VEHICLES	202
Grand Total	26415



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Scope(s)	(All)
RAG Status	(All)
High, Medium, Low	(All)
Action(s)	(All)
Extra Funding - Yes/No	(All)
Co2 reduction	(All)
Category	(All)
Co2t Impact	(Multiple Items)

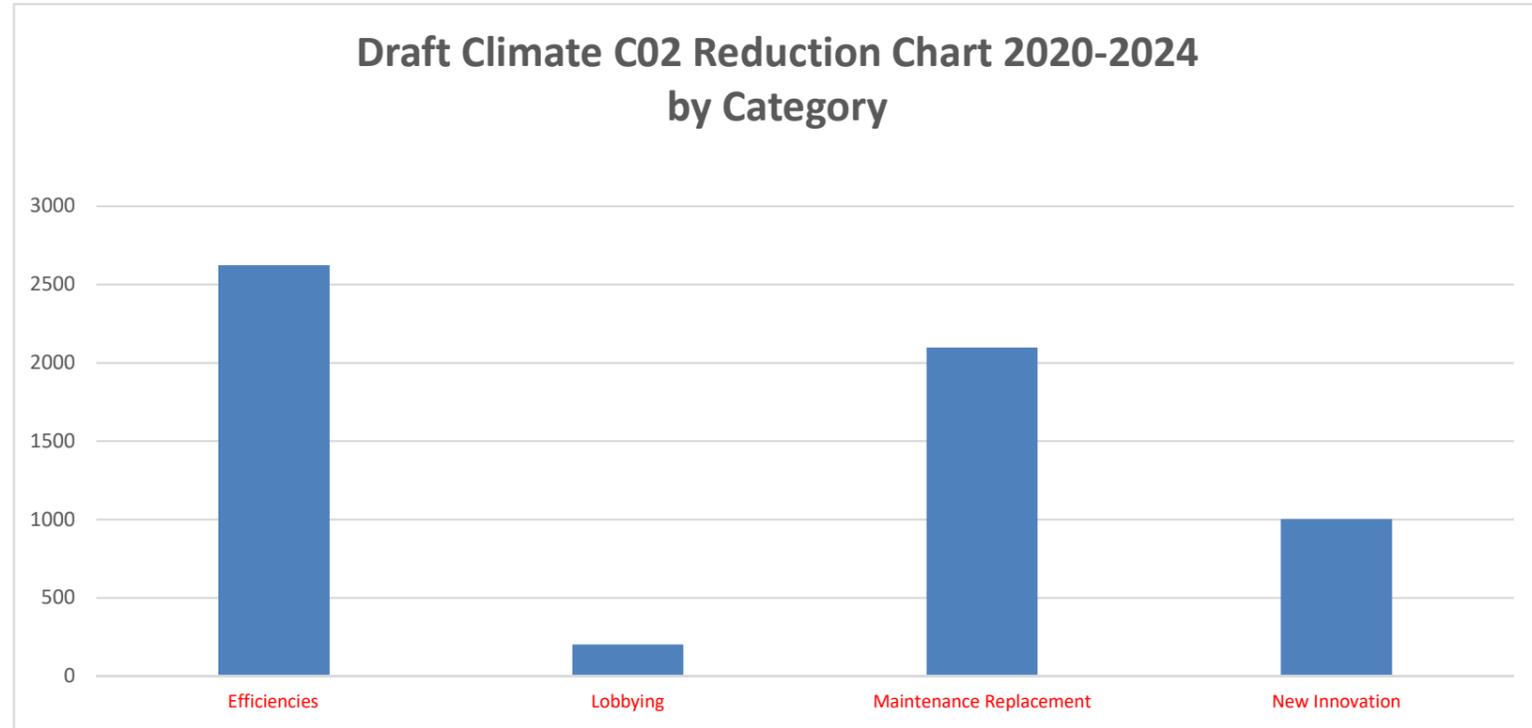
Sum of Co2 reduction				
YEAR	Project	Workstream	Total	
2019/20	1	Baseline	20402	
2020/21	2		20377	
	3		19877	
	4		19867	
	5		19859	
	6		19844	
	7		19824	
	8		19814	
	9		19809	
	10		19799	
	11		19749	
	13		19649	
	14		19644	
	2021/22	19		19444
		31		19442
32			19242	
40			19239	
45			19239	
46			18439	
47			16939	
48			16929	
2023/24	51		16909	
	52		16899	
	60		16894	
	62		16889	
	63		14389	
Grand Total			489407	



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Co2 reduction	(All)
Scope(s)	(All)
RAG Status	(All)
High, Medium, Low	(All)
Co2t Impact	(Multiple Items)
Action(s)	(All)
Extra Funding - Yes/No	(All)
Workstream	(All)
<b>YEAR</b>	(All)

Sum of Co2t Impact	
Category	Total
Efficiencies	2625
Lobbying	200
Maintenance Replacement	2096
New Innovation	1002
<b>Grand Total</b>	<b>5923</b>



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**CABINET  
1 OCTOBER 2020**

**AGENDA ITEM:**

## **REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

### **MID DEVON DISTRICT COUNCIL'S RESPONSE TO THE GOVERNMENT'S CONSULTATIONS ON CHANGES TO THE CURRENT PLANNING SYSTEM**

**Cabinet Member:** Cllr Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

**Responsible Officer:** Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

#### **Reason for Report and Recommendations:**

To consider two current consultation papers published by the Government: "Changes to the current planning system – consultation on changes planning policy and regulations", and "Planning for the Future – White Paper" and responses by Mid Devon District Council to these. The recommendations sought are to approve the responses for submission to the Government, so that the Council has engaged with the consultation.

#### **RECOMMENDATION(S):**

**That Cabinet:**

- **Considers the draft responses to the Government's consultation papers in Appendices 1 and 2**
- **Approves the submission of the draft responses in Appendix 1 together with any amendments to these agreed by the Cabinet, to the Government's consultation on the technical paper "Changes to the current planning system"**
- **Informs officers of any further responses needed Appendix 2 to the Government's consultation "Planning for the Future – White Paper"**
- **Delegates authority for the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise responses to the Government's consultation on the "Planning for the Future – White Paper" and to submit these to the Government.**

**Financial Implications:** There are no direct financial implications arising from this consultation. However, the proposed extension of permission principle may affect the number of planning applications submitted for determination and fee income to the Council.

**Budget and Policy Framework:** The consultation is about changes to the planning system, including the scope of development plans and the way that they are prepared. A more detailed analysis will be needed in order to understand budget implications.

**Legal Implications:** There are no legal implications directly arising from the consultation.

**Risk Assessment:** There are no risks directly from the consultation. However, the Government's proposed changes to the planning system will bring a period of uncertainty that may impact on the need to progress the preparation of new developments for Mid Devon.

**Equality Impact Assessment:** Low impact. A move towards a more digitalised planning system will need to make provision for parts of the community that have no / poor access to the internet.

**Impact on Climate Change:** Low impact. The Government's proposed changes to the planning system will require the preparation of Local Plans to be subject to a sustainability test.

**Relationship to Corporate Plan:** The consultation proposals for First Homes could result in a reduction in the supply of other forms of affordable housing coming through the planning system. This will impact on the ability to meet objectives in the Corporate Plan for delivering more affordable housing and greater numbers of social rented homes.

## **1.0 Background**

1.1 The Government has announced proposals to modernise the planning system to get Britain building. It considers the current planning system is complicated, favours large developers and often means that much needed new homes are delayed. In its White Paper "Planning for the Future", the Government is proposing a new system which is easier for the public to access, transforms the way communities are shaped and builds the homes the country needs. Alongside the White Paper, the Government has published a technical consultation on short-term changes to the current planning system that it believes will improve effectiveness of this system.

1.2 This report provides more information about the Government’s proposed changes to the planning system in the White Paper “Planning for the Future” and also its proposed changes to current planning system. The Government has invited comments on both consultation documents, with specific questions to each. There is now an opportunity for the Council to consider both consultation documents and respond to these. This report asks the Cabinet to consider draft responses prepared by officers to both consultation documents in consultation with Members, and that approval be given for these responses, together with any amendments agreed by the Cabinet, to be submitted to the Government.

## **2.0 “Changes to the current planning system – consultation on changes planning policy and regulations”**

2.1 The Government is consulting on proposals for measures to improve the effectiveness of the current planning system. These proposals are detailed in **Appendix 3** to this report. There is now an opportunity for the Council to consider and respond to the consultation, which will close at 23.45 on the 1<sup>st</sup> October.

2.2 The consultation seeks views on four main proposals:

- changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in the Government’s white paper “Planning for the Future” that it is also consulting on;
- securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
- temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to support SME builders as the economy recovers from the impact of Covid-19;
- extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

### *Changes to the standard method*

- 2.3 Housing targets in Local Plans have previously been informed through technical evidence in the form of strategic housing market assessments ('HMA's). These provided an objectively assessed need for new homes in the area, looking at past population trends and projecting these forward into the future. Population growth was translated into housing requirements using headship rates and vacancy rates, and taking into consideration the projected increase in jobs and workforce. The recently adopted Mid Devon Local Plan Review 2013 – 2033 includes an annual housing target of 393 homes which has been informed by the Exeter Housing Market Area Strategic Housing Market Assessment 2014/15 and later assessment of additional homes needed as result of jobs created through planned retail and leisure development at Junction 27.
- 2.4 In 2018 the Government introduced the 'standard method' for assessing the minimum number of homes needed for an area, which was implemented through the revised National Planning Policy Framework (2019). The standard method uses national household projections to set a baseline for the area and calculating projected average annual household growth over a 10 year period. The average annual projected household growth figure is then adjusted based on the affordability in the area using the most recent median workplace-based affordability ratios and the Government's formula. A cap may then be applied which limits the increase in the minimum annual housing need figure which is calculated depending on the current status of relevant strategic policies for housing. The current standard method assessment shows a minimum of 367 homes needed each year in Mid Devon. While this figure is used for the purposes of calculations for the Housing Delivery Test, the adopted Local Plan target figure of 393 homes is used for the purpose of housing land supply calculations (since the Local Plan was examined through transitional arrangements).
- 2.5 While the Government made a short-term change to the standard method in February 2019 it has maintained a commitment to review the formula. This is in light of its aspirations for creating a housing market that is capable of delivering 300,000 homes annually nationally. This current consultation proposes that the standard method is revised and which will be used as the basis for plans created prior to any changed outlined in its white paper "Planning for the Future' being introduced.
- 2.6 The Government's proposed change introduces a new element to the standard method, a percentage of existing housing stock levels, which takes into account the number of homes that are already in the area. It is intended

this will provide stability into the calculations, whereas household projections can vary. The revised standard method will therefore have a blended approach using housing stock and household projections. It is proposed that the baseline for the standard method should be whichever is the higher of 0.5% of the existing household stock in each local authority, or, the latest projected average annual household growth over a 10 year period. The Government considers 0.5% represents a basic level of increase in all areas without putting a disproportionate emphasis on existing stock levels. The Government also proposes to introduce an affordability adjustment that takes into account changes over time, in addition to the existing approach of considering absolute affordability. This will increase the overall emphasis on affordability and be more responsive to local circumstances. Finally, the Government proposes to remove the cap which artificially suppresses the level of housing identified.

2.7 The Government’s proposed revised standard method would result in substantial increases in the minimum number of homes needed in many local authority areas in Devon as shown in the table below:

Local Authority	Current Local Plan requirement	Average delivery (last 3 years)	Current Standard Method	Proposed new Standard Method	Change from current standard method
Exeter	600	653	625	694	11%
Torbay	494	424	586	635	8%
East Devon	950	842	928	1,614	74%
<b>Mid Devon</b>	<b>393</b>	<b>429</b>	<b>367</b>	<b>641</b>	<b>74%</b>
Teignbridge	621	696	758	1,532	102%
North Devon	431	599	336	650	93%
Torridge	431	284	420	417	-1%
Plymouth	445	954	623	823	32%
South Hams	445	449	355	769	117%
West Devon	445	170	321	278	-13%

Source: Lichfields.uk

2.8 The current standard method calculates is a minimum of 367 homes needed in Mid Devon each year. The proposed revised standard method would result in a substantial (74%) increase minimum of 641 new homes needed each year.

- 2.9 The 641 new homes would be the minimum number of new homes to be planned for each year for the purpose of preparing a new Local Plan for Mid Devon, subject to any transitional arrangements put in place. This figure may need to be adjusted further (increased) taking into consideration economic uplift through forecast new jobs created. There may also remain the possibility that the Duty to Cooperate could result in Council's having to take some unmet housing need from neighbouring local authority areas. However, the Government has indicated in its white paper "Planning for the Future" that the Duty to Cooperate could be abolished although it has not made clear what alternative arrangement might be established to help address strategic cross-border planning issues. The capacity of the district to accommodate this level of growth has not been tested in terms of suitable and available land supply, market absorption, topographical, landscape and other constraints, including flood risk, nature conservation, heritage and the predominantly rural and poor accessibility of much of the district. There has been no assessment of what infrastructure may be needed and how this may be funded.

#### *Securing of First Homes*

- 2.10 The Government consulted on its First Homes proposals in February 2020. The First Homes scheme is intended to support first-time buyers by providing discounts of at least 30% on new build properties in their area compared to market prices, but with flexibility for Local Authorities to shape the scheme to support those most in need in their area. The discount will apply in perpetuity and passed on every time a First Home is resold.
- 2.11 The Government's current consultation proposes that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. This will be a national threshold, set out in planning policy, and the First Homes will initially be secured through section 106 planning obligations, but under proposed reforms (in the white paper "Planning for the Future"), these would subsequently be secured through the Infrastructure Levy. In the majority of cases the provision would be delivered onsite. However, where cash contributions to affordable housing are secured instead of on-site contributions, a minimum of 25% of these should be used to secure First Homes. Local Authorities would have discretion to increase the 30 discount from market price to 40% or 50% evidenced in the Local Plan making process. The consultation includes two options for the remaining 75% of affordable housing. Where the First Homes replaces all the home ownership products any rental products are delivered in the same ratio for as set out in local plan policy, or where the 25% First Homes does not replace all home ownership products the remainder of the home ownership tenures are delivered, and the rental tenure mix is delivered in line with the proportions set

out in the local plan policy. In the second option the local authority and developer can negotiate the tenure mix for the remaining 75% of the units.

- 2.12 The Government intends to introduce a First Homes exception sites policy to replace the existing the entry-level exception sites policy. However, this will not apply in designated rural areas, where delivery of affordable homes will be through the rural exception sites policy. Mid Devon is a designated rural area, with the exception of the towns of Tiverton, Crediton and Cullompton, and the rural areas outside these towns will not be impacted by this change.
- 2.13 It is most likely that transitional arrangements will not apply for the preparation of a new Local Plan for Mid Devon due to the anticipated stage of plan making reached before the new system would come into force. This will similarly be the case for the preparation of neighbourhood plans in the district. The national requirement for 25% First Homes is likely to reduce the number of other forms of affordable homes that can be secured in rental tenures, including affordable and social rent, thereby not helping households that may be in most acute housing needed, including those unable to secure mortgages. It is likely to impact on the Council's ability to achieve key ambitions in its Corporate Plan for securing affordable and social rented properties.

#### *Lifting the small sites threshold*

- 2.14 Current national policy is clear that affordable housing contributions should not be sought for developments of fewer than 10 units (small sites). In designated rural areas policies may set a lower threshold of five units or fewer. The recently adopted Mid Devon Local Plan Review 2013 – 2033 sets a threshold for affordable housing in developments of 11 dwellings or more in Tiverton, Cullompton and Crediton, and on sites elsewhere in developments of 6 dwellings or more. In the case of the latter, affordable housing may be in the form of financial contributions to provide the affordable dwellings in another location.
- 2.15 The Government's consultation proposes that the small sites threshold for affordable housing contributions is raised for a time-limited period until the economy recovers from the impact of Covid-19. The intention is that this would reduce the burden of developer contributions on small and medium builders (SMEs) and help allow more small sites to come forward for development.
- 2.16 The Government proposes to raise the small sites threshold to up to either 40 or 50 new homes through changes to national planning policy for an initial

period of 18 months. Additionally, the minimum site size threshold would be scaled up from 0.5 hectares. The Government proposes to set out in planning guidance how local planning authorities can secure contributions for affordable housing where it is apparent that a larger site is being brought forward (i.e. where developers attempt to bring forward larger sites in phasing of up to 40 or 50 homes).

- 2.17 It is understood that the Government's proposals, if introduced, would apply to Tiverton, Cullompton and Crediton (i.e. not elsewhere in the district, which is a designated rural area). This could result in a reduction of affordable housing being secured in some of the site allocations for housing in these towns that are included in the adopted Local Plan where planning permission has not yet been granted, and also in windfall sites. Raising the threshold could therefore have the effect of restricting the ability to secure new affordable housing in those locations where the need for affordable housing is most concentrated. It is suggested Mid Devon's response to the Government's consultation could recommend that should the threshold be raised, the removal of the requirement for affordable housing should be looked at on a case by case basis through viability assessment, taking into consideration the impact of Covid-19 (which is the justification made by the Government for seeking to raise the threshold).

*Extending the current Permission in Principle*

- 2.18 Permission in principle was introduced in 2017 as a new faster way of obtaining planning permission for housing-led development, which reduced the need for landowners and developers to incur significant costs to establish the principle of development for housing. Councils were given the power to grant Permission in Principle to suitable sites allocated in brownfield registers. Permission in Principle by application was introduced in 2018 for minor development (i.e. small sites that support fewer than 10 dwellings). The consent route has two stages – the first is to establish whether a site is suitable in-principle for development. The grant of Permission in Principle is for 5 years and no planning conditions can be attached to it. The second stage (technical details consent) is when the detailed development proposals are assessed, and conditions can be attached. A grant of Permission in Principle plus a grant of technical details consent together equates to full planning permission.
- 2.19 As part of the Government's plans towards economic recovery it now proposes to extend the scope of the current Permission in Principle by application route to major development (excluding those subject to Environmental Impact Assessment (EIA) or habitats assessments). This will

enable Permission in Principle to be made to a far wider range of sites. The Government considers this will benefit small and medium sized developers and reduce their upfront planning costs and provide certainty quickly about the principle of development. Regulations relating to EIA and Habitats requirements will remain and this means that Permission in Principle will not in practice be a route to permission for large sites capable of delivering more than 150 dwellings or more than 5 hectares. Permission in Principle will not be suitable for sites in areas where, applying the Conservation of Species and Habitats Regulations 2017 there is a probability or risk that the project is likely to have a significant effect on a European site, unless the application was accompanied by an appropriate assessment demonstrating there was unlikely to be significant impact on the site. Permission in Principle may include other uses such as retail, offices, or community spaces but where housing occupies the majority of the overall scheme. The Government proposes that the current limit of 1,000 sq m or size capped at 1 hectare is removed and there is no set limit for commercial development space.

- 2.20 The current process for granting Permission in Principle is by application on a form and with basic information provided (e.g. description, minimum and maximum number of dwellings, site size), with a 5 week determination period and a 14 day period for consultation with the public and statutory consultees. The decision to grant Permission in Principle will take account of national and local policy. Permission in Principle must be followed by an application for technical details consent to agree the details of the scheme before the applicant obtains full planning permission. The Government has asked the question whether for larger scale development there should be an additional maximum height threshold parameter, and whether the publicity requirements for such development should go beyond just a site notice and website publication.
- 2.21 The Government is keen to promote Permission in Principle by application as a more streamlined and cheaper alternative to outline permission. The current fee for minor development is £402 per 0.1 hectare (capped at 1 hectare) which is to cover the costs incurred in processing the application, as well as the costs of undertaking consultation and assessment against national and local policy. The Government therefore considers whether the fee should be lowered, adopting a site size criterion with a charging scheme based on the actual number of dwellings, or a simplified banded structure (site size) with a fixed fee per 0.1 hectare in each band.
- 2.22 The Government's consultation also considers that Brownfield Registers should automatically include all Permission in Principle by application "consents" that are on brownfield land in the Part 2 of these registers.

2.23 The Government's proposed changes to the Permission in Principle regime could have the effect of reducing the number of planning applications submitted to the Council for determination by the conventional route and a restricted ability to scrutinise larger scale development proposals prior to the technical details consent stage. It could also lead to a reduced fee income to the Council, but with continued case load and costs incurred to process applications for Permission in Principle.

### **3.0 “Planning for the Future – White Paper”**

3.1 “Planning for the Future” (see **Appendix 4** to this report) sets out plans by the Government to undertake a fundamental reform of the planning system. There is now an opportunity for the Council to consider and respond to the consultation, which will close at 23.45 on the 29<sup>th</sup> October.

3.2 In summary, the Government sets out wide-ranging and fundamental reform of the plan-making process, promotes greater use of digital data, strengthens focus on design quality and environmental outcomes, and introduces a new infrastructure levy. This is set out under three pillars in the White Paper which are summarised below.

#### *Pillar One – Planning for development*

3.3 This pillar focuses on the role of Local Plans, it seeks to ensure decision making is faster, identifies the role of Neighbourhood Plans, it seeks a stronger emphasis on build out through planning and the greater use of digital technology. The proposals set out the following:

- The role of land use plans is proposed to be simplified. In summary it is proposed that Local Plans should identify three types of land:
  - Growth areas suitable for substantial development. Outline planning permission for the principle of the development would be conferred by adoption of the Local Plan.
  - Renewal areas suitable for development. Presumption in favour of development with plans establishing the general appropriateness of these areas for development.
  - Areas that are protected. Development would come forward as a planning application and judged against policy in the National Planning Policy Framework.
- Local Plans will be subject to a single statutory ‘sustainable development’ test, replacing the tests of soundness and the duty to co-operate.

- Development management policies are to be established at a national scale.
- Local Plans should be visual and map-based, standardised, based on the latest digital technology and supported by a new template.
- Local Plans and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of a Local Plan process of which Local Plans should be completed and made within 30 months with sanctions for those who fail to do so.
- A revised standard method for establishing housing requirement figures. This will look at the size of existing urban settlements, the relative affordability of places, the extent of land constraints, brownfield opportunities, allowance of non-residential development and a buffer to ensure enough land is provided to account for the drop off rate between permissions and completions.
- For exceptionally large sites such as a new town, the paper wants to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate route to secure consents.
- Decision-making should be faster and more certain, with firm deadlines and greater use of digital technology.
- Neighbourhood Plans should be retained with support for communities to make better use of digital tools.
- There will be a stronger emphasis on build out through planning.

*Pillar Two: Planning for beautiful and sustainable places*

3.4 This pillar focusses on how a simpler planning process could improve certainty about what can be built where, as well as offering greater flexibility in the use of land to meet our changing economic needs. It reflects on the findings of the Building Better, Building Beautiful Commission, which as has shown that too many recent places built during recent decades fail to reflect what is special about their local area or create a high quality environment of which local people can be proud. The White Paper includes a number of proposals to resolve these issues:

- More visual and predictable design expectations through expecting design guidance and codes to be prepared locally with community involvement, and by ensuring that codes are more binding on decisions about development;
- Supporting the transition to a planning system which is more visual and rooted in local preferences and character. The Government proposes to establish a new body to support the delivery of provably locally-popular design codes, and proposes that each authority has a chief officer for design and place-making;

- Consideration of how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places;
- Introducing 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;
- Amending the National Planning Policy Framework to ensure that it targets areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximise environmental benefits;
- Designing 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;
- Conserving and enhancing historic buildings and areas in the 21<sup>st</sup> Century
- Facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver the commitment to net-zero by 2050.

*Pillar Three: Planning for infrastructure and connected places*

3.5 This pillar focuses planning for infrastructure with includes the consideration of affordable housing. Within this section of the White Paper the skills strategy for the planning sector is also discussed including the strengthening of enforcement resources and powers including more sanctions. The proposals set out the following:

- Community Infrastructure Levy (CIL) 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.
- The scope of the Infrastructure Levy could be extended to capture changes of use through Permitted Development Rights.
- The reformed Infrastructure Levy should deliver affordable housing provision. This would be through in-kind delivery on-site or as a right to purchase at discounted rates for local authorities. There is a risk with in-kind payment that some risk in transferring to the Local Planning Authority. Such as, if the value secured through in-kind units is greater than the levy liability then there would be an overpayment risk. The paper proposes to ensure such risks are mitigated through policy design such as ensuring the developer has no right to reclaim overpayments.
- More freedoms could be given to Local Authority’s over how they spend the Infrastructure Levy.
- A comprehensive resources and skills strategy for the planning sector to support the implementation of the reforms in the White Paper will be developed.

- Enforcement powers and sanctions are sought to be strengthened.

#### **4.0 Groups consulted**

4.1 A briefing about the Government's consultation documents was provided, open to all Council Members, on Monday 7<sup>th</sup> September. The Planning Policy Advisory Group met on 17<sup>th</sup> September to consider the Government's consultation documents. These have provided opportunities for Members to provide feedback that has helped to inform the Council's responses to these consultation documents.

#### **5.0 Next steps**

5.1 Subject to Cabinet approval, officers will amend the responses to questions set out in Appendix 1 about the Government's proposed changes to the current planning system, and submit these to the Government to meet the deadline for comments by 23.45 on the 1<sup>st</sup> October.

5.2 Subject to Cabinet approval, the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration will finalise responses to the Government's consultation on the "Planning for the Future – White Paper" and submit these to the Government to meet the deadline for comments by 23.45 on the 29<sup>th</sup> October.

#### **Contact for more Information:**

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**Circulation of the Report:** Cllr Richard Chesterton

#### **List of Background Papers:**

"Changes to the current planning system – consultation on changes to planning policy and regulations" (August 2020) MHCLG  
<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

"Planning for the Future – White Paper" (August 2020) MHCLG

<https://www.gov.uk/government/consultations/planning-for-the-future>

## Appendix 1

### Mid Devon District Council's response to the Government's consultation on changes to the current planning system August 2020

#### Consultation Questions

<b>Question</b>	<b>Response</b>
<i>Standard method for assessing housing numbers in strategic plans</i>	
Q1 – Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each Local Authority area OR the latest household projections averaged over a 10-year period?	<p>No.</p> <p>The basis for 0.5% of housing stock has no bearing on future housing need, this only reflects what has been built in the past. Household projections should have a holistic approach to encompass other factors such as potential aspirations for job growth or regeneration, migration, local affordability of housing, partnership working with others to ensure this reflects local housing need. An approach which locates growth where growth has previously occurred is fundamentally flawed.</p> <p>The outcome of the proposed amendment to the Standard Method will be to increase the annual minimum housing need figure for Mid Devon by 74% from the current Standard Method calculation of 367 to 641. This is effectively a top down figure that has no bearing on the capacity of the district to accommodate this level of growth and it has not been tested in terms of in terms of suitable and available land supply, topographical, landscape and other constraints, including flood risk, nature conservation, heritage and the predominantly rural and poor accessibility of much of the district. There has been no assessment of what infrastructure may be needed to support this uplifted figure and how this may be funded. There has been no assessment of how the uplifted housing number will be supported through growth in the economy, which is currently impacted by Covid-19 and in a fragile state, and with uncertainties that may follow Brexit. It is unclear how whether the development industry has the capacity to deliver uplifted housing numbers across nearly every local authority area in Devon and beyond, in terms of workforce and materials. The construction of new homes will also be limited by the rate of market absorption and that developers may choose to restrict supply to maintain property prices and levels of profit, notwithstanding the amount of land allocated. There should be provisions to ensure developers build out permissions. It is not sustainable to continue to require Local Authorities to allocate additional sites and grant permissions if builders are not building out their sites.</p>

Question	Response
Q2 – In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.	No.  0.5% is an arbitrary number that is not based on evidence to understand about future housing need.
Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.	No.  This approach is too simplistic and doesn't take into account the affordability of property in the rental sectors or other factors. There is no evidence which demonstrates that the adjustment in housing numbers to adjust the baseline will lead to more affordable homes relative to the local area.  The figure used for median earnings should be based on jobs available within a Local Authority area to reflect local wages, and should not be skewed (which may be the case where residents commute outside a Local Authority area for higher salaried employment).
Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.	No, this approach is too simplistic and doesn't take into account the affordability of property in the rental sectors or other factors. There is no evidence which demonstrates that the adjustment in housing numbers to adjust the baseline will lead to more affordable homes relative to the local area.
Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.	The inclusion of affordability in the calculations is appropriate however we do not agree with the weighting. As proposed it is used in isolation without being sense checked for robustness, reasonableness or other factors and used on its own can lead to unrealistic housing figures that do not reflect local need or the ability of an area to take growth with consideration of constraints to the area.
Do you agree that authorities should be planning having regard to their revised standard method need figure,	This relates to Q6 and Q7.  No. We do not agree.

Question	Response
from the publication date of the revised guidance, with the exception of:	
Q6: Authorities which are already at the second stage of the strategic plan consultation process (Reg 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?	The consultation materials only refer to transitional arrangements for authorities whose local plan is already in production and has reached one of the Regulation 19 consultation stages. Further transitional arrangements should be made in relation to the application of the housing delivery test so that authorities that have seen an increase in their standard method need figure are not penalised at least in the short term for not meeting a need figure that they had no prior knowledge and no ability to plan for. Similarly measures should be taken with regard to the calculation of 5 year housing land supply where the relevant local plan is out of date so that the calculation is not immediately against the new standard method figures.
Q7: Authorities close to publishing their second stage consultation (reg 19) which should be given 3 months from the publication date of the revised guidance to publish their Reg 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?	The consultation materials only refer to transitional arrangements for authorities whose local plan is already in production and has reached one of the Regulation 19 consultation stages. Further transitional arrangements should be made in relation to the application of the housing delivery test so that authorities that have seen an increase in their standard method need figure are not penalised at least in the short term for not meeting a need figure that they had no prior knowledge and no ability to plan for. Similarly measures should be taken with regard to the calculation of 5 year housing land supply where the relevant local plan is out of date so that the calculation is not immediately against the new standard method figures.
If not, please explain why. Are there particular circumstances which need to be catered for?	The consultation materials only refer to transitional arrangements for authorities whose local plan is already in production and has reached one of the Regulation 19 consultation stages. Further transitional arrangements should be made in relation to the application of the housing delivery test so that authorities that have seen an increase in their standard method need figure are not penalised at least in the short term for not meeting a need figure that they had no prior knowledge and no ability to plan for. Similarly measures should be taken with regard to the calculation of 5 year housing land supply where the relevant local plan is out of date so that the calculation is not immediately against the new standard method figures.
<i>Delivering First Homes</i>	

Question	Response
<p>Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and/or evidence for your views (if possible)?</p> <ul style="list-style-type: none"> <li>i. Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.</li> <li>ii. Negotiation between LA and developer</li> <li>iii. Other</li> </ul>	<p>Of the three options, option (i) would be a preferred approach to align rental tenures with identified local need.</p> <p>Placing a requirement of 25% of affordable housing as First Homes will reduce the amount of affordable housing coming forward for rent including social rent. This will impact on the Council's corporate Plan where there is an objective to bring forward rented, particularly affordable social rented property which reflects the local need in this area. The requirement of 25% First Homes seems to ignore where schemes are viable with a higher proportion of other forms of affordable housing which reflects the local need. It is unclear whether First Homes replaces flexibility for custom and self-build which may be an alternative form of affordable housing. The discounted prices for First Homes may still be unaffordable to local people who in an area which has low wages and a low wage economy.</p> <p>It is unclear how First Homes will work – how will people prove that it is their first home? What type of houses will these be and how many bedrooms will they have? There is a need for a clear definition.</p> <p>Prioritising First Homes over other affordable housing types ignores the fact that there is significant need in Mid Devon for rented accommodation that is affordable, including social rented properties. Policy should be evidence based and reflect assessed local need and affordability. The economy is in a fragile state due to the impact of the Covid-19 pandemic and which is likely to be compounded by Brexit. More rented properties are likely to be needed where households are unable to secure mortgages in an insecure job market.</p> <p>The imposition of First Homes will impact on the ability of communities to have more control in what is planned locally through the preparation of Neighbourhood Plans.</p>
<p>With regards to current exemptions from delivery of affordable home ownership products:</p> <p>Q9: Should the existing exemptions from the requirement for affordable</p>	<p>It would appear logical for the sake of consistency to maintain exemption for First Homes.</p>

Question	Response
home ownership (e.g. build to rent) also apply to this First Homes requirement?	
Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.	No
Q11: Are any other exemptions needed? If so, please provide reasons and/or evidence for your views.	No
Q12: Do you agree with the proposed approach to transitional arrangements set out above?	We agree with the proposed transitional arrangements however there should be clarity over planning applications received where transitional arrangements have occurred.
Q13: Do you agree with the proposed approach to different levels of discount?	We agree with the level of flexibility over the level of discount.
Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?	Yes, provided that the need to maintain viability through the inclusion of market housing is proven.
Q15: Do you agree with the removal of the site size threshold set out in the NPPF?	Local Plans should provide site size threshold based on the evidence when preparing the Plan.
Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?	Yes, we allow for affordable housing in rural exception sites on an exceptional basis where there is an identified need and there is already flexibility for some market housing to maintain the viability of schemes. Where there is an identified need this would add some flexibility to include a proportion of first homes.

Question	Response
<i>Supporting small and medium-sized developers</i>	
Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?	<p>Do not agree.</p> <p>This may result in a significant reduction in affordable housing coming through the planning process. A significant number of planning proposals are under threshold in any event it is unclear how this would support small and medium-sized developers.</p>
<p>Q18: What is the appropriate level of small sites threshold?</p> <ul style="list-style-type: none"> <li>i. Up to 40 homes</li> <li>ii. Up to 50 homes</li> <li>iii. Other (please specify)</li> </ul>	<p>Other.</p> <p>It is considered that a maximum threshold of 15/20 homes would be more appropriate and more likely to support SME developers given that 40/50 is a significant site in the Mid Devon context and which are more likely to be in the control of national volume house builders.</p> <p>Small and medium developers are more likely to be in control of much smaller sites in the district and would not benefit from the increased threshold. There is a need for smaller sites to deliver affordable housing which account for a significant number of planning proposals coming through the process.</p> <p>Should the threshold be raised, the removal of the requirement for affordable housing should be looked at on a case by case basis through viability assessment, taking into consideration the impact of Covid-19 (which is the justification made by the Government for seeking to raise the threshold). The consultation document states the threshold will be changed for an initial 18 month period. This suggests it be open to extension, which would bring a longer period with reduced affordable housing being secured.</p>
Q19: Do you agree with the proposed approach to the site size threshold?	<p>No.</p> <p>The site size threshold should be set by the Local Planning Authority which reflects local circumstances.</p>
Q20: Do you agree with linking the time-limited period to economic	No.

Question	Response
recovery and raising the threshold for an initial period of 18 months?	There is no evidence to suggest that raising the threshold will support small and medium sized enterprises in Mid Devon whereas the affordability issue and housing need persists. If it is decided to pursue the raising of the threshold any amendment to the initial period should be treated with extreme caution given the impact on local housing affordability.
Q21: Do you agree with the proposed approach to minimising threshold effects?	No.  Without advice/guidance published, it is not possible to understand what the proposed approach is to minimising threshold effects. There is a need to prevent the risk of sub-division of large sites to fall below the threshold and avoid providing affordable housing.
Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?	Yes.  Rural areas have very different characteristics and needs to the urban areas so the proposed approach makes sense.
Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?	Set a national threshold for custom and self-build in new development which will help provide opportunities for SME's to have access to larger sites. Work with Homes England to provide further opportunities for custom and self-build on land/projects that they are involved with. Provide fiscal / financial support to SMEs through amending VAT, tax, and national insurance for employees.
<i>Extension of Permission in Principle consent regime</i>	
Q24: Do you agree that the new PIP should remove the restriction on major development?	No. The Council does not agree that the new Permission in Principle should remove the restriction on major development. Major development is likely to have a greater impact on the surrounding area and therefore should remain subject to a more rigorous consenting regime. Larger sites may more likely be affected by issues that that need to be identified early on and sorted out before detailed stage. The development industry may use Permission in Principle as a cheaper route for land banking and choose not to the bring the land forward for development for 5 years.
Q25: Should the new PIP for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the	As residential would remain for the majority of the floorspace of the overall scheme this in effect would set a limit and therefore a formalised limit would not be necessary.

Question	Response
overall scheme)? Please provide any comments in support of your views.	
Q26: Do you agree with our proposal that information requirements for PIP by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?	<p>No.</p> <p>The information requirements for Permission in Principle for major housing developments are inadequate to make a sound judgment on site and provide an accurate decision on proposals made, for example, issues with placing pressure on existing services, needing new infrastructure to support it, or absolute constraints to development.</p> <p>If it is considered that Permission in Principle for major development will be pursued and that information requirements would broadly remain unchanged, this should come into force in line with changes as set out in the White Paper such the reform to the Local Plan system which advocates the inclusion of Permission in Principle as part of the planning system.</p>
Q27: Should there be an additional height parameter for PIP? Please provide comments in support of your views.	<p>Yes.</p> <p>If it is considered that Permission in Principle for major development will be pursued then additional information should be sought including the additional height parameter requirement.</p>
<p>Q28: Do you agree that publicity arrangements for PIP by application should be extended for large developments? If so, should LPAs be:</p> <ul style="list-style-type: none"> <li>i. Required to publish a notice in a local newspaper?</li> <li>ii. Subject to a general requirement to publicise the application or</li> <li>iii. Both?</li> <li>iv. Disagree</li> </ul>	<p>Clarity should be provided in-line with changes as set out in the White Paper such as the reform to the Local Plan system in which Permission in Principle would apply to renewal areas. For Permission in Principle in large developments which don't fall within the parameters of the proposed changes reform to the Local Plan should include publicity arrangements. LPAs should be required to publish in (iii) both newspaper and digitally to reach all areas of society to achieve maximum publicity to enable people to engage effectively. It is considered that publicity arrangements should also continue include site notices, which is consistent with other application processes and ensures those living near the site and those without access to digital technologies are informed.</p>

Question	Response
If you disagree, please state your reasons.	
Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?	No, concern there will be a cost deficit which not reflect the cost of delivering the planning department to process such applications along with the requirements of the future planning reform.
Q30: What level of flat fee do you consider appropriate and why?	Flat fee should represent the cost of processing the application.
Q31: Do you agree that any brownfield site that is granted PIP through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.	Yes – agree, this should become part of the annual monitoring process.
Q32: What guidance would help support applicants and LPA's to make decisions about PIP? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.	Land owners and developers see little benefit in gaining Permission in Principle instead of Outline given the lack of detail provided by Permission in Principle and certainty over key matters such as transport matters.
Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?	Where Permission in Principle comes forward in tandem with the new Local Plan reform there are benefits to the scheme. Outside the scope of the automatic Permission in Principle in the Local Plan reform the proposed scheme would add to the administrative burden of Local Planning Authorities, with the proposed fee structure not meeting the cost of delivering the service. To overcome this, the fee structure should reflect the cost of determining planning applications. Also given the lack of detail provided by Permission in Principle over key matters this could either cause a lack in take up of Permission in Principle or inappropriately determining the Permission in Principle given the lack of detail provided for an application of this type. To overcome this, Permission in Principle could be

Question	Response
	used in the provision of Local Plans as part of the new reform but in other cases outline permission would be considered.
Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.	The take up will be limited until the Local Plan reform measures come forward. Currently there has been limited take up of Permission in Principle in our Local Authority area.
Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty? If so, please specify the proposal and explain the impact. If there is an impact are there any actions which the department could take to mitigate that impact?	Not sure.  Where Local Plan policy counts the provision of Gypsy and Traveller pitches towards affordable housing provision, it is unclear whether the imposition of 25% First Homes would impact on the provision of these pitches. There is a need for clarity on this matter from the Government so that any impact on the Gypsy and Traveller community is avoided.

## Appendix 2

### Mid Devon District Council's response to Planning for the Future White Paper August 2020

#### Consultation Questions

Question	Response
<p data-bbox="197 400 719 432"><b><i>Pillar One: Planning for Development</i></b></p> <p data-bbox="197 432 719 464"><b><i>Proposals Summary</i></b></p> <ul data-bbox="197 464 2042 1117" style="list-style-type: none"><li data-bbox="197 464 2042 528">• <b>Proposal 1:</b> Role of land use plans should be simplified. Proposed that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development and areas that are Protected.</li><li data-bbox="197 528 2042 560">• <b>Proposal 2:</b> Development management policies established at national scale and an altered role for Local Plans</li><li data-bbox="197 560 2042 592">• <b>Proposal 3:</b> Local Plans should be subject to a single statutory ‘sustainable development’ test, replacing the tests of soundness.</li><li data-bbox="197 592 2042 735">• <b>Proposal 4:</b> 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 land is identified in the most appropriate areas and housing targets are met.</li><li data-bbox="197 735 2042 831">• <b>Proposal 5:</b> Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-establishing development types in other areas suitable for building (p.34)</li><li data-bbox="197 831 2042 863">• <b>Proposal 6:</b> Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology</li><li data-bbox="197 863 2042 927">• <b>Proposal 7:</b> LPs should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.</li><li data-bbox="197 927 2042 991">• <b>Proposal 8:</b> Local authorities and PINS will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.</li><li data-bbox="197 991 2042 1054">• <b>Proposal 9:</b> Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools</li><li data-bbox="197 1054 2042 1117">• <b>Proposal 10:</b> A stronger emphasis on build out through planning</li></ul>	
Q1. What three words do you associate most with the planning system in England?	

Question	Response
Q2(a). Do you get involved with planning decisions in your local area? <b>[Yes / No]</b>	Yes. Mid Devon District Council is the local planning authority for the district (excluding part of the district which is situated within the Dartmoor National Park).
Q2(b). If no, why not? <b>[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]</b>	
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? <b>[Social media / Online news / Newspaper / By post / Other – please specify]</b>	Not applicable.
Q4. What are your top three priorities for planning in your local area? <b>[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</b>	

Question	Response
<b>existing heritage buildings or areas / Other – please specify]</b>	
Q5. Do you agree that Local Plans should be simplified in line with our proposals? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	<p>Not sure.</p> <p>A simpler Local Plan system is welcomed and zoning could help to achieve this. However there is a lack of detail in the proposals making it difficult to understand how a system with three zones will work in practice. Three zones may be over simplistic and not reflect local and distinct characteristics of a district. It is unclear how protected areas might be impacted if development opportunities are expended in growth and renewal zones and housing and other development targets cannot be met.</p> <p>A removal of the ‘right to be heard’ at Local Plan examinations runs counter to maximising opportunities for community engagement and building trust in the plan making process.</p> <p>There is nothing in the consultation proposals to encourage developers to build.</p>
Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	<p>Not sure.</p> <p>The principle of standard development management policies in National Policies to address common planning issues and to avoid duplication of work by local authorities is supported. But, there should be some flexibility to allow for development management policies to reflect local circumstances where justified and evidenced. We would question how this change would relate to Neighbourhood Plans and their ability to include policies as part of their plan making.</p>
Q7(a) – Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of ‘sustainable development’ which would include consideration of environmental	<p>Not sure.</p> <p>The principle of a single sustainability test appears to be a sensible approach. However, there is no detail provided about what the test includes, how it will work, and how local authorities will demonstrate how the test is met / complied with.</p>

Question	Response
<p>impact? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>It is assumed that legal compliance (procedural) and conformity of Local Plans with National Planning policy will still be assessed.</p> <p>The removal of the requirement for Sustainability Appraisal and a simplified process for assessing the environmental impact of plans is welcomed. This will help unencumber the plan making process.</p> <p>The White Paper does not give any detail about the test, without which it is not possible to understand what it would require.</p> <p>A slimmed down assessment of deliverability for the Local Plan is welcomed, but this should be mirrored in changes made to the deliverability tests for the purpose of housing land supply calculations (for planning decision making purposes) if this to be retained. We note the White Paper implies the new standard method and making sure that enough land is planned for would avoid a continuing requirement to be able demonstrate a five year supply of land. This latter point is welcomed, but the Council is concerned that a formulaic standard method imposed on all local authorities to reach the national annual target of 300,000 homes may result in an artificial housing figures that are not based on local need or which reflect the capacity of an area to take growth.</p> <p>A requirement to identify reserve sites in Local Plans is supported (which is an approach included in the adopted Mid Devon Local Plan Review 2013 – 2033). However, for the sake of clarity, certainty and consistency guidance should be provided about setting triggers for bringing reserve sites into the housing supply in the event that site allocations are delayed or do not come forward.</p>
<p>Q7(b) – How could strategic, cross-boundary issues be best planned for in the absence of a formal DtC?</p>	<p>The abolition of the Duty to Cooperate is not helpful without detail provided for how strategic and cross-border planning issues should be dealt with, particularly where there is a need for joined up and collaborative approaches to securing infrastructure provision for example.</p>
<p>Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account</p>	<p>No.</p>

Question	Response
<p>constraints) should be introduced?  <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>The use of a top down formulaic standard method as a means to distribute the national housebuilding target of 300,000 new homes annually is not supported since it does not take into account a detailed assessment of local housing need for each local authority area. While the White Paper proposes to introduce the consideration of constraints, which would help improve a new standard method, it is unclear how these would be weighed up with other elements of the formula without ground truthing / thorough understanding of the local authority area. There is no reference to other constraints such as important mineral deposits or areas important to the integrity of European Sites (e.g. bat habitat and flyways).</p> <p>It is queried whether the local housing market will be able to absorb the growth, given average delivery rates achieved historically, whether the housebuilding industry has the capacity (materials, labour) to step up delivery across many local authority areas simultaneously.</p> <p>The standard method would have no relationship with the need for new jobs or the ability to plan for economic growth to help create balanced communities (homes and jobs together) and to reduce commuting and reliance on unsustainable modes of transport.</p>
<p>Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>No.</p> <p>The extent of urban areas is not an appropriate indicator of future housing need.</p> <p>Using the extent of urban areas as an indicator of the ability to absorb growth is not based on local housing need and does not take into consideration to potential infrastructure and other constraints (e.g. topography) that may limit further growth.</p>
<p>Q9a. Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent? <b>[Yes / No / Not sure.]</b></p>	<p>Not sure.</p> <p>The Council agrees with the principle that permission should be given in Growth areas as identified in the Local Plan which in effect would be substantial allocations.</p>

Question	Response
<p><b>Please provide supporting statement.]</b></p>	<p>However with the 30 month timescale, and 12 months to draft a Plan within this timetable, it is difficult to see how the level of work required upfront to provide the detail and masterplanning at the plan making stage could be undertaken, and which would provide confidence for Local Authorities and communities for automatic permission to be given.</p>
<p>Q9b. Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>There is a lack of clarity as to what renewal and protected areas would contain, and what this would look like e.g. if conservation areas, heritage assets etc are excluded from renewal areas and how Permission in Principle can be provided in renewal areas given the wide range of contexts and environments in urban areas and settlements.</p>
<p>Q9c. Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>It is unclear how this will relate to the Local Plan reform in which growth areas enable the identification of substantial growth.</p> <p>The Council questions the expedience of allowing new towns to be brought forward through the Nationally Significant Infrastructure Projects regime and more detail is needed in order to be able understand how this might work.</p> <p>The Council welcomes delivery vehicles or other means as tool that are available to help assist planning for new towns. However, the white paper provides no detail about how a Development Consent Order under the Nationally Significant Infrastructure would work in practice, including how this would provide greater certainty to funding for the delivery of infrastructure. The successful planning of new towns requires community buy-in, which may not be achieved if schemes are imposed nationally and are not locally derived.</p>

Question	Response
<p>Q10. Do you agree with our proposals to make decision-making faster and more certain? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>The principle of digitising the planning process is supported, including where this can help make that process more transparent, accountable and inclusive for those wishing to engage with it.</p> <p>However, there is a lack of detail in the proposals to understand how this will work in practice or what support will be provided by Government to Local Authorities. There is a need for resourcing (money and skills) to deliver new technologies. However, Mid Devon is predominantly rural and many parts of the district do not currently benefit from high speed broadband. There is a need to ensure that a move to digitise the planning process does not disadvantage or leave behind parts of the community.</p> <p>Firm deadlines for applications, with no scope for extensions of time, may reduce scope for negotiation between the Local Authority and applicants for planning permission to achieve successful planning outcomes. It may lead to Local Authorities being forced to refuse planning permission, or making rushed decisions to approve permission that could lead to poor quality development.</p>
<p>Q11. Do you agree with our proposal for accessible, web-based Local Plans? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>In principle, the introduction of the standardised, accessible web-based Local Plans is welcomed, particularly where this can help parts of the community (e.g. younger people) become engaged in the plan making process which have previously not done so.</p> <p>However, there is a lack of detail about how the proposals will be put in place. Will this be a national resource provided to all Local Authorities, or will Local Authorities need to procure the resource and pay for it?</p> <p>Mid Devon is predominantly rural and many parts of the district do not currently benefit from high speed broadband. There is a need to ensure that a move to digitise the planning process does not disadvantage or leave behind parts of the community. It must be recognised that there will be a</p>

Question	Response
	<p>continuing need to publish plans in a printed format so that it remains accessible to those persons without access to digital technologies.</p>
<p>Q12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>No.</p> <p>It is not clear how Local Plans will be capable of being prepared in 30 months and it is suggested this is piloted with Local Authorities and reviewed before a prescribed time limit is made mandatory. The imposition of sanctions for Local Authorities not meeting 30 months (or the required time limit) should allow discretion for circumstances beyond the control of the Local Authority.</p> <p>Simplified Local Plans without development management policies will still require significant evidence up front to support the preparation of a vision, objectives and strategy for the development of an area, and the assessment of areas for growth and site options, including engagement with communities and stakeholders. It is unclear how this can be achieved</p> <p>A period of 12 months is insufficient to assess issues, identify and test alternative options and draw up a proposed Plan including engagement with stakeholders and communities, and decision making process. There is no flexibility to allow alteration to plan during its preparation.</p> <p>9 months is an unrealistic timeframe for the examination of plan, where there may be a need for modifications to be made and consultation to be held on these, and where the Planning Inspectorate may have insufficient capacity to resource examinations. 6 weeks may be an insufficient period for Councils decision making pathways to finalise and approve the Local Plan maps, key and text.</p> <p>Given there is a legal requirement to review plans every 5 years it is unclear why the timescale is not in-line with this i.e. 60 months, to allow for proper and appropriate plan making.</p> <p>Greater community engagement in shaping the preparation of plans is not likely to be possible through the proposed 30 month timeframe.</p>

Question	Response
Q13a. Do you agree that Neighbourhood Plans should be retained in the reformed planning system? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	<p>Yes.</p> <p>However, it is unclear what scope will remain for Neighbourhood Plans to set local policies other than site allocations, given it is proposed that development management policies would be set nationally. Clarity is needed about how Neighbourhood Plans will work alongside more standardised Local Plans.</p>
Q13b. 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?	Financial and technical support will need to be provided and made available to Parish Councils / community groups preparing Neighbourhood Plans so that they can use digital tools.
Q14. Do you agree there should be a stronger emphasis on the build out of developments? If so, what further measures would you support? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	<p>Yes.</p> <p>The principle of masterplans and design codes for sites prepared for substantial development to include a variety of development types by different builders which allow more phases to come forward together is supported. This will enable SMEs and self-builders to access sites previously dominated by the largest national house builders. It will enable more choice in the houses brought to market and help increase market absorption.</p> <p>The Government's proposals should include a requirement for developers to provide Local Planning Authorities with a trajectory for the build out of their sites, and for this to be updated annually. The requirement should also include an explanation for why build out rates are not being achieved and what measures the developer will take to remedy this.</p>
<p><b><i>Pillar Two: Planning for beautiful and sustainable places</i></b>  <i>Proposals Summary</i></p>	

Question	Response
	<ul style="list-style-type: none"> <li>• <b>Proposal 11:</b> To make design expectations more visual and predictable we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.</li> <li>• <b>Proposal 12:</b> To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making</li> <li>• <b>Proposal 13:</b> To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis on delivering beautiful places.</li> <li>• <b>Proposal 14:</b> We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.</li> <li>• <b>Proposal 15:</b> We intend to amend the NPPF 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.</li> <li>• <b>Proposal 16:</b> We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.</li> <li>• <b>Proposal 17:</b> Conserving and enhancing our historic buildings and areas in the 21<sup>st</sup> century.</li> <li>• <b>Proposal 18:</b> To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2015.</li> </ul>
<p>Q15. What do you think about the design of new development that has happened recently in your area? <b>[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn’t been any / Other – please specify]</b></p>	
<p>Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? <b>[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]</b></p>	

Question	Response
<p>Q17. Do you agree with our proposals for improving the production and use of design guides and codes? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>Yes.</p> <p>The principle of a national design code is supported but it must be realistic, achievable and practicable. It must also be sufficiently flexible to allow for local characteristics to be picked up through the preparation design guides and codes.</p> <p>There must be clear guidance what is expected at producing local design guides and codes and engaging with local communities, and what status these will have in terms of being used for planning decision making purposes</p> <p>It is not made clear how the preparation of design guides and codes will be resourced and what training will be provided, and that those Local Authorities without the funding and skills are not disadvantaged.</p>
<p>Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>The principle of the new body to support design coding and building better places, and that each local authority should have a chief officer for design and place-making is supported. However, it is not clear what the status of the chief officer for design and place-making will be (i.e. will the post be a legal requirement), and how this post will be resourced.</p>
<p>Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? <b>[Yes /</b></p>	<p>Yes.</p> <p>The giving greater emphasis to design in the strategic objectives for Homes England is supported. Homes England should also take design considerations into account in the assessment of Local</p>

Question	Response
<b>No / Not sure. Please provide supporting statement.]</b>	Authority bids for grant funding, to help provide financial support to proposals for well-designed places.
Q20. Do you agree with our proposals for implementing a fast-track for beauty? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	<p>Not sure.</p> <p>The principle of fast-track for beauty is supported, including placing a requirement for masterplans and site-specific design codes to be agreed as a condition for significant development in growth areas prior to detailed proposals coming forward.</p> <p>However, insufficient information is provided for his fast track for beauty will work in practice. The fast track should not be means for securing planning approval of development which may otherwise be unacceptable in planning terms (i.e. poor access etc).</p> <p>Guidance will be needed on what will be the minimum expectation for the content of masterplans, governance arrangements for their preparation (Local Authority led?) and how they will be paid for.</p>
<p><b><u>Pillar Three: Planning for infrastructure and connected places</u></b></p> <p><b><u>Summary of Proposals</u></b></p> <ul style="list-style-type: none"> <li>• <b>Proposal 19:</b> The CIL 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.</li> <li>• <b>Proposal 20:</b> The scope of the Infrastructure Levy could be extended to capture changes of use through PDR</li> <li>• <b>Proposal 21:</b> The reformed Infrastructure Levy should deliver affordable housing provision.</li> <li>• <b>Proposal 22:</b> More freedom could be given to LA's over how they spend the Infrastructure Levy</li> <li>• <b>Proposal 23:</b> 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. In doing so, we propose this strategy will be developed including the following key elements: <ul style="list-style-type: none"> <li>• Cost of planning system funded by developers and landowners</li> <li>• Planning fees national basis</li> <li>• Small proportion earmarked for Local Plans, design codes and enforcement</li> <li>• Regulations review</li> <li>• General tax to fund some planning as public benefits from good planning</li> </ul> </li> </ul>	

Question	Response
	<ul style="list-style-type: none"> <li>• New burdens for transitional period</li> <li>• New performance framework for Local Plans and enforcement</li> <li>• PINS to become self-financing</li> <li>• Skills and training for local government to lead</li> <li>• Reform to include significant digital and geospatial capability improvement</li> </ul> <ul style="list-style-type: none"> <li>• <b>Proposal 24:</b> We will seek to strengthen enforcement powers and sanctions</li> </ul>
<p>Q21. When new development happens in your area, what is your priority for what comes with it? <b>[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]</b></p>	
<p>Q22a. Should the Government replace the CIL and Section 106 planning obligations with a new consolidated 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? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>No.</p> <p>We recognise that a consolidated infrastructure levy at national level could help provide greater certainty to the development industry and speed up negotiations on planning applications. It could save resources and expense incurred by Local Authorities in setting a CIL charge. It might also help suppress land values in high value areas and enable Local Authorities to capture more of the land value to pay for infrastructure.</p> <p>However, a one size fits all approach is unlikely to work well for all Local Authorities, since viability will vary from place to place depending on development costs, where there may be local or site specific constraints, and where there may be specific infrastructure requirements. It could result in developers not bringing sites forward for development, or funding gaps arising.</p>

Question	Response
<p>Q22b. Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? <b>[Nationally at a single rate / Nationally at an area-specific rate / Locally]</b></p>	<p>Locally.</p> <p>Infrastructure Levy rates should be set locally and Local Authorities should continue to be able to seek S106 planning obligations without pooling restrictions</p> <p>This is since a one size fits all approach is unlikely to work well for all Local Authorities, since viability will vary from place to place depending on development costs, where there may be local or site specific constraints, and where there may be specific infrastructure requirements. It could result in developers not bringing sites forward for development, or funding gaps arising.</p> <p>Experience has shown that S106 planning applications are an effective way of ensuring developer contributions are secured that directly related to planning proposals.</p> <p>Clear guidance should be provided setting out how infrastructure rates can be set locally</p>
<p>Q22c. 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? <b>[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]</b></p>	<p>More value.</p> <p>Capturing more value can support greater investment in infrastructure that can help to future proof growth areas. It can help support more comprehensive approaches to infrastructure provision in line with longer term strategies in Plans, and avoid interim and short term fixes to infrastructure deficits.</p>
<p>Q22d. Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>There is a risk of Local Authorities in borrowing against the Infrastructure Levy particularly during periods of economic uncertainty. Where Local Authorities choose to borrow money against forecast levy receipts in order to forward fund infrastructure projects, loans would need to be guaranteed/underwritten (by Government) in the event that the levy receipts did not materialise.</p>

Question	Response
<p>Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through PDR? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Yes.</p> <p>There is a need to capture planning gain from developments that will go through alternative consenting regimes, otherwise these developments may contribute to the demands and pressures place on infrastructure but would not make any contribution towards the improvement it. of that infrastructure</p>
<p>Q24a. 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 housing provision as at present? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Yes.</p> <p>At least the same amount should be maintained. Preference should be for on-site provision or meeting needs where it arises.</p>
<p>Q24b. 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? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Not sure.</p> <p>Preference would be in-kind payment as 'right to purchase' would create a significant burden on Local Authorities to administer.</p>
<p>Q24c. If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? <b>[Yes / No / Not sure. Please provide supporting statement.]</b></p>	<p>Yes.</p> <p>To avoid overpayment to Council's and Council's needing to repay the money back.</p>

Question	Response
Q24d. In an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	Yes.  There should be a requirement placed on developers to provide affordable housing that is constructed to the same standard, or better, than that provided directly by Registered Providers e.g. space and accessibility standards.
Q25. Should LA's have few restrictions over how they spend the Infrastructure Levy? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	Yes.  The ability for Local Authorities to spend the infrastructure levy on policy priorities is supported in principle, provided there are controls to ensure that this is not to the detriment of infrastructure required to support planned growth and development for which the levy is intended.
Q25a. If yes, should affordable housing 'ring-fence' be developed? <b>[Yes / No / Not sure. Please provide supporting statement.]</b>	No.  Critical infrastructure needed to support planned growth and development should be ring-fenced first before infrastructure levy is identified for other infrastructure and affordable housing. To ensure affordable housing is provided for.
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 Equalities Act 2010?	No.
Other matters where no specific question has been asked	The White Paper makes reference to, but does not ask specific questions on the following matters:  Skills strategy – the development of a comprehensive resources and skills strategy for the planning sector is supported. This is considered essential to support the implementation of the reforms, together with Government funding for local planning authorities.

Question	Response
	<p data-bbox="730 264 2016 331">Enforcement – the strengthening of enforcement powers and sanctions is supported, to help uphold a rules-based system and to provide confidence to communities.</p> <p data-bbox="730 367 2016 400">Planning fees – planning fees should cover at least the full cost of processing each application type.</p>

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Ministry of Housing,  
Communities &  
Local Government

# Changes to the current planning system

Consultation on changes to planning policy and regulations



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August 2020

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# Scope of the consultation

Topic of this consultation:	This consultation seeks views on a range of proposed changes to the current planning system including: <ul style="list-style-type: none"> <li>• changes to the standard method for assessing local housing need</li> <li>• securing of First Homes through developer contributions</li> <li>• temporarily lifting the small sites threshold</li> <li>• extending the current Permission in Principle to major development</li> </ul>
Scope of this consultation:	The Ministry of Housing, Communities and Local Government is consulting on changes to planning policy and legislation.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	N/A

## Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 8 weeks from 06 August 2020 and will close at 23.45 on Thursday 1 <sup>st</sup> October 2020.
Enquiries:	For any enquiries about the consultation please contact:  <a href="mailto:TechnicalPlanningConsultation@communities.gov.uk">TechnicalPlanningConsultation@communities.gov.uk</a>
How to respond:	You may respond by going to our website:  <a href="http://www.gov.uk/government/consultations/changes-to-the-current-planning-system">www.gov.uk/government/consultations/changes-to-the-current-planning-system</a>  Alternatively you can email your response to the questions in this consultation to:  <a href="mailto:TechnicalPlanningConsultation@communities.gov.uk">TechnicalPlanningConsultation@communities.gov.uk</a>  If you are responding in writing, please make it clear which questions you are responding to.

Written responses should be sent to:  
Changes to the current planning system consultation  
Ministry of Housing, Communities and Local Government,  
3rd Floor, South East Fry Building  
2 Marsham Street  
LONDON  
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable), and
- the name of organisation (if applicable).

# Introduction

1. Since 2010 the Government has introduced planning reforms to improve the current system. In 2010 only 17% of local authorities had local plans in place and now 91% of local authorities have plans. Over 2,700 groups have started the neighbourhood planning process since 2012. We've delivered over 1.5 million new homes since 2010 including over 241,000 last year alone – that's the highest level for over 30 years. And planning permissions for new homes have more than doubled since 2010. But this isn't enough – we want to deliver the housing people need because happier, more rooted communities bring our country together.
2. *Planning for the Future*<sup>1</sup> sets out plans to undertake a fundamental reform of the planning system and explains that this would be accompanied by shorter-term measures. This consultation sets out proposals for measures to improve the effectiveness of the current system. The four main proposals are:
  - changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in *Planning for the Future*;
  - securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
  - temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units to support SME builders as the economy recovers from the impact of Covid-19;
  - extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first.

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<sup>1</sup> See *Planning for the Future* <https://www.gov.uk/government/consultations/planning-for-the-future>

# The standard method for assessing housing numbers in strategic plans

3. This consultation is seeking views on changes to planning practice guidance on the standard method for assessing local housing need (“the standard method”). The standard method provides the starting point for planning for housing and does not establish the housing requirement.
4. The standard method was first implemented in 2018 through the revised National Planning Policy Framework<sup>2</sup> to make assessing the minimum number of homes needed in an area easier, cheaper and more transparent. In February 2019, following the technical consultation on updates to national planning policy and guidance, a short-term change was made to the standard method. At the same time, a commitment was made to review the formula to balance the need for clarity, simplicity and transparency for local communities with the Government’s aspirations for the housing market.
5. This part of the consultation is about the standard method for assessing local housing need. There are wider policy proposals for introducing a standard method for setting binding housing requirements, set out in the separate consultation *Planning for the Future*<sup>3</sup>. It is the Government’s intention that the method set out in this document would form part of the process for setting any binding housing requirement. However, this consultation does not set out how this binding requirement would be calculated, which will be determined following the *Planning for the Future* consultation. Instead, it proposes a revised standard method for calculating local housing need which will be used as the basis for plans created prior to any changes outlined in *Planning for the Future* being introduced.

## Boosting Supply

6. This consultation should be read in the context of the wider government reforms *Planning for the Future* in relation to the planning system and in particular the reforms to ensure sufficient land is released for homes. As this sets out, our aspirations are to create a housing market that is capable of delivering 300,000 homes annually and one million homes over this Parliament. Adopted local plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (241,000).

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<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>3</sup> See the wider reform policy paper Proposal 4 within *Planning for the Future*.

## The role of the standard method in strategic plans

7. Plans are a key vehicle for ensuring that the community gets its chance to shape the development that takes place in its area. The standard method identifies the minimum number of homes that a local authority should plan for in an area. The National Planning Policy Framework is clear that this number should be considered in making sure enough land is identified to accommodate the new homes our communities need. Once the quantity of homes has been identified by the standard method, the supporting policy encourages local authorities to then consider how these can best be accommodated – through a combination of intensification and densification of brownfield land, regeneration of former commercial sites and under-used sites such as car parks, through well-planned new settlements and urban expansions.
  
8. The National Planning Policy Framework and associated planning practice guidance<sup>4</sup> set out that local areas should identify enough land by using the housing need reflected by the standard method to:
  - a. identify the minimum number of homes that their communities need;
  - b. consider whether local circumstances mean that actual need is higher than that minimum (because, for example, strategic infrastructure is expected or growth beyond past trends is anticipated);
  - c. seek as a minimum to meet those needs by ensuring that sufficient land can be released over at least the next 15 years.
  
9. By directing that sufficient land should be released as above, the amount of need identified by the standard method has a direct influence on how many homes will be built in the future. It does not ensure that the homes are actually built - that is reliant on wider market conditions and targeted government interventions to support the market. However, identifying sufficient land so that the market is not prevented from delivering the homes that are needed is vitally important to prevent the under-delivery of the past from continuing to happen.
  
10. The overall level of need identified by the standard method therefore needs to be sufficient to ensure that land supply does not become a limiter in achieving national supply aspirations.

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<sup>4</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

# The current standard method for assessing local housing need

11. The Government introduced the standard method to make the process of identifying the level of need in an area simple, quick and transparent. Previously, local authorities spent time and money estimating need and these numbers were heavily contested at examination. The standard method is designed to cut this time and ensure that the plan-making process focuses on how and where the homes can best be built, how they can be best designed and how the infrastructure can be aligned rather than time-consuming debates about the number of homes. The Government is clear that the standard method has an important role in achieving these ends and that it should continue to be: an easy and transparent process for people to understand; based on publicly available data; and reflect the need for homes in an area by taking in account the affordability of homes locally.
12. Currently, the method comprises a baseline of household projections which are then adjusted to take account of affordability and capped to limit the increase for areas. Step 1 of the current method sets the baseline using a 10-year average of the 2014-based national household growth projections. Step 2 goes on to adjust the Step 1 outcome based on the affordability of the area, using the most recent median workplace-based affordability ratios so that for each 1% the ratio is above 4, the average household growth is increased by a quarter of a percent (with a ratio of 8 representing a 100% increase). Step 3 then applies a 40% cap to limit the increases an individual local authority can face. The way this cap is applied depends on the current status of an area's strategic policies for housing.
13. Household projections, used in the current method, have attracted criticism for their volatility and the way in which they can result in artificially low projections in some places, where overcrowding and concealed households suppress the numbers. Crucially, they cannot in isolation forecast housing need – they project past trends forward. Despite this, we have seen many progress arguments that recent reductions in projected growth should lead to less homes being built. This should not be the logical conclusion, as the Office for National Statistics (ONS) has clarified<sup>5& 6</sup>.
14. Improvements on the standard method are designed in order to:
  - a. Ensure it is more agile in using up-to-date data. We announced in the February 2019 Government response to the technical consultation on updates to national planning policy and guidance<sup>7</sup>, that the standard method would remain based on the 2014-based household projections. While this

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<sup>5</sup> <https://blog.ons.gov.uk/2018/10/19/what-our-household-projections-really-show/>

<sup>6</sup>

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/articles/variant-household-projections-for-england/2016-based#things-you-need-to-know-about-this-release>

<sup>7</sup> <https://www.gov.uk/government/consultations/changes-to-planning-policy-and-guidance-including-the-standard-method-for-assessing-local-housing-need>

was an appropriate solution in the short-term, a new standard method is intended to be more agile in using the most recent data.

- b. Achieve a better distribution of homes where homes are identified in more high-demand areas and in emerging demand areas across the country (such as the Northern Powerhouse). This will help avoid issues where unaffordable areas in high demand are planning for low numbers of homes due to past trends of suppressed household formation. In addition, the Government has heard powerful representations that the current formula underestimates demand for housing in the growing cities in the Northern Powerhouse by being based on historic trends.
- c. Provide stability to the method by smoothing out areas of potential volatility so that the basis on which local authorities are expected to plan for is more predictable.
- d. Be consistent with the Government's ambition for a housing market that supports 300,000 homes by creating a method with a suitable overall national number that enables achievement of this aim.

15. The Government has welcomed contributions from experts, including Savills<sup>8</sup> and Lichfields<sup>9</sup>, on helpful proposals on how to adjust the methodology to address better these issues of alignment with real demand, stability, and consistency with the overall 300,000 target. There is general support for incorporating housing stock into the methodology, as a way of balancing out some of the issues identified with relying on household projections in isolation. We have taken into consideration the varied and useful feedback, both on the individual data inputs and also on how these might be applied in informing options for consideration.

16. In line with our commitments<sup>10</sup>, we are now proposing a revised standard method which aligns with the Government's aspirations for the housing market. This should provide stability and certainty for all stakeholders and seek to address the issues with the current approach and use of household projections identified above.

## The Government's proposed approach

17. The Government has based the proposed new approach on a number of principles for reform. These include ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where they are least affordable.

18. The standard method results in a local authority-wide number that needs to be planned for. The local area then decides how and where in their authority that need is best met in accordance with national policy. The supporting policy is not the

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<sup>8</sup> <https://pdf.euro.savills.co.uk/uk/spotlight-on/housing-need-and-the-standard-method-may-2020.pdf>

<sup>9</sup> <https://lichfields.uk/blog/2020/may/21/setting-the-standard-towards-a-new-method-for-housing-need/>

<sup>10</sup> <https://www.gov.uk/government/publications/planning-for-the-future>

subject of this consultation, but wider reforms proposed in the *Planning for the Future* consultation are focusing on how land supply policies would operate going forward. As such, this standard method provides the starting point and not the final housing requirement.

19. The new standard method should ensure that all areas of the country are encouraged to build the homes their communities need. The reasons for which homes are needed varies in different areas of the country. In some areas, new homes can play a vital role in schemes to regenerate deprived areas. In others the existing stock doesn't meet the needs of the existing communities in terms of providing the right size, type and tenure for different groups within the community and new homes are required to address this.
20. We therefore propose to introduce a new element into the standard method, a percentage of existing housing stock levels, which takes into account the number of homes that are already in an area. This should ensure that diverse housing needs in all parts of the country are taken into account. It should also offer the stability and predictability which has been absent when solely relying on household projections.
21. However, household projections, which are based on freely and publicly accessible data available at a local authority level, are still the most robust estimates of future growth trends. Projections have been used for decades in the planning system as a basis for future housing land requirements due to their simple and relatable concept of linking housing growth to the population. Therefore, we propose to retain a role for them as part of the new blended approach which takes account of stock. This helps achieve the stability and distributional benefits offered by stock whilst not losing the benefits of using projections. Further details of the exact approach are set out below.
22. The Government also proposes to introduce an affordability adjustment that takes into account changes over time, in addition to the existing approach of considering absolute affordability. This will increase the overall emphasis on affordability in the formula and ensure that the revised standard method is more responsive to changing local circumstances, so that homes are planned for where they are least affordable. For example, where affordability improves, this will be reflected by lower need for housing being identified. The Government also proposes to remove the cap which artificially suppresses the level of housing identified.

## Step 1

### **Setting the baseline – providing stability and certainty by incorporating a blend of household projections and stock**

23. We consider that the **baseline for the standard method should be *whichever is the higher of 0.5% of existing housing stock in each local authority OR the latest projected average annual household growth over a 10-year period.***

24. Recognising the limitations of household projections for the purposes of identifying housing need, the Government considers that they continue to remain the best way of projecting forward likely trends in household formation. Household projections therefore continue to form a part of the baseline, but will act as a “top-up” to a basic percentage of existing stock in each area. This allows areas that experience significant increases in projections compared to existing stock to plan for the homes they may need as a result of recent trends. This results in a “higher of” approach.
25. Focusing the new standard method baseline on stock with a household projections “top-up” helps bring stability to the method. This is because stock is stable and does not vary significantly, unlike a household projections-only approach. It is based on current data, and is also a tangible and easily understandable concept. Using stock will ensure that all areas, as a minimum, are contributing a share of the national total, proportionate to the size of their current housing market. Basing the approach on stock also helps to reinforce development in existing urban areas, thereby ensuring that new homes can maximise existing infrastructure such as public transport, schools, medical facilities and shops.
26. We propose a simple 0.5% of existing stock as a starting point for the baseline. The most robust data source of stock levels is the annually published **Dwelling stock estimates by local authority districts<sup>11</sup> and the most recent data published at the time should be used**. The number of net additional dwellings delivered in 2018-19 represents an increase of approximately 1% on the previous dwelling stock estimate of 24.2 million dwellings in England as at March 2018. 0.5% represents a basic level of increase in all areas without putting a disproportionate emphasis on existing stock levels.
27. The **household projections element of the baseline will use the latest ONS national household growth projections<sup>12</sup>** for the local authority area (Principal projection, table 406). The projected **average annual household growth over a 10-year period** (10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period) will be used.
28. **Whichever is higher of 0.5% of existing stock or the projected average annual household growth over a 10-year period will be used as the baseline**. Note the overall outcome of the baseline should not be considered in isolation, as it forms proportionately less of the overall need number than the current standard method does. This is because the revised formula puts a greater weighting on market signals in Step 2.

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<sup>11</sup> <https://www.gov.uk/government/collections/dwelling-stock-including-vacants> (Table 125)

<sup>12</sup>

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/householdprojectionsforengland>

**Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is *whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?***

**Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.**

## Step 2

### Adjusting for market signals – maintaining price signals using the current affordability ratio and the change in affordability over the last 10 years

29. We propose the standard method will include two adjustments to the baseline using **the workplace-based median house price to median earnings ratio**<sup>13</sup>. Initially it is proposed that the **ratio for the most recent year for which data is available** in order to address current affordability of homes would be used. Then **how affordability has changed over the last 10 years of published data** would be incorporated, using that same statistic.

30. The precise formula is as follows:

*Adjustment Factor*

$$= \left[ \left( \left( \frac{\text{Local affordability ratio}_{t=0} - 4}{4} \right) \times 0.25 \right) + \left( (\text{Local affordability ratio}_{t=0} - \text{Local affordability ratio}_{t=-10}) \times 0.25 \right) \right] + 1$$

Where  $t = 0$  is current year and  $t = -10$  is 10 years back.

31. The Government considers that price signals, in the form of an affordability adjustment, are an integral part of the standard method. High house prices indicate a relative imbalance between the supply and demand for new homes, making homes less affordable. The affordability of homes is the best evidence that supply is not keeping up with demand.

32. The workplace-based median house price to median earnings ratio is a nationally recognised and robust publicly available national statistic. It reflects the relationship between local house prices and earnings and is relatively stable over time. Using a ratio based on house price aligns with Government aspirations about home ownership and importantly it ensures that the standard method is responsive and

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<sup>13</sup>

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

targeted to where affordability issues are most acute. Consideration has been given to the relative merits of the house price to workplace-based earnings ratio against the house price to residence-based earnings ratio. The workplace-based ratio (used in the current standard method) is felt to be most appropriate.

33. Using the most recent ratio enables an assessment of current affordability in an area. This ensures the formula responds to the most recent data. Incorporating an affordability trend over a 10-year period enables an assessment of the direction of travel in an authority area. Where affordability improves, a proportionately lower need level will be established. However, if an area's affordability worsens, then the housing need identified will be proportionately higher.
34. The affordability adjustment is a two part method aimed to deliver greater overall emphasis on affordability than in the current standard method. It is also designed to factor affordability changes over a 10-year period.
35. Part one of the affordability adjustment follows a similar method to that used in the current standard method. For each 1% the ratio is above 4, the baseline is increased by a quarter of a percent. Current guidance states that no adjustment is applied where the ratio is 4 or below. However, now that stock helps to stabilise the baseline, the affordability element of the new standard method can be responsive in areas where affordability is below 4 and we propose to amend guidance to this effect.
36. The formula now allows for downwards adjustments, where for each 1% the ratio is below 4, the baseline is decreased by a quarter of a percent. This means that these areas would not experience an uplift on the baseline as a result of this element of the formula. Four is the threshold as four times a person's earnings<sup>14</sup> is the maximum amount that can typically be borrowed for a mortgage - if an average worker cannot get a mortgage for an average home in the area without additional help then there are not enough homes in the area.
37. Part two of the affordability adjustment focuses on the absolute difference between the latest affordability ratio and the affordability ratio 10 years ago. The difference calculated is multiplied by a factor of 0.25. This emphasis puts more pressure on local authorities whose affordability ratio has increased over the 10-year time frame, but likewise allows for local authorities whose ratio has improved to benefit from reductions in their affordability adjustment.
38. The affordability adjustment in part one and part two are added together (with a constant of 1), to reach a total affordability factor which is subsequently applied to the baseline. The combined effect is an increased responsiveness to affordability, reflecting the importance that the Government attaches to this.

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<sup>14</sup> The Council Mortgage Lenders found that in 2015 the average first time buyer loan to income ratio in England was 3.61.

39. Unlike the previous method, the new standard method does not have a cap applied to limit the level of increase for individual authorities. The Government is clear that in order to significantly boost the supply of homes and address the past under-supply as quickly as possible, a step change is needed. Capping the level of need is not compatible with this aim. In no longer applying a cap, the resultant housing need is the level of need that authorities should be planning to release land for, according to their specific circumstances.

**Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.**

**Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.**

**Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.**

## Result of the revised standard method

40. The new standard method results in a national housing need of 337,000 on the basis of currently available data. This is the starting point for planning and not the final housing requirement. Not all homes that are planned for are built, therefore the new standard method total is designed to provide enough land to account for the drop-off rate between permissions and completions.

41. The revised method identifies 76% of local housing need nationally focused in local authorities classified as urban (10,000 people of more in a built-up area – i.e. major and minor conurbations, cities and towns and towns in a sparse setting) by the 2011 ONS classification<sup>15</sup>. This will make the most of our transport hubs, support the objectives of brownfield-first and gently densifying urban areas, including building upwards where appropriate.

42. At a local authority level, the revised method will affect individual authorities differently. 141 authorities (excluding London boroughs) have a change of over 25% when compared to the higher of what areas have most recently planned for or the number produced by the current standard method.

## Transition

43. The Government is aware that any change in the standard method will have an impact for plans that are currently under development, as authorities expend

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<sup>15</sup>

<https://www.ons.gov.uk/methodology/geography/geographicalproducts/ruralurbanclassifications/2011ruralurbanclassification>

considerable resources in developing new plans. To enable an orderly transition to the revised standard method, and achieve as much short-term supply as possible while setting the right expectations for early stage plan-making, **we propose that from the publication date of the revised guidance, authorities which are already at the second stage of the strategic plan consultation process (Regulation 19)<sup>16</sup> are given 6 months to submit<sup>17</sup> their plan to the Planning Inspectorate for examination. Authorities close to publishing their second stage consultation (Regulation 19)<sup>18</sup>, should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan and a further 6 months to submit their plan to the Planning Inspectorate.** This is to strike a balance between allowing an appropriate transition period for plans that are nearly through the process, but without causing a significant delay in planning for a higher level of need.

**Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:**

**Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?**

**Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?**

**If not, please explain why. Are there particular circumstances which need to be catered for?**

Please see question 35 for any comments relating to the Public Sector Equality Duty and the standard method.

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<sup>16</sup> For Spatial Development Strategies this would refer to consultation under s335(2) of the Greater London Authority Act 1999

<sup>17</sup> For spatial development strategies, 'submission' in this context means the point at which the Mayor sends to the Panel copies of all representations made in accordance with regulation 8(1) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent.

<sup>18</sup> See footnote 17 above

## Next steps

44. Following the outcome of this consultation, the Government will update the planning practice guidance with the revised standard method for assessing local housing need.

# Delivering First Homes

45. This Government is committed to supporting people to make the dream of home ownership a reality. Over 644,000 households have now been helped by Government schemes, including Help to Buy and Right to Buy, and we are taking steps to ramp up the supply of new housing. We are undertaking the most radical reforms to our planning system since the Second World War, making it easier to build homes where they are most needed. Our £400m Brownfield Land Fund and Home Builders Fund will support the levelling up of home building across the country and our stamp duty holiday, applying to the first £500,000 of property sales, will give a much-needed boost to the economy, helping even more people to own homes of their own.
46. However, ensuring access to home ownership remains one of the greatest challenges for this Government. Although polling shows that 87% of people would prefer to own a home given a free choice, high prices, high deposits and difficulty accessing mortgage finance still mean that far too many people are denied this opportunity. This is why we are determined to ensure that First Homes are built in all parts of the country.
47. The Government consulted on its First Homes proposals in February 2020<sup>19</sup>. This included consultation around both the design of the First Homes scheme and changes to the planning system to support its delivery. The Government has published a response to this consultation<sup>20</sup> and is now seeking views on the detail of the proposed changes to the current planning system.

## The Government's proposed approach

### Setting developer contributions for First Homes

#### **Percentage of affordable housing secured through developer contributions**

48. The Government intends to set out in policy that a minimum of 25 per cent of all affordable housing units secured through developer contributions should be First Homes. This will be a national threshold, set out in planning policy. Initially these will be secured through section 106 planning obligations but, under proposed reforms, these would subsequently be secured through the Infrastructure Levy (see Pillar Three of *Planning for the Future*).
49. In accordance with paragraph 62 of the National Planning Policy Framework, affordable housing is expected to be delivered onsite unless offsite provision or a financial contribution in lieu can be justified. Currently, around four per cent of

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<sup>19</sup> First Homes: Consultation on the design and delivery of First Homes.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/864265/First\\_Homes\\_consultation\\_document.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864265/First_Homes_consultation_document.pdf)

<sup>20</sup> <https://www.gov.uk/government/consultations/first-homes>

affordable housing contributions are secured as cash or land contributions, rather than as onsite affordable housing. Therefore, in the majority of cases we would expect this policy to be delivered onsite. However, where cash contributions to affordable housing are secured instead of onsite contributions, a minimum of 25 per cent of these should be used to secure First Homes. This could be achieved, for instance, by acquiring additional First Homes from market development, paying the developer a sum to offset the discount from market price, and securing the tenure through section 106 planning obligations. Where a mixture of cash and onsite contributions are secured, 25% of the overall value of contributions should be applied to First Homes.

50. Local authorities should already have affordable housing policies set out in their local plan, which will include the amounts of affordable housing to be sought, and the tenure mix of this housing. The National Planning Policy Framework currently states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Under our intended approach, therefore, it is necessary to define the criteria for policy compliance, under which a development is assumed to be viable.
51. The Government proposes that, under the new system, a policy compliant planning application should seek to capture the same amount of value as would be captured under the local authority's up-to-date published policy. For instance, a local policy may require 20% affordable housing on site, half of which is shared ownership, and half of which is social rent. The plan viability assessment will set out assumptions on the amount of value captured – for example, a social rent home may be discounted by 50% from market price, and a shared ownership home may be discounted by 20%. This allows the total value captured under the policy to be calculated. This value can then be reallocated to a different affordable housing mix under the new policy.
52. In addition to capturing the same amount of value towards affordable housing as the existing policy, where onsite affordable housing is required, a policy compliant application will have a minimum of 25% of affordable housing units onsite as First Homes. For the remaining 75% of affordable housing secured through developer contributions, there are two broad options:
  - **Option 1:** Where a local authority has a policy on affordable housing tenure mix, that policy should be followed, but with First Homes delivering a minimum of 25% of the affordable housing products. First Homes should replace as a priority other affordable home-ownership products, as defined in the National Planning Policy Framework, prioritising the replacement of those tenures which secure the smallest discount from market price.
    - i. Where this replaces all home ownership products, any rental products are then delivered in the same ratio as set out in the local plan policy. For instance, if a local plan policy requires an affordable housing mix of 20% shared ownership units, 40% affordable rent units and 40% social rent units, a compliant application would deliver an affordable

housing tenure mix of 25% First Homes; 37.5% affordable rent and 37.5% social rent.<sup>21</sup>

- ii. Where this does not replace all home ownership products, the remainder of the home ownership tenures are delivered, and the rental tenure mix is delivered in line with the proportions set out in the local authority plan policy. For instance, if a local plan policy requires 80% of units to be shared ownership and 20% to be social rent, a policy compliant application would deliver 25% First Homes units, 55% shared ownership and 20% social rent.

- **Option 2:** A local authority and developer can negotiate the tenure mix for the remaining 75% of units.

53. If a local authority has an up-to-date policy on cash contributions in lieu of onsite contributions, then a policy compliant application will align with this approach.

54. Option 1 would provide more early clarity for developers as to what constituted a policy compliant development, and would reduce negotiation, which can slow the development process. Option 2 would give local authorities more flexibility but would increase delay. For that reason, the Government prefers Option 1.

55. Currently, sites or proposed developments such as those that provide solely for Build to Rent homes are exempt from requirements to deliver affordable home ownership products. This is set out in paragraph 64 in the National Planning Policy Framework. In line with existing policy, we are considering how to implement these exemptions with regards to First Homes.

**Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):**

- i) **Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.**
- ii) **Negotiation between a local authority and developer.**
- iii) **Other (please specify)**

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<sup>21</sup> The actual number of homes of any tenure type should be rounded to whole numbers, where the ratio would deliver, for instance, half an affordable home.

**With regards to current exemptions from delivery of affordable home ownership products:**

**Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?**

**Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.**

**Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.**

### **Local plans and transitional arrangements**

56. We recognise that local authorities may need to review the tenure mix for the remainder of the affordable housing that they are seeking to secure. Where local authorities choose to update their tenure mix to reflect this policy, they can do this through a local plan review, although we believe that prioritising the replacement of home-ownership tenures by First Homes will reduce the need for this.

57. We also recognise that there will be a number of local plans and neighbourhood plans that have been prepared based on the existing National Planning Policy Framework and that have reached more advanced stages of the plan-making process. Therefore, local plans and neighbourhood plans that are submitted for Examination within 6 months of this new policy being enacted will not need to reflect the First Homes policy requirements.

58. We also recognise that many developers will have been preparing planning applications under different assumptions. Where significant work has already been undertaken to progress a planning application, including where there has been significant pre-engagement with a local authority on the basis of a different tenure mix of affordable housing, the local authority should have flexibility to accept alternative tenure mixes, although they should consider whether First Homes could be easily substituted for another tenure, either at 25% or a lower proportion.

**Q12: Do you agree with the proposed approach to transitional arrangements set out above?**

### **Level of discount**

59. The minimum discount for First Homes should be 30% from market price which will be set by an independent registered valuer. The valuation should assume the home is sold as an open market dwelling without restrictions. Local authorities will have discretion to increase the discount to 40% or 50%. This would need to be evidenced in the local plan making process.

60. Where discounts of more than 30% are applied to First Homes, the requirement for a minimum of 25% of units onsite to be First Homes will remain in place.

### **Q13: Do you agree with the proposed approach to different levels of discount?**

#### **Community Infrastructure Levy**

61. In line with other affordable housing tenures, we intend to introduce an exemption from the Community Infrastructure Levy (CIL) for First Homes. We intend to introduce this national exemption through regulations.
62. Prior to regulations being laid, we encourage CIL charging authorities to make use of discretionary affordable housing relief in order to support immediate delivery of First Homes.
63. Further proposals are being developed for an Infrastructure Levy, which would replace CIL and Section 106 planning obligations. First Homes will remain integral to this approach, as will the delivery of affordable housing more generally. We will consider the balance of infrastructure and affordable housing as part of this approach.

#### **Exception sites**

##### **Exception sites and rural exception sites**

64. We intend to introduce a First Homes exception sites policy, to replace the existing entry-level exception sites policy. Exception sites are small sites brought forward outside the local plan to deliver affordable housing. Under the amended policy, we will specify that the affordable homes delivered should be First Homes for local, first-time buyers. There will be the flexibility in the policy to allow a small proportion of other affordable homes to be delivered on these sites where there is significant identified local need as well as a small proportion of market homes where this would be necessary to ensure the viability of the site overall. This policy will not apply in designated rural areas, where delivery will be through the rural exception sites policy.
65. We intend to remove the National Planning Policy Framework threshold on site size that currently applies for entry-level exception sites in footnote 33, but retain the requirement that First Homes exception sites should be proportionate in size to the existing settlement.
66. We intend to protect the important role that rural exception sites play in delivering affordable homes in rural areas, with rural exception sites being retained as a vehicle for delivering affordable housing in designated rural areas. However, we recognise that this delivery mechanism is currently underused in many cases, and we will update planning guidance in due course.

### **Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?**

### **Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?**

**Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?**

Please see question 35 for any comments relating to the Public Sector Equality Duty and the delivery of First Homes.

## Next steps

67. We intend to begin by making planning policy changes, to ensure that clear expectations are set. However, to ensure that First Homes are delivered, nationwide, on a consistent basis, we are keeping under consideration the option to strengthen the policy through primary legislation at a future date. We also intend to introduce an exemption from the Community Infrastructure Levy for First Homes, to enable delivery prior to wider developer contribution reform. This would require changes to regulations. Lastly, we are also considering significant reforms to the system of developer contributions. We will ensure that First Homes will continue to be delivered under a reformed approach.

# Supporting small and medium-sized developers

68. Small and medium-sized builders (SMEs) make an important contribution to overall housing supply. Small sites typically build out more quickly than larger sites, as they are less constrained by the market absorption rate. SMEs build the majority of smaller sites. In addition, the majority of apartments across the country are built by SME builders.<sup>22</sup> As well as having national importance, SMEs play a significant role in local areas – providing people with increased choice in type and design of housing. A range of builders, using different designs, across different site sizes in different locations increases build out rates and overall supply.
69. SME builders have been declining in the long term and were hit hard by the last recession. There were 16% more builder and developer insolvencies in 2019 than in 2018<sup>23</sup>, the vast majority of which were SMEs. They are now under further pressure due to Covid-19. We are committed to supporting SMEs and measures taken that support the sector include the Home Building Fund, Help to Buy programme and the ENABLE Build guarantee scheme. We are also providing a package of measures to help the sector grow and develop, including the Housing Growth Partnership, Housing Delivery Fund, as well as our ongoing reforms to the planning system.
70. Contributions from developers play an important role in delivering the infrastructure and affordable housing to support communities and local economies. Local authorities can obtain these contributions by negotiating section 106 planning obligations with a developer and charging a Community Infrastructure Levy on new development.
71. We have introduced legislation to give local authorities more flexibility to support SMEs, by allowing them to defer Community Infrastructure Levy payments. This will enable local planning authorities to support SMEs who are struggling with cashflow, while ensuring that local communities still receive contributions towards infrastructure from developers in the longer term.
72. To support SMEs in the medium term during economic recovery from Covid-19, we are also proposing to reduce the burden of contributions on SMEs for more sites for a time-limited period.

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<sup>22</sup> Source: MHCLG analysis of Glenigan data.

<sup>23</sup> Source: MHCLG analysis of [Insolvency Service statistics](#) on firms involved in the Construction of Buildings (SIC 41).

# Small sites planning policy

## Developer contributions

73. Research into developer contributions<sup>24</sup> has found that Section 106 planning obligations remain a core aspect of planning practice and recent reform of the system in 2019 has been largely welcomed. However, there are still inconsistencies in local planning authority practice and delay remains a hallmark of the system.
74. National policy is clear that affordable housing contributions should not be sought for developments of fewer than 10 units (small sites). This is to ensure that a disproportionate burden of developer contributions is not placed on SMEs. In designated rural areas policies may set out a lower threshold of five units or fewer. This approach was introduced through a Written Ministerial Statement in November 2014 and taken forward in the revised National Planning Policy Framework in 2018.
75. We are aware that the majority of local planning authorities have taken this approach forward. Only 8% of authorities have policies in up-to-date plans (less than five years old) that do not comply with national policy and are currently seeking affordable housing contributions for small sites.

## Economic recovery

### Extending the small sites policy

76. To stimulate economic recovery with a particular focus on SMEs, the threshold for affordable housing contributions could be raised. This would reduce the burden of developer contributions, as smaller sites are more likely to be built out by SMEs.
77. We understand the trade-off between introducing measures to increase the number of developable small sites and the importance of securing section 106 planning obligations to deliver affordable housing including First Homes. For example, for a threshold of up to 40 units we would expect to see a reduction of between 7% and 14% of section 106 affordable housing delivery over a single year, assuming overall housing delivery remained constant. For a threshold of up to 50 units, this would be between 10% and 20%. However, we anticipate that raising the threshold would make more sites viable for SME developers and would increase the pace of their delivery as the need for negotiation would be removed. On balance, the proposed approach would allow more small sites to come forward and help minimise the economic pressure that SMEs are under.

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<sup>24</sup> The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19. Joint research from the University of Liverpool, the University of Cambridge, the University of Sheffield and the London School of Economics <https://gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2018-to-2019-report-of-study>

78. To ensure that this measure is targeted at the economic recovery phase and does not inflate land prices in the longer term, we are proposing that the higher threshold is implemented for a time-limited period and lifted as the economy recovers from the impact of Covid-19. This should also minimise any constraints on the introduction of First Homes. We are keen to hear views on the benefits and impacts of this proposal on the delivery of new homes.

## The Government's proposed approach

79. We are proposing to raise the small sites threshold to up to either 40 or 50 new homes through changes to national planning policy and are seeking views on the most appropriate level. These thresholds balance the aim of supporting SMEs with the need to deliver new affordable homes. This will be for an initial period of 18 months in which we will monitor the impact of the raised threshold on the sector before reviewing the approach.

80. National policy currently sets out a site size threshold for residential development in addition to number of homes. It makes clear that affordable housing contributions should not be sought for developments that have a site area of less than 0.5 hectares. We propose to scale up the site size threshold at the same proportion as the increase in number of homes threshold and we are seeking views on whether this is the most appropriate approach.

81. There could be adverse threshold effects whereby developers attempt to bring forward larger sites in phasings of up to 40 or 50 homes (depending on which threshold is taken forward in legislation) to avoid contributions. To minimise the impact of this potential threshold effect, we propose to set out in planning guidance how local planning authorities can secure contributions for affordable housing where it is apparent that a larger site is being brought forward.

**For each of these questions, please provide reasons and / or evidence for your views (if possible):**

**Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?**

(see question 18 for comments on level of threshold)

**Q18: What is the appropriate level of small sites threshold?**

- i) Up to 40 homes
- ii) Up to 50 homes
- iii) Other (please specify)

**Q19: Do you agree with the proposed approach to the site size threshold?**

**Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?**

**Q21: Do you agree with the proposed approach to minimising threshold effects?**

## Affordable housing in rural areas

82. In designated rural areas, local planning authorities can set a lower threshold of five units or fewer in their plans. We are aware that rural local authorities secure greater proportions of their housing supply as affordable on average when compared to urban local authorities. In designated rural areas, we therefore propose to maintain the current threshold.

**Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?**

## Supporting SMEs

83. The Government recognises that in addition to planning contributions, there may be many reasons why SME builders are unable to access and progress developable sites during this time. We are keen to hear whether there are any other ways in which the Government can support SME builders to deliver new homes.

**Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?**

Please see question 35 for any comments relating to the Public Sector Equality Duty and the small sites proposals.

## Next steps

84. Following the consultation, a decision will be taken on whether to proceed with this approach. If it is taken forward, this could be through the introduction of a Written Ministerial Statement in the Autumn.

# Extension of the Permission in Principle consent regime

## Introduction of applications process for major developments

85. Permission in Principle was introduced in 2017 as a new faster way of obtaining planning permission for housing-led development, which reduced the need for landowners and developers to incur significant costs to establish the principle of development for housing. This was done by giving authorities the power to grant Permission in Principle to suitable sites allocated on registers of brownfield land. Subsequently, Permission in Principle by application was introduced in 2018, for minor development (i.e. small sites that support fewer than 10 dwellings).
86. Permission in Principle is designed to separate decision making on 'in principle' issues addressing land use, location, and scale of development from matters of technical detail, such as the design of buildings, tenure mix, transport and environmental matters. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to work up detailed plans and commission technical studies. It also ensures that the principle of development only needs to be established once.
87. The Permission in Principle consent route has two stages:
- the first stage ("Permission in Principle") establishes whether a site is suitable in-principle for development. This grant of Permission in Principle is for five years and no planning conditions can be attached to it
  - the second ('technical details consent') stage is when the detailed development proposals are assessed, and conditions can be attached
88. A grant of Permission in Principle plus a grant of technical details consent together equates to full planning permission.

## Securing the principle of development for housing on more sites

89. As part of our plans to support economic recovery, the Government wants to make it easier for landowners and developers to have certainty that the principle of development for housing only needs to be established once in the process before developers need to get into more costly, technical matters. This is particularly important for smaller sites which have not been allocated in local plans and where there is now, due to the rapidly changing economic circumstances, a desire by landowners to release the land for housing.
90. *Planning for the Future* proposes that land allocated for substantive development in local plans should be automatically granted a form of permission of principle so that

the principle of development is established, and subsequent consents only focus on detailed technical matters. As this new framework will take time to implement, the Government is keen to expand the current Permission in Principle framework for housing-led development as an early opportunity to move towards this new approach.

91. As part of this consultation, we are interested in your views on:

- extending the scope of the current Permission in Principle by application route to major development (not subject to EIA or habitats assessments);
- enhancing the information requirements and publicity arrangements for these applications;
- introducing a revised fee structure, at lower cost, to incentivise their use;
- including automatically any Permission in Principle granted onto Part 2 of the local brownfield land register; and
- strengthening guidance to support implementation.

## Extending Permission in Principle to cover major development

92. Since 2018, applications for Permission in Principle have gradually increased as more developers have become more aware of it. However, the restriction limiting the scope of the principle to minor development limits its potential. In particular, in town centres and other high-density urban areas, relatively small sites are capable of supporting apartment developments of over 10 units, making these sites ineligible for Permission in Principle applications.

93. For these sites, if they are brownfield, a landowner could approach the local planning authority to add the site to its brownfield land register where Permission in Principle status can be granted after consultation. However, this takes time and requires proactive local planning authority engagement. Or the landowner could submit a full or outline planning permission to secure the principle of development before they sell the land interests on to a developer; but given the level of detail required, these can be costly to prepare, take time to determine, and often the subsequent developer will submit a new outline or full application to reflect their own plans.

94. To address this current anomaly, we propose **to remove the restriction in the current Permission in Principle regulations on major development**<sup>25</sup>. This will enable applications for Permission in Principle to be made for a far wider range of sites, enabling more landowners and developers to use this route to secure permission for housing development. Currently, 84% of planning applications for residential development are for schemes of 10-150 homes, which deliver 46% of new housing development each year.

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<sup>25</sup> <http://www.legislation.gov.uk/uksi/2017/1309/made>

95. We envisage that a change of this kind will particularly benefit small and medium-sized developers who tend to focus on building smaller major developments. It will reduce their upfront planning costs and provide certainty quickly about the principle of development. In doing so, it will complement the Government's wider initiatives to support small and medium developers, including through the Home Builders Fund which provides loan funding to meet the development costs of building homes for sale or rent and where a loan offer is conditional on applicants having a clear route to achieving planning consent.
96. The existing restrictions in the Permission in Principle Regulations relating to EIA and Habitats requirements will remain, reflecting the fact that Permission in Principle is granted on the basis of limited technical information and there is not sufficient environmental information for these requirements to be accurately assessed at the point of decision.
97. This means Permission in Principle by application will not in practice be a route to permission for large sites capable of delivering more than 150 dwellings or more than 5 hectares – the EIA Regulations 2017 Schedule 2 threshold for urban development, save where a screening opinion has been obtained which concluded the proposal was not EIA development. Similarly, Permission in Principle will not be suitable for sites in areas where, applying the Conservation of Species and Habitats Regulations 2017, there is a probability or risk that the project is likely to have a significant effect on a European site, unless the application was accompanied by an appropriate assessment demonstrating there was unlikely to be significant impact on the site.

**Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?**

98. Permission in Principle by application may include other uses as retail, offices, or community spaces. However, housing must occupy the majority of the overall scheme. Additionally, non-housing development should be compatible with the proposed residential development.
99. The current regulations for Permission in Principle by application for minor development sets a limit of commercial development to 1,000 sqm, with a maximum size capped at 1 hectare. For the expanded Permission in Principle route extending to major development, **we do not propose to set a limit for commercial development space**. We do not believe it is necessary to limit the amount of commercial floorspace as it will still be the case that Permission in Principle should only be granted for development that is housing-led. Non-housing development that is compatible and well-integrated into residential development can help to create sustainable neighbourhoods.

**Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.**

## Process for making a Permission in Principle application for major development

100. We anticipate it will not be necessary to make any significant changes to the current process set out in regulations for granting Permission in Principle by application. We believe they will largely work for major developments too. This includes the 5-week determination period and the 14-day period for consultation with the public and statutory consultees, which is critical to ensuring an early decision on the principle of development. However, views are sought on maintaining the existing information requirements and publicity arrangements as these may need to be amended.

## Information requirements

101. The primary decisions about when to grant Permission in Principle will be locally driven, taking account of national and local policy. Permission in Principle must be followed by an application for technical details consent to agree the details of the scheme before the applicant obtains full planning permission and can start work on site.
102. We anticipate that the process for making a Permission in Principle application for a major development would follow these same procedures, where the relevant matters for consideration are location, land use and the amount of development.
103. A Permission in Principle application must be made in writing on a form published by the Secretary of State (or a form to substantially the same effect) and include the particulars specified or referred to in the form which include:
- a description of the proposed development,
  - the proposed minimum and maximum number of dwellings,
  - the amount of any non-residential development,
  - the size of the site in hectares, and
  - a brief description of any supporting information that is accompanying the application.
104. The local planning authority may not require the submission of any other information, including that specified on its local list.
105. For the Permission in Principle stage, we intend to apply broadly the same information requirements as for minor development applications<sup>26</sup> – that is, the developer would only have to provide information as to: the minimum and maximum net number of dwellings, and a map or plan of the site (drawn to an identified scale). Technical details consent requirements would provide the necessary supplementary information for the local planning authority to determine the application.

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<sup>26</sup> <http://www.legislation.gov.uk/ukxi/2017/1309/article/4/made> - Article 5D

106. However, we would be interested in whether, given the larger scale of development, there should be an additional maximum height threshold parameter, in terms of number of storeys, as part of the Permission in Principle. This would provide greater clarity to the applicant and local planning authority about the scale of housing development that is acceptable for the site, particularly in high density urban areas. Conversely, the inclusion of a maximum height parameter would add further complexity to the determination of Permission in Principle as it starts to bring in design considerations, and may in practice lead to greater confusion - for instance, a high height threshold may only be acceptable for part of the site given the impact on neighbouring dwellings.

**Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?**

**Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.**

## Publicity arrangements

107. Publicity requirements for Permission in Principle by application, as set out in regulations,<sup>27</sup> require local planning authorities to publicise consultations by site notice and by including the application on their website. By contrast, applications for planning permission<sup>28</sup> require a site notice, publication on the website and placing a notice in a local newspaper.

108. We consider that local communities should have the opportunity to make representation on major development that might affect them. We propose to amend the publicity requirements for Permission in Principle by application so applications for Permission in Principle on large sites are subject to publicity beyond just a site notice and website publication.

109. Given the shorter timescales for determining Permission in Principle applications we want to ensure that local communities are notified quickly about an application. In May 2020 we introduced temporary regulations to provide flexibility to how local planning authorities can publicise applications if they cannot meet existing statutory requirements, including through the use of social media. We would like to understand whether there would be benefits in amending the publicity requirements for Permission in Principle to enable similar flexibility or whether they should be subject to more traditional publicity requirements such as notices in newspapers.

110. We plan to retain the current publicity requirements for statutory consultees and parish councils.

**Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:**

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<sup>27</sup> <http://www.legislation.gov.uk/uksi/2017/1309/made>

<sup>28</sup> <http://www.legislation.gov.uk/uksi/2015/595/article/15/made>

- i) required to publish a notice in a local newspaper?
- ii) subject to a general requirement to publicise the application or
- iii) both?
- iv) disagree

If you disagree, please state your reasons.

## Revised fee structure to incentive Permission in Principle by application

111. The current fee for Permission in Principle by application for minor development is £402 per 0.1 hectare (capped at a maximum of 1 hectare), which is to cover the costs incurred in processing the application, as well as the costs of undertaking consultation and assessment against local and national policy.
112. Under this fee structure, a Permission in Principle application for a 1-hectare development would cost approximately £4000, which is only slightly less than the cost of an outline planning application (£4600). We are keen to promote Permission in Principle by application as a more streamlined and cheaper alternative to outline permission and have considered a number of options to facilitate this. Options considered include: a) retaining the current fee structure based on a flat fee per 0.1 hectare but with a lower fee; b) adopting a site-size criterion, with a charging scheme based on the actual number of dwellings (NB. this is not considered practical because the exact number of housing units in the proposed scheme will not be known until the applicant submits the technical details consent application); and c) our **preferred option of a simplified banded fee structure, with a fixed fee per 0.1 hectare in each band**, and maximum fee cap based on the following site sizes:
- less than 1 hectare (= £x fee per 0.1 hectare)
  - between 1 to 2.5 hectares (= £y fee per 0.1 hectare)
  - more than 2.5 hectares, capped at a maximum (= £z fee per 0.1 hectare, capped)
113. We think lower fees are reasonable because a local planning authority only needs to make a decision on the principle of the development, not on the technical details of the development like a normal planning application.

**Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?**

**Q30: What level of flat fee do you consider appropriate, and why?**

## Brownfield Land Registers and Permission in Principle

114. Every local authority is required to publish and maintain a Brownfield Land Register, which provides up-to-date, digitally and publicly available information on brownfield land that is suitable for housing. Brownfield Land Registers are divided into two

parts. Part 1 contains a list of brownfield sites that are considered appropriate for residential development; and Part 2 consists of sites which have been taken forward from Part 1 of the register and granted automatic Permission in Principle by the local planning authority (following consultation). Individual Permission in Principle applications granted by local planning authorities from sites that were contained in Part 1 of the Brownfield Land Register must also be included in Part 2 of the Register.

115. Brownfield Land Registers can improve the quality and consistency of data held by local planning authorities and help to provide certainty for developers and communities, encouraging investment in local areas. Having sufficient and accurate data is integral to providing greater transparency about where brownfield sites are available across the country. We are soon to publish a national brownfield map which will bring together all sites identified in local Brownfield Land Registers so there is a clear national picture of brownfield sites suitable for housing.
116. To ensure that Brownfield Land Registers continue to be a single source of information for developers and to inform the national brownfield map in the short term, we propose that all Permission in Principle by application “consents” that are on brownfield land should also be automatically recorded in Part 2 of the Brownfield Land Register. In the longer term, under the *Planning for the Future* proposals, as the new local plans are produced, we intend to review the role of Brownfield Land Registers.

**Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.**

## Additional guidance to support implementation

117. As Permission in Principle by application is still a new consent route, we are aware from anecdotal evidence that understanding of this consent route among landowners, developers and local planning authorities is often limited.
118. In particular, it seems some local planning authorities continue to make decisions on Permission in Principle based on detailed matters, such as transport access, when these should only be taken into consideration at the technical details consent stage. It is also not certain that developers and landowners appreciate the gains they can make in terms of savings on costs and assessments when ascertaining, up front, the suitability of a particular site for development. Providing further clarity in guidance on the purpose, process and benefits of Permission in Principle should help mitigate this, particularly where consultation responses highlight areas of confusion.

**Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.**

## Regulatory Impact Assessment

119. Our preliminary assessment is that these regulation changes to Permission in Principle will not increase the regulatory burden on business, charities or voluntary bodies. The measure should enable applicants to establish upfront, and at minimal cost, whether sites are suitable for residential development. Under the existing system, applicants typically will pay the much higher cost of preparing and submitting a full planning application in order to determine the suitability of a site for housing-led development<sup>29</sup>.
120. After obtaining a grant of Permission in Principle, medium-sized developers should find it easier to secure the finance needed to fund a technical detail consent application rather than having to fund the cost of a full planning application without the certainty afforded by a grant of Permission in Principle.
121. Feedback from consultees will help inform our understanding of the practicalities of the proposed measure, as well as to undertake a 'costs and benefit' analysis as part of a Full Regulatory Impact Assessment, including estimating take-up trajectories.

**Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?**

**Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.**

## Next steps

122. Following this consultation, if we introduce Permission in Principle by application for major development, we aim to introduce amending regulations this Autumn, with the regulations expected to come into force by the end of the calendar year. Changes to the fee structure would require separate changes to the Planning Fees Regulations.

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<sup>29</sup> Estimates from the Impact Assessment prepared for the Town and Country (Permission in Principle) (as amended) Order 2017 show that the typical cost of preparing and submitting a full planning application at approximately £25,000 for a minor site, including fee costs. The cost for full planning permission for a major site (based on 100 dwellings) is approximately £40-£50,000.

# Public Sector Equality Duty

123. The Equality Act 2010 requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It relates specifically to groups with protected characteristics including age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy, and maternity.

**Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?**

**If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?**

# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

# Annex A

The following is to explain your rights and give you the information you are be entitled to under data protection legislation.

These rights apply to your personal data (your name, direct contact details such as an email address, and any other information that could be used to identify you personally).

## **1. The identity of the data controller and contact details of our Data Protection Officer**

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

## **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

## **3. Our legal basis for processing your personal data**

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

## **4. With whom we will be sharing your personal data**

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

## **5. For how long we will keep your personal data, or criteria used to determine the retention period.**

Your personal data will be held for two years from the closure of the consultation.

## **6. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data, we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected

d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> , or telephone 0303 123 1113.

### **7. Storage of your personal data**

The Data you provide directly will be stored by MHCLG's appointed third-party on their servers. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

If you submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems at a date following the consultation publication date.

### **8. Your personal data will not be used for any automated decision making.**



Ministry of Housing,  
Communities &  
Local Government

# PLANNING FOR THE FUTURE

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White Paper August 2020





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# Scope of the consultation

Topic of this consultation:	This consultation seeks any views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.
Scope of this consultation:	<p>This consultation covers a package of proposals for reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.</p> <p>Views are sought for specific proposals and the wider package of reforms presented.</p>
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The Government is mindful of its responsibility to have regard to the potential impact of any proposal on the Public Sector Equality Duty. In each part of the consultation we would invite any views on the duty. We are also seeking views on the potential impact of the package as a whole on the Public Sector Equality Duty.

# Basic information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 12 weeks from 6 August 2020.
Enquiries:	For any enquiries about the consultation please contact <a href="mailto:planningforthefuture@communities.gov.uk">planningforthefuture@communities.gov.uk</a> .
How to respond:	<p>You may respond by going to our website <a href="https://www.gov.uk/government/consultations/planning-for-the-future">https://www.gov.uk/government/consultations/planning-for-the-future</a></p> <p>Alternatively you can email your response to the questions in this consultation to <a href="mailto:planningforthefuture@communities.gov.uk">planningforthefuture@communities.gov.uk</a>.</p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to: Planning for the Future Consultation, Planning Directorate, 3rd Floor, Fry Building, 2 Marsham Street, London SW1P 4DF.</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"><li>• your name,</li><li>• your position (if applicable), and</li><li>• the name of organisation (if applicable).</li></ul>

# Foreword from the Prime Minister

**I never cease to be amazed by the incredible potential of this country. The vast array of innovations and talent that, when combined with our extraordinary can-do spirit, has brought forth everything from the jet engine to gene editing therapy.**

But as we approach the second decade of the 21st century that potential is being artificially constrained by a relic from the middle of the 20th – our outdated and ineffective planning system.

Designed and built in 1947 it has, like any building of that age, been patched up here and there over the decades.

Extensions have been added on, knocked down and rebuilt according to the whims of whoever's name is on the deeds at the time. Eight years ago a new landlord stripped most of the asbestos from the roof.

But make-do-and-mend can only last for so long and, in 2020, it is no longer fit for human habitation.

Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.

That is what this paper proposes.

Radical reform unlike anything we have seen since the Second World War.

Not more fiddling around the edges, not simply painting over the damp patches, but levelling the foundations and building, from the ground up, a whole new planning system for England.

One that is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades.

That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.

That makes it harder for developers to dodge their obligations to improve infrastructure and opens up housebuilding to more than just the current handful of massive corporations.

That gives you a greater say over what gets built in your community.

That makes sure start-ups have a place to put down roots and that businesses great and small have the space they need to grow and create jobs.

And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.

Getting homes built is always a controversial business. Any planning application, however modest, almost inevitably attracts objections and I am sure there will be those who say this paper represents too much change too fast, too much of a break from what has gone before.

But what we have now simply does not work.

So let's do better. Let's make the system work for all of us. And let's take big, bold steps so that we in this country can finally build the homes we all need and the future we all want to see.

**The Rt. Hon. Boris Johnson MP**  
Prime Minister



“The homes we need in the places we want to live in at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.”

# Foreword from the Secretary of State

The outbreak of COVID-19 has affected the economic and social lives of the entire nation. With so many people spending more time at home than ever before, we have come to know our homes, gardens and local parks more intimately. For some this has been a welcome opportunity to spend more time in the place they call home with the people they love. For others – those in small, substandard homes, those unable to walk to distant shops or parks, those struggling to pay their rent, or indeed for those who do not have a home of their own at all – this has been a moment where longstanding issues in our development and planning system have come to the fore.

Such times require decisive action and a plan for a better future. These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the security and dignity of a home of their own.

Our proposals seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, in which smaller builders can thrive alongside the big players, where all pay a fair share of the costs of infrastructure and the affordable housing existing communities require and where permissions are more swiftly turned into homes.

We are cutting red tape, but not standards. This Government doesn't want to just build houses. We want a society that has re-established powerful links between identity and place, between our unmatched architectural heritage and the future, between community and purpose. Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville. Our guiding principle will be as Clough Williams-Ellis said to cherish the past, adorn the present and build for the future.

We will build environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand, where tree lined streets are the norm and where neighbours are not strangers.

We are moving away from notices on lampposts to an interactive and accessible map-based online system – placing planning at the fingertips of people. The planning process will be brought into the 21st century. Communities will be reconnected to a planning process that is supposed to serve them, with residents more engaged over what happens in their areas.

While the current system excludes residents who don't have the time to contribute to the lengthy and complex planning process, local democracy and accountability will now be enhanced by technology and transparency.

Reforming the planning system isn't a task we undertake lightly, but it is both an overdue and a timely reform. Millions of jobs depend on the construction sector and in every economic recovery, it has played a crucial role.

This paper sets out how we will reform the planning system to realise that vision and make it more efficient, effective and equitable. I am most grateful to the taskforce of experts who have generously offered their time and expert advice as we have developed our proposals for reform – Bridget Rosewell, Miles Gibson, Sir Stuart Lipton, Nicholas Boys Smith, and Christopher Katkowski QC.

**The Rt. Hon. Robert Jenrick MP**

Secretary of State for Housing, Communities and Local Government



“These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the dignity and security of a home of their own.”

# Introduction

## The challenge we face – an inefficient, opaque process and poor outcomes

The planning system is central to our most important national challenges: tackling head on the shortage of beautiful, high quality homes and places where people want to live and work; combating climate change; improving biodiversity; supporting sustainable growth in all parts of the country and rebalancing our economy; delivering opportunities for the construction sector, upon which millions of livelihoods depend; the ability of more people to own assets and have a stake in our society; and our capacity to house the homeless and provide security and dignity.<sup>1</sup>

To succeed in meeting these challenges, as we must, the planning system needs to be fit for purpose. It must make land available in the right places and for the right form of



development. In doing this, it must ensure new development brings with it the schools, hospitals, surgeries and transport local communities need, while at the same time protecting our unmatched architectural heritage and natural environment.

There is some brilliant planning and development. And there are many brilliant planners and developers. But too often excellence in planning is the exception rather than the rule, as it is hindered by several problems with the system as it stands:

- It is too complex: the planning system we have today was shaped by the Town and Country Planning Act 1947, which established planning as nationalised and discretionary in character. Since then, decades of reform have built complexity, uncertainty and delay into the system. It now works best for large investors and companies, and worst for those without the resources to manage a process beset by risk and uncertainty. A simpler framework would better support a more competitive market with a greater diversity of developers, and more resilient places.
- Planning decisions are discretionary rather than rules-based: nearly all decisions to grant consent are undertaken on a case-by-case basis, rather than determined by clear rules for what can and cannot be done. This makes the English planning system and those derived from it an exception internationally, and it has the important consequences of increasing planning risk, pushing up the cost of capital for development and discouraging both

There is some brilliant planning and development. And there are many brilliant planners and developers.

Planning decisions are discretionary rather than rules-based: nearly all decisions to grant consent are undertaken on a case-by-case basis.



The planning system is based on 20th-century technology: planning systems are reliant on legacy software that burden the sector with repetitive tasks.

innovation and the bringing forward of land for development.<sup>2</sup> Decisions are also often overturned – of the planning applications determined at appeal, 36 per cent of decisions relating to major applications and 30 per cent of decisions relating to minor applications are overturned.<sup>3</sup>

- It takes too long to adopt a Local Plan: although it is a statutory obligation to have an up-to-date Local Plan in place, only 50 per cent of local authorities (as of June 2020) do, and Local Plan preparation takes an average of seven years (meaning many policies are effectively out of date as soon as they are adopted).

Assessments of housing need, viability and environmental impacts are too complex and opaque: land supply decisions are based on projections of household and business 'need' typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for. Assessments of environmental impacts and viability add complexity and bureaucracy but do not necessarily lead to environmental improvements nor ensure sites are brought forward and delivered.

- It has lost public trust with, for example, a recent poll finding that only seven per cent trusted their local council to make decisions about large scale development that will be good for their local area (49 per cent and 36 per cent said they distrusted developers and local authorities respectively).<sup>4</sup> And consultation is dominated by the few willing and able to navigate the process – the voice of those who stand to gain from development is not heard loudly enough, such as young people. The importance of local participation in planning is now the focus of a campaign by the Local Government Association but this involvement must be accessible to all people.<sup>5</sup>



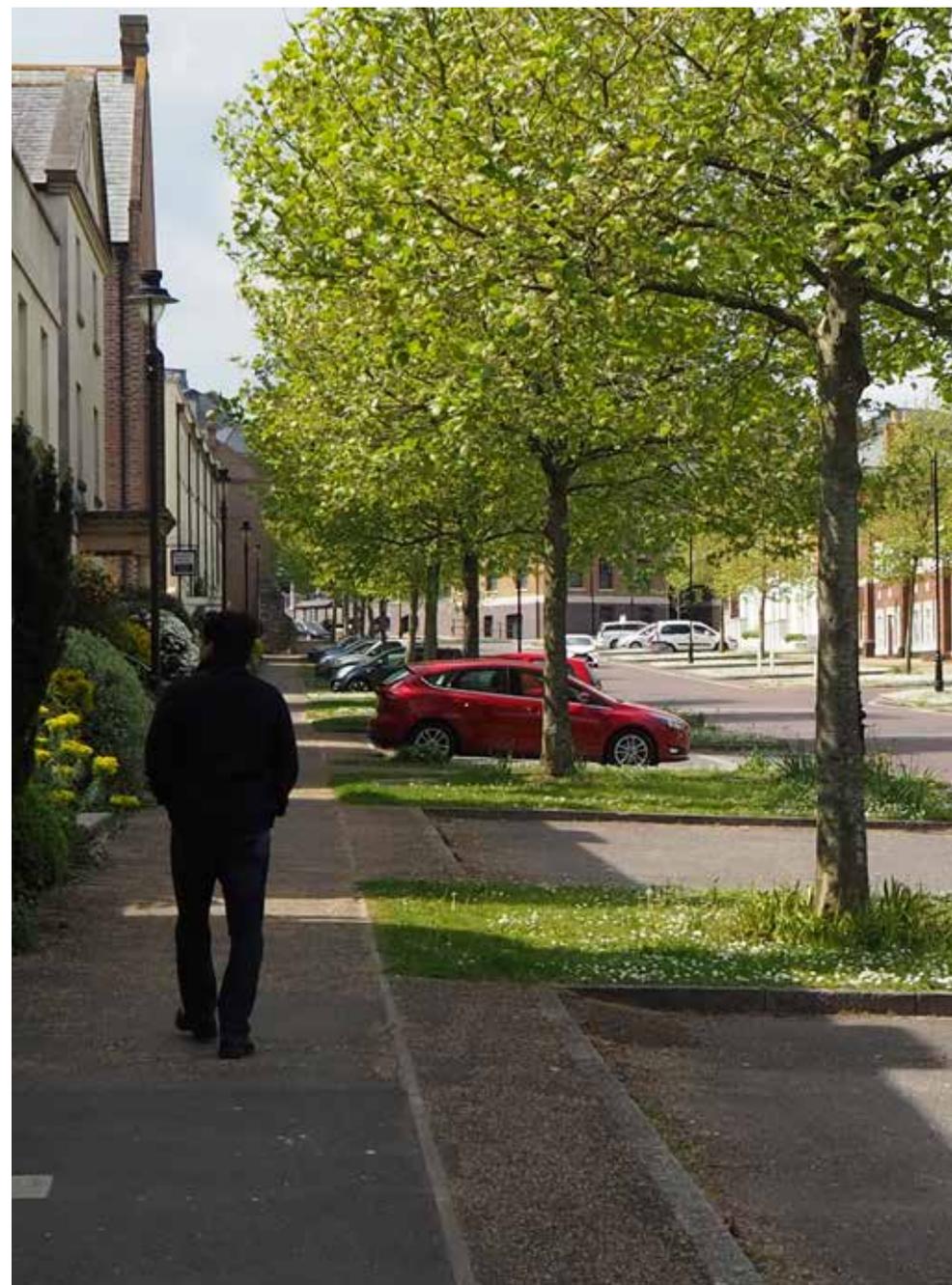


- It is based on 20th-century technology: planning systems are reliant on legacy software that burden the sector with repetitive tasks. The planning process remains reliant on documents, not data, which reduces the speed and quality of decision-making. The user experience of the planning system discourages engagement, and little use is made of interactive digital services and tools. We have heard that for many developers the worst thing that can happen is for the lead local authority official to leave their job – suggesting a system too dependent on the views of a particular official at a particular time, and not transparent and accessible requirements shaped by communities.
- The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear: as a result, the outcomes can be uncertain, which further diminishes trust in the system and reduces the ability of local planning authorities to plan for and deliver necessary infrastructure. Over 80 per cent of planning authorities agree that planning obligations cause delay.<sup>6</sup> It also further increases planning risk for developers and landowners, thus discouraging development and new entrants.
- There is not enough focus on design, and little incentive for high quality new homes and places: There is insufficient incentive within the process to bring forward proposals that are beautiful and which will enhance the environment, health, and character of local areas. Local Plans do not provide enough certainty around the approved forms of development, relying on vague and verbal statements of policy rather than the popularly endorsed visual clarity that can be provided by binding design codes. This means that quality can be negotiated away too readily and the lived experience of the consumer ignored too readily.

• It simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest. Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).<sup>7</sup> The result of long-term and persisting undersupply is that housing is becoming increasingly expensive, including relative to our European neighbours. In Italy, Germany and the Netherlands, you can get twice as much housing space for your money compared to the UK.<sup>8</sup> We need to address the inequalities this has entrenched.

A poor planning process results in poor outcomes. Land use planning and development control are forms of regulation, and like any regulation should be predictable and accessible, and strike a fair balance between consumers, producers and wider society. But too often the planning system is unpredictable, too difficult to engage with or understand, and favours the biggest players in the market who are best able to negotiate and navigate through the process.

The Government has made significant progress in recent years in increasing house building, with construction rates at a 30-year high in 2019. But these fundamental issues in the system remain, and we are still lagging behind many of our European neighbours. And as the Building Better, Building Beautiful Commission found in its interim report last year, too often what we do build is low quality and considered ugly by local residents.<sup>9</sup>



The Government has made significant progress in recent years to increase house building, with construction rates at a 30-year high.



# A new vision for England's planning system

This paper and the reforms that follow are an attempt to rediscover the original mission and purpose of those who sought to improve our homes and streets in late Victorian and early 20th-century Britain. That original vision has been buried under layers of legislation and case law. We need to rediscover it.

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Planning matters. Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. This is a question of social justice too. Better off people experience more beauty than poorer people and can better afford the rising costs of homes. As a nation we need to do this better. Evidence from the Town and Country Planning Association (TCPA), the Royal Town Planning Institute (RTPI) and the Green Building Council to the Building Better Building Beautiful Commission all emphasised that the evidence on what people want and where they flourish is remarkably consistent.

The Government's planning reforms since 2010 have started to address the underlying issues:

- last year, we delivered over 241,000 homes, more new homes than at any point in the last 30 years;
- our reforms to change-of-use rules have supported delivery of over 50,000 new homes;
- the rate of planning applications granted has increased since 2010;<sup>10</sup>
- the National Planning Policy Framework, introduced in 2012, has greatly simplified the previously huge volume of policy;
- we have introduced a simplified formula for assessing housing need and clearer incentives for local authorities to have up-to-date plans in place;
- we have introduced greater democratic accountability over infrastructure planning, giving elected Ministers responsibility for planning decisions about this country's nationally significant energy, transport, water, wastewater and waste projects;
- we have continued to protect the Green Belt;

- protections for environmental and heritage assets – such as Areas of Outstanding Natural Beauty (AONBs), and Sites of Special Scientific Interest (SSSIs) and Conservation Areas – continue to protect our treasured countryside and historic places; and
- we have democratised and localised the planning process by abolishing the top-down regional strategies and unelected regional planning bodies, and empowered communities to prepare a plan for their area, through our introduction of neighbourhood planning – with over 2,600 communities taking advantage of our reforms so far.

But the simple truth is that decades of complexity and political argument have resulted in a system which is providing neither sufficient homes nor good enough new places. Nor is it fairly using the talents and passions of public sector planners who often feel over-worked and under-appreciated, trapped between the urgent need for more homes, an insufficiently competitive market and a policy framework which makes it almost impossible for them to insist upon beautiful and sustainable new homes and places.

The planning system needs to be better at unlocking growth and opportunity in all parts of the country, at encouraging beautiful new places, at supporting the careful stewardship and rebirth of town and city centres, and at supporting the revitalisation of existing buildings as well as supporting new development.

It is also time for the planning system finally to move towards a modernised, open data approach that creates a reliable national picture of what is happening where in planning, makes planning services more efficient, inclusive and consistent, and unlocks the data needed by property developers and the emerging Property Technology (PropTech) sector, to help them make more informed decisions on what to build and where.



We wish to:

- be more ambitious for the places we create, expecting new development to be beautiful and to create a 'net gain' not just 'no net harm';
- move the democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made, harnessing digital technology to make it much easier to access and understand information about specific planning proposals. More engagement should take place at the Local Plan phase;
- improve the user experience of the planning system, to make planning information easier to find and understand and make it appear in the places that discussions are happening, for example in digital neighbourhood groups and social networks. New digital engagement processes will make it radically easier to raise views about and visualise emerging proposals whilst on-the-go on a smart phone;
- support home ownership, helping people and families own their own beautiful, affordable, green and safe homes, with ready access to better infrastructure and green spaces;
- increase the supply of land available for new homes where it is needed to address affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market;
- help businesses to expand with readier access to the commercial space they need in the places they want and supporting a more physically flexible labour market;
- support innovative developers and housebuilders, including small and medium-sized enterprises (SMEs) and self-builders, those looking to build a diverse range of types and tenure of housing, and those using innovative modern methods of construction (MMC);
- promote the stewardship and improvement of our precious countryside and environment, ensuring important natural assets are preserved, the development potential of brownfield land is maximised, that we support net gains for biodiversity and the wider environment and actively address the challenges of climate change; and
- create a virtuous circle of prosperity in our villages, towns and cities, supporting their ongoing renewal and regeneration without losing their human scale, inheritance and sense



of place. We need to build more homes at gentle densities in and around town centres and high streets, on brownfield land and near existing infrastructure so that families can meet their aspirations. Good growth will make it easier to level up the economic and social opportunities available to communities.

Underpinning this, we need to modernise the day-to-day operation of the planning system. Residents should not have to rely on planning notices attached to lamp posts, printed in newspapers or posted in libraries. The COVID-19 pandemic has highlighted the need for modern digital planning services that can be accessed from home, and many planners and local authorities have responded brilliantly to this challenge. The planning system must build on this success and follow other sectors in harnessing the benefits which digitisation can bring – real-time information, high-quality virtual simulation, straightforward end-to-end processes. It should be based on data, not documents, inclusive for all members of society, and stimulate the innovation of the great British design industry.

There are growing calls for change, and for the shape that it should take – based on a bold vision for end-to-end reform, rather than further piecemeal change within the existing system. Recent reports from think tanks and the Government-appointed Building Better, Building Beautiful Commission are the latest prominent voices to have added to the chorus.<sup>11</sup>



# Proposals

We will undertake fundamental reform of the planning system to address its underlying weaknesses and create a system fit for the 21st century. We want to hear your views on our proposals.

## First, we will streamline the planning process with more democracy taking place more effectively at the plan-making stage, and will replace the entire corpus of plan-making law in England to achieve this:

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Simplifying the role of Local Plans, to focus on identifying land under three categories – *Growth* areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan; *Renewal* areas suitable for some development, such as gentle densification; and *Protected* areas where – as the name suggests – development is restricted. This could halve the time it takes to secure planning permission on larger sites identified in plans. We also want to allow local planning authorities to identify sub-areas in their *Growth* areas for self- and custom-build homes, so that more people can build their own homes.

- Local Plans should set clear rules rather than general policies for development. We will set out general development management policies nationally, with a more focused role for Local Plans in identifying site- and area-specific requirements, alongside locally produced design codes. This would scale back the detail and duplication contained in Local Plans, while encouraging a much greater focus on design quality at the local level. Plans will be significantly shorter in length (we expect a reduction in size of at least two thirds), as they will no longer contain a long list of “policies” of varying specificity – just a core set of standards and requirements for development.

- Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities as they consult on Local Plans. Our reforms will democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes. We want to hear the views of a wide range of people and groups through this consultation on our proposed reforms.
- Local Plans should be subject to a single statutory “sustainable development” test, and unnecessary assessments and requirements that cause delay and challenge in the current system should be abolished. This would mean replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate.
- Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template. Plans should be significantly shorter in length, and limited to no more than setting out site- or area-specific parameters and opportunities.
- Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total) for key stages of the process, and there will be sanctions for those who fail to do so.
- Decision-making should be faster and more certain, within firm deadlines, and should make greater use of data and digital technology.

- We will seek to strengthen enforcement powers and sanctions so that as we move towards a rules-based system, communities can have confidence those rules will be upheld.
- We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms – so that, as we bring in our reforms, local planning authorities are equipped to create great communities through world-class civic engagement and proactive plan-making.

**Second, we will take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data. We will:**

- Support local planning authorities to use digital tools to support a new civic engagement process for Local Plans and decision-making, making it easier for people to understand what is being proposed and its likely impact on them through visualisations and other digital approaches. We will make it much easier for people to feed in their views into the system through social networks and via their phones.
- Insist local plans are built on standardised, digitally consumable rules and data, enabling accessible interactive maps that show what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector.
- Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on, including planning decisions and developer contributions. Approaches for fixing the underlying data are already being tested and developed by innovative local planning authorities and we are exploring options for how these could be scaled nationally.

## We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms

- Work with tech companies and local authorities to modernise the software used for making and case-managing a planning application, improving the user-experience for those applying and reducing the errors and costs currently experienced by planning authorities. A new more modular software landscape will encourage digital innovation and will consume and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, making decision-making faster and more certain.
- Engage with the UK PropTech sector through a PropTech Innovation Council to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

**Third, to bring a new focus on design and sustainability, we will:**

- Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits, by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.
- Facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.
- Ask for beauty and be far more ambitious for the places we create, expecting new development to be beautiful, and to create a 'net gain' not just 'no net harm', with a greater focus on 'placemaking' and 'the creation of beautiful places' within the National Planning Policy Framework.

## “The Community Infrastructure Levy and the current system of planning will be reformed as a nationally set, value-based flat rate charge (the ‘Infrastructure Levy’).”

- Make it easier for those who want to build beautifully through the introduction of a fast-track for beauty through changes to national policy and legislation, to automatically permit proposals for high-quality developments where they reflect local character and preferences.
- Introduce a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing England’s unique ecosystems.
- Expect design guidance and codes – which will set the rules for the design of new development – to be prepared locally and to be based on genuine community involvement rather than meaningless consultation, so that local residents have a genuine say in the design of new development, and ensure that codes have real ‘bite’ by making them more binding on planning decisions.
- Establish a new body to support the delivery of design codes in every part of the country, and give permanence to the campaigning work of the Building Better, Building Beautiful Commission and the life of its co-chairman the late Sir Roger Scruton.
- Ensure that each local planning authority has a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
- Lead by example by updating Homes England’s strategic objectives to give greater emphasis to delivering beautiful places.
- Protect our historic buildings and areas while ensuring the consent framework is fit for the 21st century.

### **Fourth, we will improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions. We propose:**

- The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally set, value-based flat rate charge (the ‘Infrastructure Levy’). A single rate or varied rates could be set. We will aim for the new Levy to raise more revenue than under the current system of developer contributions, and deliver at least as much – if not more – on-site affordable housing as at present. This reform will enable us to sweep away months of negotiation of Section 106 agreements and the need to consider site viability. We will deliver more of the infrastructure existing and new communities require by capturing a greater share of the uplift in land value that comes with development.
- We will be more ambitious for affordable housing provided through planning gain, and we will ensure that the new Infrastructure Levy allows local planning authorities to secure more on-site housing provision.
- We will give local authorities greater powers to determine how developer contributions are used, including by expanding the scope of the Levy to cover affordable housing provision to allow local planning authorities to drive up the provision of affordable homes. We will ensure that affordable housing provision supported through developer contributions is kept at least at current levels, and that it is still delivered on-site to ensure that new development continues to support mixed communities. Local authorities will have the flexibility to use this funding to support both existing communities as well as new communities.
- We will also look to extend the scope of the consolidated Infrastructure Levy and remove exemptions from it to capture changes of use through permitted development rights, so that additional homes delivered through this route bring with them support for new infrastructure.

**Fifth, to ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres, we propose:**

- A new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.

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To speed up construction where development has been permitted, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.

- To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, we will consult on options for improving the data held on contractual arrangements used to control land.
- To make sure publicly owned land and public investment in development supports thriving places, we will:
  - ensure decisions on the locations of new public buildings – such as government offices and further education colleges – support renewal and regeneration of town centres; and
  - explore how publicly owned land disposal can support the SME and self-build sectors.



# The change we will see – a more engaging, equitable and effective system

Our proposals will greatly improve the user experience of the planning system, making it fit for the next century.

**Residents** will be able to engage in a much more democratic system that is open to a wider range of people whose voice is currently not heard. Residents will no longer have to rely on planning notices attached to lamp posts, printed in newspapers and posted in libraries to find out about newly proposed developments. Instead people will be able to use their smartphone to give their views on Local Plans and design codes as they are developed, and to see clearer, more visual information about development proposals near them – rather than current planning policies and development proposals presented in PDF documents, hundreds of pages long. And existing and new residents alike will gain from more affordable, green and beautiful homes near to where they want to live and work.

**Communities** will be able to trust the planning system again as their voice will be heard from the beginning of the process and better use of digital technology will make it radically easier for people to understand what is being proposed in their neighbourhoods and provide new ways to feed their views into the reformed system. Local Plans will be developed over a fixed 30-month period with clear engagement points, rather than the current inconsistent process which takes seven years on average. The Infrastructure Levy will be more transparent than Section 106, and local communities will have more control over how it is spent. Communities will be able to set standards for design upfront through local design codes. And with more land available for homes where they are most needed, and a renewed focus on the beauty of new development, communities will be able to grow organically and sustainably, and development will enhance places for everyone.

**Innovators, entrepreneurs and businesses** will benefit from a planning system that is much more adaptable to the changing needs of the economy. A greater amount of land available near to workplaces, and a more flexible approach to how that land can be used, will make it

Innovators and businesses will benefit from a planning system that is much more adaptable to the changing need of the economy.



much easier for firms to set up and expand in the most productive locations – for example, spin-out companies looking to set up near to research-intensive universities. A reformed system that is based upon data, rather than documents will help to provide the data that innovators and entrepreneurs, including the burgeoning PropTech sector, need to build new technology to help improve citizen engagement and planning processes.

**Small builders, housing associations and those building their own home**, will find this system much easier, less costly and quicker to navigate, with more land available for development and clearer expectations on the types of development permitted, helping them to find development opportunities and use innovative construction methods. With permission for the principle of development secured automatically in many cases, a major hurdle in the process will be removed, taking two to three years out of the process. The system of developer contributions will make it much easier for smaller developers, who will not have to engage in months of negotiation and can instead get on with the job of building. And a shorter, more certain process will remove significant risk from the process, lowering the need for developers to secure long development pipelines and lowering the regulatory barriers to entry that currently exist in the market. A data-led planning system will help developers of all sizes and experience to find the planning information they need to understand what can be built and where, which will provide greater certainty to them and their investors.

**Local authorities**, including mayoral combined authorities, will be liberated to plan and able to focus on what they do best, with the shackles of current burdensome assessments and negotiations removed. They will be able to give more attention to improving the quality of new development and focus on those large and special sites that need the most consideration. And the Government will support modernisation of the planning process so that routine tasks are automated and decision-making, and plan-making, is improved by better access to the data local authorities need.

**And for our children and grandchildren**, our reforms will leave an inheritance of environmental improvement – with environmental assets protected, more green spaces provided, more sustainable development supported, new homes that are much more energy-efficient and new places that can become the heritage of the future, built closer to where people want to live and work to reduce our reliance on carbon-intensive modes of transport.

This consultation document does not address every detailed part of the planning system, its function and objectives, but rather focuses on the key reforms that can help improve the delivery and quality of homes and neighbourhoods, set within our drive towards net-zero greenhouse gas emissions by 2050.

And fixing the planning system alone will not be enough – it will require a collective effort between Government, communities, businesses and developers over the long term. But fixing the planning system should be the starting point for these efforts.



# Pillar One – Planning for development

## Overview

The starting point for an effective planning system is to establish a clear and predictable basis for the pattern and form of development in an area. The current system of land use planning in England is principally based on Local Plans, brought forward by local planning authorities on behalf of their communities. But in contrast to planning systems in places like Japan, the Netherlands and Germany, where plans give greater certainty that development permitted in principle upfront, plans in England are policy-based, with a separate process required to secure permission on the sites that it designates for development.

Local Plans are a good foundation on which to base reform, as they provide a route for local requirements to be identified and assessed, a forum for political debate and for different views on the future of areas to be heard. The National Planning Policy Framework provides a clear basis for those matters that are best set in national policy.

However, change is needed. Layers of assessment, guidance and policy have broadened the scope of Local Plans, requiring a disproportionate burden of evidence to support them. As a result, Local Plans take increasingly long to produce, on average over seven years; have become lengthier documents of increasing complexity, in some cases stretching to nearly 500 pages; are underpinned by vast swathes of evidence base documents, often totalling at least ten times the length of the plan itself, and none of which are clearly linked, standardised, or produced in accessible formats; and include much unnecessary repetition of national policy.

It is difficult for users of the planning system to find the information they need, and when they do, it is difficult to understand. Few people read the array of evidence base documents which accompany plans and these assessments do not sufficiently aid decision-making. Much of this evidence becomes dated very quickly, and production times often render policies out of date as soon as they are adopted. Furthermore, even when the plan is in place, it cannot be relied on as the definitive statement of how development proposals should be handled.

Local Plans should instead be focused on where they can add real value: allocating enough land for development in the right places, giving certainty about what can be developed on that land, making the process for getting permission for development as simple as possible, and providing local communities a genuine opportunity to shape those decisions. To this end, Local Plans should:

- be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand;
- communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;
- be published as standardised data to enable a strategic national map of planning to be created;
- be developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

## Questions

1. What three words do you associate most with the planning system in England?
- 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]
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]
4. What are your top three priorities for planning in your local area?  
[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]



## Proposals

We propose a new role for Local Plans and a new process for making them, by replacing the existing primary and secondary legislation.

### A NEW APPROACH TO PLAN-MAKING

Local Plans should have a clear role and function, which should be, first, to identify land for development and sites that should be protected; and, second, to be clear about what development can take place in those different areas so that there is greater certainty about land allocated for development and so that there is a faster route to securing permission. They should be assessed against a single statutory “sustainable development” test to ensure plans strike the right balance between environmental, social and economic objectives.

**Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are *Protected*.**

All areas of land would be put into one of these three categories:

- *Growth* areas “suitable for substantial development” – we propose that the term substantial development be defined in policy to remove any debate about this descriptor. We envisage this category would include land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites. It could also include proposals for sites such as



those around universities where there may be opportunities to create a cluster of growth-focused businesses. Sites annotated in the Local Plan under this category would have outline approval for development (see proposal 5 for more detail). Areas of flood risk would be excluded from this category (as would other important constraints), unless any risk can be fully mitigated;

- *Renewal* areas “suitable for development” – this would cover existing built areas where smaller scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as *Growth* or *Protected* areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area. Local authorities could continue to consider the case for resisting inappropriate development of residential gardens;
- Areas that are *Protected* – this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in *Growth* or *Renewal* areas. Some areas would be defined nationally, others locally on the basis of national policy, but all would be annotated in Local Plan maps and clearly signpost the relevant development restrictions defined in the National Planning Policy Framework.

This new-style Local Plan would comprise an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their *Growth*, *Renewal* or *Protected* designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category.

In *Growth* and *Renewal* areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and

flexibilities in use allowed by virtue of the new Use Classes Order and permitted development). For example, it may be appropriate for some areas to be identified as suitable for higher-density residential development, or for high streets and town centres to be identified as distinct areas. In *Growth* areas, we would also want to allow sub-areas to be created specifically for self and custom-build homes, and community-led housing developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities. In the case of self and custom-build homes, local authorities should identify enough land to meet the requirements identified in their self-build and custom housebuilding registers. For *Protected* areas, the key and accompanying text would explain what is permissible by cross-reference to the National Planning Policy Framework.

Alternative options: Rather than dividing land into three categories, we are also interested in views on more binary models. One option is to combine *Growth* and *Renewal* areas (as defined above) into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it.

An alternative approach would be to limit automatic permission in principle to land identified for substantial development in Local Plans (*Growth* areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.

## Question

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

## Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

With the primary focus of plan-making on identifying areas for development and protection, we propose that development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in *Growth* areas and *Renewal* areas, established through the accompanying text. The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans, such as protections for listed buildings (although we are interested in views on the future of optional technical standards). We propose to turn plans from long lists of general “policies” to specific development standards.

Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development. This is important for making plans more visual and engaging. These could be produced for a whole local authority area, or for a smaller area or site (as annotated in the Local Plan), or a combination of both. Design guides and codes would ideally be produced on a ‘twin track’ with the Local Plan, either for inclusion within the plan or prepared as supplementary planning documents.

We want to move to a position where all development management policies and code requirements, at national, local and neighbourhood level, are written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes.

This will significantly increase clarity for those wishing to bring forward development, enabling automation of more binary considerations and allowing for a greater focus on those areas where there is likely to be greater subjectivity.

Alternative options: Rather than removing the ability for local authorities to include general development management policies in Local Plans, we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach. Another alternative would be to allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.

### Question

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

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

## Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained.



A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process.

Specifically:

- we propose to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties (see our proposals under Pillar Two);
- the Duty to Cooperate test would be removed (although further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges); and
- a slimmed down assessment of deliverability for the plan would be incorporated into the “sustainable development” test.

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. Plan-making policies in the National Planning Policy Framework will make this clear.

“A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process. ”

The new-style digital Local Plan would also help local planning authorities to engage with strategic cross-boundary issues and use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located.

- Alternative option: Rather than removing the existing tests of soundness, an alternative option could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed.

### Questions

**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.]**

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

**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.**

Local Plans will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years. This includes land needed to take advantage of local opportunities for economic growth, such as commercial space for spin-out companies near to university research and development facilities, or other high productivity businesses.

Debates about housing numbers tend to dominate this process, and a standard method for setting housing requirements would significantly reduce the time it takes to establish the amount of land to release in each area. This has historically been a time-consuming process which ultimately has not led to enough land being released where it is most needed (as reflected by worsening affordability). A standard requirement would differ from the current system of local housing need in that it would be binding, and so drive greater land release.

It is proposed that the standard method would be a means of distributing the national housebuilding target of 300,000 new homes annually, and one million homes by the end of the Parliament, having regard to:

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed);
- the relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development);

- the extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk. For example, areas in National Parks are highly desirable and housing supply has not kept up with demand; however, the whole purpose of National Parks would be undermined by multiple large scale housing developments so a standard method should factor this in;
- the opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account;
- the need to make an allowance for land required for other (non-residential) development; and
- inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market.

The standard method would make it the responsibility of individual authorities to allocate land suitable for housing to meet the requirement, and they would continue to have choices about how to do so: for example through more effective use of existing residential land, greater densification, infilling and brownfield redevelopment, extensions to existing urban areas, or new settlements. The existing policy for protecting the Green Belt would remain. We also propose that it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements. In particular, it may be appropriate for Mayors of combined authorities to oversee the strategic distribution of the requirement in a way that alters the distribution of numbers, and this would be allowed for.

In the current system the combination of the five-year housing land supply requirement, the Housing Delivery Test and the presumption in favour of sustainable development act as a check to ensure that enough land comes into the system. Our proposed approach should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate

a five-year supply of land. However, having enough land supply in the system does not guarantee that it will be delivered, and so we propose to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.

Alternative option: It would be possible to leave the calculation of how much land to include in each category to local decision, but with a clear stipulation in policy that this should be sufficient to address the development needs of each area (so far as possible subject to recognised constraints), taking into account market signals indicating the degree to which existing needs are not being met. As now, a standard method could be retained to underpin this approach in relation to housing; and it would be possible to make changes to the current approach that ensure that meeting minimum need is given greater weight to make sure sufficient land comes forward. However, we do not think that this approach would carry the same benefits of clarity and simplicity as our preferred option, and would also require additional safeguards to ensure that adequate land remains available, especially once the assessment of housing need has been translated into housing requirements. We would, therefore, propose to retain a five-year housing land supply requirement with this approach.

We have published a separate consultation on proposed changes to the standard method for assessing local housing need which is currently used in the process of establishing housing requirement figures. The future application of the formula proposed in the revised standard method consultation will be considered in the context of the proposals set out here. In particular, the methodology does not yet adjust for the land constraints, including Green Belt. We will consider further the options for doing this and welcome proposals.

## Questions

**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.]

**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.]



## A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

**Proposal 5: Areas identified as *Growth* areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals could also be available for pre-established development types in other areas suitable for building.**

There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development.

In areas suitable for substantial development (*Growth* areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan. Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.

Detailed planning permission could be secured in one of three ways:

- a reformed reserved matters process for agreeing the issues which remain outstanding;
- a Local Development Order prepared by the local planning authority for the development which could be prepared in parallel with the Local Plan and be linked to a master plan and design codes; or
- for exceptionally large sites such as a new town where there are often land assembly and planning challenges, we also want to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate

route to secure consents. Similarly, we will consider how the planning powers for Development Corporations can be reformed to reflect this new framework.

In areas suitable for development (*Renewal* areas), there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a plan-led approach, with plans reflecting the general appropriateness of these areas for development). Consent for development would be granted in one of three ways:

- for pre-specified forms of development such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements (as discussed further under the fast-track to beauty proposals set out under Pillar Two);
- for other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework; or
- a Local or Neighbourhood Development Order.

In both the *Growth* and *Renewal* areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application. We expect this to be the exception rather than the rule: to improve certainty in the system, it will be important for everyone to have confidence that the plan will be the basis for decisions, and so we intend to strengthen the emphasis on a plan-led approach in legislation (alongside giving appropriate status to national planning policy for general development management matters).

In areas where development is restricted (*Protected areas*) any development proposals would come forward as now through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders), and judged against policies set out in the National Planning Policy Framework.

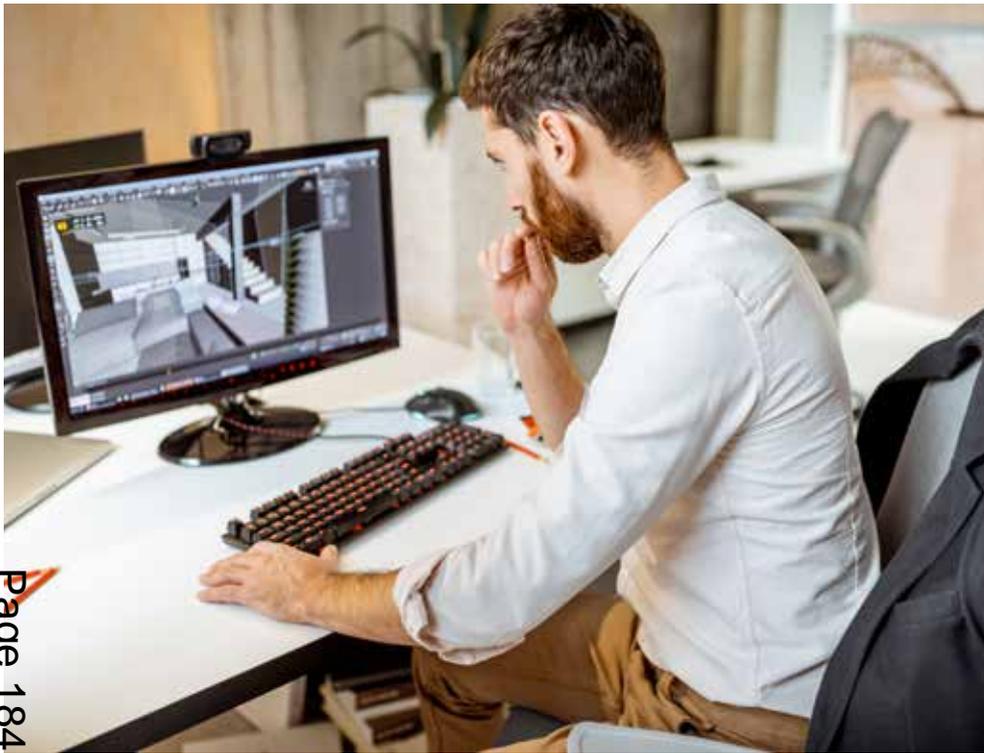
We will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved.

Separate to these reforms, we also intend to consolidate other existing routes to permission which have accumulated over time, including simplified planning zones, enterprise zones and brownfield land registers.

The route to full planning permission should follow clearly and directly from the designation made in the Local Plan.

## Questions

- 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (*Growth areas*) with faster routes for detailed consent?**  
[Yes / No / Not sure. Please provide supporting statement.]
- 9(b). Do you agree with our proposals above for the consent arrangements for *Renewal* and *Protected areas*?**  
[Yes / No / Not sure. Please provide supporting statement.]
- 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.]



### Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

For all types of planning applications regardless of the category of land, we want to see a much more streamlined and digitally enabled end to end process which is proportionate to the scale and nature of the development proposed, to ensure decisions are made faster. The well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now.

To achieve this, we propose:

- the greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with



local planning authorities. In particular, the validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process. For Spending Review, the Government will prepare a specific, investable proposal for modernising planning systems in local government;

- a new, more modular, software landscape to encourage digital innovation and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, which will support faster and more certain decision-making. We will work with tech companies and local planning authorities to modernise the software used for case-managing a planning application to improve the user-experience for those applying and reduce the errors and costs currently experienced by planning authorities;
- shorter and more standardised applications. The amount of key information required as part of the application should be reduced considerably and made machine-readable. A national data standard for smaller applications should be created. For major development, beyond

relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and National Planning Policy Framework;

- data-rich planning application registers will be created so that planning application information can be easily found and monitored at a national scale, and new digital services can be built to help people use this data in innovative ways;
  - data sets that underpin the planning system, including planning decisions and developer contributions, need to be standardised and made open and digitally accessible;
  - a digital template for planning notices will be created so that planning application information can be more effectively communicated and understood by local communities and used by new digital services;
  - greater standardisation of technical supporting information, for instance about local highway impacts, flood risk and heritage matters. We envisage design codes will help to reduce the need for significant supplementary information, but we recognise there may still need to be site specific information to mitigate wider impacts. For these issues, there should be clear national data standards and templates developed in conjunction with statutory consultees;
  - clearer and more consistent planning conditions, with standard national conditions to cover common issues;
- a streamlined approach to developer contributions, which is discussed further under Pillar Three; the delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.

We also believe there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit. But we also want to explore whether some types of applications should be deemed to have been granted planning permission if there has not been a timely determination, to ensure targets are met and local authorities keep to the time limit in the majority of cases. We particularly want to ensure that the facilities and infrastructure that communities value, such as schools, hospitals and GP surgeries, are delivered quickly through the planning system.

There will remain a power to call in decisions by the Secretary of State and for applicants to appeal against a decision by a local planning authority. However, by ensuring greater certainty about the principle of development in Local Plans, we expect to see fewer appeals being considered by the Planning Inspectorate. For those that do go to appeal, we want to ensure the

appeals process is faster, with the Inspectorate more digitally responsive and flexible. And to promote proper consideration of applications by planning committees, where applications are refused, we propose that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.

### Question

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

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



## A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

Planning documentation should reflect this simplified role for Local Plans and should support community engagement.

### Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Interactive, map-based Local Plans will be built upon data standards and digital principles. To support local authorities in developing plans in this new format, we will publish a guide to the new Local Plan system and data standards and digital principles, including clearer expectations around the more limited evidence that will be expected to support “sustainable” Local Plans, accompanied by a “model” template for Local Plans and subsequent updates, well in advance of the legislation being brought into force. This will support standardisation of Local Plans across the country. The text-based component of plans should be limited to spatially-specific matters and capable of being accessible in a range of different formats, including through simple digital services on a smartphone.

To support open access to planning documents and improve public engagement in the plan-making process, plans should be fully digitised and web-based following agreed web standards rather than document based. This will allow for any updates to be published instantaneously and makes it easier to share across all parties and the wider public. Those digital plans should be carefully designed with the user in mind and to ensure inclusivity, so that they can be accessed in different formats, on different devices, and are accessible and understandable by all. Geospatial information associated with plans, such as sites and areas, should also be standardised and made openly available online. Taken together, these changes will enable a digital register of



planning policies to be created so that new digital services can be built using this data, and this will also enable any existing or future mapping platforms to access and visualise Local Plans. This will make it easier for anyone to identify what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector. There should also be a long-term aim for any data produced to support Local Plans to be open and accessible online in machine-readable format and linked to the relevant policies and areas.

By shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled, making it easier for people to understand what is being proposed where and how it will affect them. These tools have the potential to transform how communities engage with Local Plans, opening up new ways for people to feed their views into the system, including through social networks and via mobile phones. Early pilots from local planning authorities using emerging digital civic engagement tools have shown increased public participation from a broader audience, with one PropTech SME reporting that 70% of their users are under the age of 45.<sup>18</sup>

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To encourage this step-change, we want to support local authorities to radically rethink how they produce their Local Plans, and profoundly re-invent the ambition, depth and breadth with which they engage with communities. We will set up a series of pilots to work with local authorities and tech companies (the emerging 'PropTech' sector) to develop innovative solutions to support plan-making activities and make community involvement more accessible and engaging. This could include measures to improve access to live information and data or the use of 3D visualisations and other tools to support good community engagement.

#### Question

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

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



## A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

The average time taken from plan publication to adoption rose from an average of 450 days in 2009 to 815 days in 2019. There is currently no statutory requirement around timescales for key stages of the plan-making process.

**Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.**

Under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission. Under our proposals, this would be shortened to 30 months, although we expect many local authorities could do this in a shorter time and we would encourage them to do so where this is practicable. We propose that the process covers five stages, with meaningful public engagement at two stages:

- Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.
- Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.



- Stage 3 [6 weeks]: The local planning authority simultaneously
  - (i) submits the Plan to the Secretary of State for Examination together with a Statement of Reasons to explain why it has drawn up its plan as it has; and
  - (ii) publicises the plan for the public to comment on. Comments seeking change must explain how the plan should be changed and why. Again, this process would embody ‘best in class’ ways of ensuring public involvement. Responses will have a word count limit.
- Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test. The plan-making authority and all those who submitted comments would have the right to be “heard” by the inspector (whether face to face, by video, phone or in writing –all at the inspector’s discretion). The inspector’s report can, as relevant, simply state agreement with the whole or parts of the council’s Statement of Reasons, and/or comments submitted by the public.
- Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.

Taken together, the effect of these reforms would be to greatly simplify and shorten the plan-making and development process, ensuring more land comes through the system and does so at pace.

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 would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later.

This should be accompanied by a requirement for each planning authority to review its Local Plan at least every five years. Reviews should be undertaken sooner than five years where there has been a significant change in circumstances, for instance where issues with land supply have been identified through regular monitoring. Where a review concludes that an update is required, then the same 30-month deadline would apply although there would be an expectation that in many cases an update could be completed more quickly.

Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention. A range of intervention options will be available, including the issuing of directions and preparation of a plan in consultation with local people. Decisions on intervention would also have regard to:

- the level of housing requirement in the area;
- the planning context of the area, including any co-operation to get plans in place across local planning authority boundaries;
- any exceptional circumstances presented by the local planning authority.

Alternative options: The existing examination process could be reformed in order to speed up the process. For instance, the automatic 'right to be heard' could be removed so that participants are invited to appear at hearings at the discretion of the inspector. Certain Local Plans, that are less complex or controversial, could also be examined through written representations only, as is usually the case with Neighbourhood Plans at present.

A further alternative could be to remove the Examination stage entirely, instead requiring Local Planning Authorities to undertake a process of self-assessment against set criteria and guidance. To supplement this, the Planning Inspectorate could be utilised to audit a certain number of completed plans each year in order to assess whether the requirements of the statutory sustainability test had been met. However, there is a risk that this option wouldn't provide sufficient scrutiny around whether plans meet the necessary legal and policy tests.

### Question

**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.]**



### **Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools**

Since statutory Neighbourhood Plans became part of the system in 2011, over 2,600 communities have started the process of neighbourhood planning to take advantage of the opportunity to prepare a plan for their own areas – and over 1,000 plans have been successfully passed at referendum. They have become an important tool in helping to ‘bring the democracy forward’ in planning, by allowing communities to think proactively about how they would like their areas to develop.

Therefore, we think Neighbourhood Plans should be retained in the reformed planning system, but we will want to consider whether their content should become more focused to reflect our proposals for Local Plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users. By making it easier to develop Neighbourhood Plans we wish to encourage their continued use and indeed to help spread their use further, particularly in towns and cities. We are also interested in whether there is scope to extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they are happy to see.

Digital tools have significant potential to assist the process of Neighbourhood Plan production, including through new digital co-creation platforms and 3D visualisation technologies to explore proposals within the local context. We will develop pilot projects and data standards which help neighbourhood planning groups make the most of this potential.



### Questions

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

## SPEEDING UP THE DELIVERY OF DEVELOPMENT

Our plans for a simpler and faster planning process need to be accompanied by a stronger emphasis on the faster delivery of development, especially for *Growth* areas where substantial development has been permitted. If local communities through the new Local Plan process have identified sites for substantial development over the next ten years and developers have secured planning consents, there should be a presumption that these sites will be built out quickly. But as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates, with some sites taking over 20 years to complete.

### Proposal 10: A stronger emphasis on build out through planning

To address this, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development (discussed under Pillar Two) should seek to include a variety of development types by different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.

### Question

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?  
[Yes / No / Not sure. Please provide supporting statement.]

# Pillar Two – Planning for beautiful and sustainable places

## Overview

We have set out how a simpler planning process could improve certainty about what can be built where, as well as offering greater flexibility in the use of land to meet our changing economic and social needs. But improving the process of planning is only the starting point – we want to ensure that we have a system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions net-zero by 2050. Recent research from the Royal Town Planning Institute has set out the vital contribution that planning can make to a sustainable and inclusive recovery.<sup>12</sup>

To do this, planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community. It should generate net gains for the quality of our built and natural environments - not just 'no net harm'.

As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short. Too many places built during recent decades fail to reflect what is special about their local area or create a high quality environment of which local people can be proud. The Commission has played an invaluable role not just in highlighting the deficiencies, but in setting out a wide range of recommendations for addressing them. We will respond fully to the Commission's report in the autumn, but there are important aspects that we want to highlight now, as being integral to our proposals for what a revised planning system can achieve.

## Questions

- 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]
- 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]



As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short.



## Proposals

### CREATING FRAMEWORKS FOR QUALITY

To deliver our vision, it is important for the planning system to set clear expectations for the form of development which we expect to see in different locations. It should do so in ways which reflect local character and community preferences, and the types of buildings and places that have stood the test of time; but it should also address modern lifestyles, facilitate modern methods of construction (and its associated benefits for efficiency, build quality and the environment) and the need to create places that are both durable and sustainable. History provides many examples of how we can do this well – including Georgian terraces and Victorian mansion blocks – and we should learn from what has worked in the past.

Our National Design Guide, published in October last year, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It is a vital starting point, defining ten characteristics of successful places and the ingredients which can deliver these. However, to provide as much clarity as possible for applicants and communities and provide the basis for 'fast-tracking' decisions on design, broad principles need to be turned into more specific standards.

To address this challenge, this autumn we will publish a National Model Design Code to supplement the guide, setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision, in line with our wider vision for cycling and walking in England.<sup>13</sup> It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets.



To deliver our vision, it is important for the planning system to set clear expectations for the form of development which we expect to see in different locations.





**Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.**

As national guidance, we will expect the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities. But to ensure that schemes reflect the diverse character of our country, as well as what is provably popular locally, it is important that local guides and codes are prepared wherever possible. These play the vital role of translating the basic characteristics of good places into what works locally, and can already be brought forward in a number of ways: by local planning authorities to supplement and add a visual dimension to their Local Plans; through the work of neighbourhood planning groups; or by applicants in bringing forward proposals for significant new areas of development.

We propose that these different routes for bringing forward design guides and codes should remain, although in all cases it will be essential that they are prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. To underpin the importance of this, we intend to make clear that designs and codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, we will also make clear that decisions on design should be made in line with these documents. 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.

## Question

**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.]**

The Building Better, Building Beautiful Commission recommended several other changes to the National Planning Policy Framework that can support the planning system's role in fostering better buildings, places and settlements, and we will consult on changes which reflect these recommendations in the autumn.

**Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.**

The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector. We recognise that this will not happen overnight, and that authorities will need support.

We will explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. Different models exist for how this could be taken forward - such as a new arms-length body reporting to Government, a new centre of expertise within Homes England, or reinforcing the existing network of



architecture and design centres. Whatever model is adopted, we envisage that it would be able to draw on the expertise of recognised experts with a range of skills, drawn from across the built environment sector. Should the final proposals lead to the creation of new central government arm's-length body, then the usual, separate government approval process would apply for such entities.

We will also bring forward proposals later this year for improving the resourcing of planning departments more broadly; and our suggestions in this paper for streamlining plan-making will allow some re-focusing of professional skills. However, effective leadership within authorities will also be crucial. To drive a strong vision for what each place aspires to, and ensure this is integrated across council functions, we believe that each authority should appoint a chief officer for design and place-making, as recommended by the Building Better, Building Beautiful Commission.

## Question

**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.]**

**Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.**

We are committed to taking a leadership role in the delivery of beautiful and well-designed homes and places, which embed high environmental standards. The Building Better, Building Beautiful Commission recommended that Homes England should attach sufficient value to design as well as price, and give greater weight to design quality in its work.

The Government supports this recommendation and recognises that the work of Homes England is an important route through which we can lead by example. Homes England have already taken steps to champion design quality in their land disposals programme, through implementation of a design quality assessment approach, with a minimum standard which must be achieved for a proposal to progress.

However, we recognise that there is an opportunity to go further, and we will engage Homes England, as part of the forthcoming Spending Review process, to consider how its objectives might be strengthened to give greater weight to design quality, and assess how design quality and environmental standards can be more deeply embedded in all Homes England’s activities and programmes of work.

**Question**

**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.]**



The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector.



## A FAST-TRACK FOR BEAUTY

One of the important propositions of the Building Better, Building Beautiful Commission is that there should be a 'fast-track for beauty'. Where proposals come forward which comply with pre-established principles of what good design looks like (informed by community preferences), then it should be possible to expedite development through the planning process. This should incentivise attractive and popular development, as well as helping to relieve pressure on planning authorities when assessing proposals.

### Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

We propose to do this in three ways. In the first instance, through updating the National Planning Policy Framework, we will make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

Second, where plans identify areas for significant development (*Growth areas*), we will legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters.

These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established. For example, a set of simple 'co-ordinating codes' of the sort endorsed by the Building Better, Building Beautiful Commission could set some initial key parameters for the site layout. Where sites are expected to come forward in the near future, more developed masterplans or codes, prepared by the local planning authority or site promoter, will provide greater certainty.

Third, we also propose to legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities, but in accordance with important design principles. There is a long history – in this country and elsewhere – of 'pattern books' being used to articulate standard building types, options and associated rules (such as heights and set-backs). They have helped to deliver some of our most popular and successful places, and in a way which makes it relatively easy for smaller development companies to enter the market. We want to revive this tradition, in areas suitable for development (*Renewal areas*), by allowing the pre-approval of popular and replicable designs through permitted development. The benefits are much more than fast delivery of proven popular designs – it will foster innovation and support industrialisation of housebuilding, enabling modern methods of construction to be developed and deployed at scale.

One of the central propositions of the Building Better, Building Beautiful Commission is that there should be a 'fast-track for beauty'.





To take this approach forward, we intend to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied – enabling increased densities while maintaining visual harmony in a range of common development settings (such as semi-detached suburban development). These would benefit from permitted development rights relating to the settings in which they apply. Prior approval from the local planning authority would still be needed for aspects of the design to ensure the development is right for its context (such as materials), as well as for other important planning considerations such as avoidance of flood risk and securing safe access. To enable further tailoring of these patterns to local character and preferences, we also propose that local planning authorities or neighbourhood planning groups would be able to use local orders to modify how the standard types apply in their areas, based on local evidence of what options are most popular with the wider public.

This proposal will require some technical development and testing, so we will develop a pilot programme to test the concept. Where we are taking forward existing schemes to expand the scope of permitted development through upwards extensions and demolition/rebuilding, we also intend to legislate so that prior approval for exercising such rights takes into account design codes which are in place locally (or, in the absence of these, the National Model Design Code).

#### Question

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

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



## EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

The reformed planning system will continue to protect the places of environmental and cultural value which matter to us. Plans will still play a vital role in identifying not just areas of defined national and international importance (such as National Parks and Sites of Special Scientific Interest), but also those which are valued and defined locally (such as Conservation Areas and Local Wildlife Sites).

However, the planning system can and should do much more than this. In line with the ambitions of our 25 Year Environment Plan, we want the reformed system to play a proactive role in promoting environmental recovery and long-term sustainability. In doing so, it needs to play a strong part in our efforts to mitigate and adapt to climate change and reduce pollution as well as making our towns and cities more liveable through enabling more and better green spaces and tree cover. Several initiatives are already laying the foundations for this. Nationally, the Environment Bill currently before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development. And the Local Nature Recovery Strategies which it will also introduce will identify opportunities to secure enhancements through development schemes and contributions. We will also deliver our commitment to make all new streets tree-lined, by setting clear expectations through the changes to the National Planning Policy Framework which will be consulted on in the autumn, and informed by the outcome of this summer's consultation on the England Tree Strategy.<sup>14</sup> And we are also assessing the extent to which our planning policies and processes for managing flood risk may need to be strengthened along with developing a national framework of green infrastructure standards.

Once the proposals in this paper for reformed Local Plans begin to be implemented, it will be important for authorities to consider how the identification of different categories of land, and any





sub-areas within them, can most effectively support climate change mitigation and adaptation. For example, in identifying land for inclusion within the *Growth* area, or the densities of development appropriate in different locations, the ability to maximise walking, cycling and public transport opportunities will be an important consideration.

**Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

These measures, and reform of our policy framework, provide important opportunities to strengthen the way that environmental issues are considered through the planning system. However, we also think there is scope to marry these changes with a simpler, effective approach to assessing environmental impacts.

In doing so, we will want to be clear about the role that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated. In reviewing the Framework, we will also want to ensure that it provides a clear and robust basis for development management decisions more generally, so that reliance no longer needs to be placed on generic policies contained in Local Plans.

**Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.**

It is vital that environmental considerations are considered properly as part of the planning and development process. However, the current frameworks for doing so – which include Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment – can lead to duplication of effort and overly-long reports which inhibit transparency and add unnecessary delays. Outside of the European Union, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.

To succeed, a new system will need to meet several objectives:

- Processes for environmental assessment and mitigation need to be quicker and speed up decision-making and the delivery of development projects. The environmental aspects of a plan or project should be considered early in the process, and to clear timescales. National and local level data, made available to authorities, communities and applicants in digital form, should make it easier to re-use and update information and reduce the need for site-specific surveys.

Requirements for environmental assessment and mitigation need to be simpler to understand and consolidated in one place so far as possible, so that the same impacts and opportunities do not need to be considered twice.

- Any new system will need to ensure that we take advantage of opportunities for environmental improvements while also meeting our domestic and international obligations for environmental protection. This will be the subject of a separate and more detailed consultation in the autumn.

### **Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.**

The planning system has played a critical role ensuring the historic buildings and areas we cherish are conserved and, where appropriate, enhanced by development. The additional statutory protections of listed building consent and conservation area status have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed. We want to build on this framework as we develop the new planning system. We envisage that Local Plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views.



We also want to ensure our historic buildings play a central part in the renewal of our cities, towns and villages. Many will need to be adapted to changing uses and to respond to new challenges, such as mitigating and adapting to climate change. We particularly want to see more historical buildings have the right energy efficiency measures to support our zero carbon objectives. Key to this will be ensuring the planning consent framework is sufficiently responsive to sympathetic changes, and timely and informed decisions are made.

We will, therefore, review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. In doing so, we want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

**Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.**

The planning system is only one of the tools that we need to use to mitigate and adapt to climate change. Last year we consulted on our proposals to move towards a Future Homes Standard, which was a first step towards net zero homes. From 2025, we expect new homes to produce 75-80 per cent lower CO<sub>2</sub> emissions compared to current levels. These homes will be 'zero carbon ready', with the ability to become fully zero carbon homes over time as the electricity grid decarbonises, without the need for further costly retrofitting work.

We welcome the Committee on Climate Change's response to the consultation and we have considered the points they raised. We will respond to the Future Homes Standard consultation in full in the autumn. As part of this, we intend to review the roadmap to the Future Homes Standard to ensure that implementation takes place to the shortest possible timeline. Our ambition is that homes built under our new planning system will not need retrofitting in the future. To work towards ensuring that all new homes are fit for a zero carbon future we will also explore options for the future of energy efficiency standards, beyond 2025.

All levels of Government have a role to play in meeting our net zero goal, and Local Authorities are rising to this challenge. Local Planning Authorities, as well as central Government, should be



accountable for the actions that they are taking, and the consultation response will look to clarify the role that they can play in setting energy efficiency standards for new build developments.

We will also want to ensure that high standards for the design, environmental performance and safety of new and refurbished buildings are monitored and enforced. As local authorities are freed from many planning obligations through our reforms, they will be able to reassign resources and focus more fully on enforcement. Ensuring that planning standards and building regulations are met, whether for new homes or for retrofitting old homes, will help to ensure that we deliver homes that are fit for the future and cheaper to run.

# Pillar Three – Planning for infrastructure and connected places

## Overview

New development brings with it new demand for public services and infrastructure.

Mitigating these impacts – by securing contributions from developers and capturing more land value uplift generated by planning decisions to deliver new infrastructure provision – is key for both new and existing communities. It is also central to our vision for renewal of the planning system.

At present, there are two broad routes for local planning authorities to secure developer contributions, both of which are discretionary for authorities: planning obligations and the Community Infrastructure Levy. Planning obligations – through Section 106 agreements – are negotiated with developers, and in 2018/19 were worth a total of £7bn, of which £4.7bn was in the form of affordable housing contributions – supporting delivery of 30,000 affordable homes. In contrast, the Community Infrastructure Levy is a fixed charge, levied on the area (floorspace) of new development, and secures infrastructure that addresses the cumulative impact of development in an area. The Community Infrastructure Levy is not mandatory for local planning authorities, and around half of authorities currently charge it. Levy rates are discretionary, established by assessments of infrastructure need and viability.

There are several problems with this system. Planning obligations are broadly considered to be uncertain and opaque, as they are subject to negotiation and renegotiation based in part on the developer's assessment of viability. This creates uncertainty for communities about the level of affordable housing and infrastructure that development will bring. In turn, this brings cost, delay and inconsistency into the process. Over 80 per cent of local authorities agree that such negotiations create delay, despite the planning application being acceptable in principle.<sup>15</sup> This acts as a barrier to entry to the market, and major developers are better placed to devote the legal and valuation resource needed to negotiate

successfully. This unevenness is a problem too for local authorities, with significant variation in skill and negotiation in negotiating viability across authorities.

The Community Infrastructure Levy addresses many of these problems as it is a flat-rate and non-negotiable tariff, and developers and local authorities have, in general, welcomed the certainty it brings. However, as payment is set at the point planning permission is granted, and payment due once development commences, it is inflexible in the face of changing market conditions. Payment before a single home has been built increases the developer's risk and cost of finance, creating cashflow challenges which are more acute for smaller developers. And despite early payment, many local authorities have been slow to spend Community Infrastructure Levy revenue on early infrastructure delivery, reflecting factors including indecision, competing spending priorities, and uncertainty over other infrastructure funding streams.

Securing necessary infrastructure and affordable housing alongside new development is central to our vision for the planning system. We want to bring forward reforms to make sure that developer contributions are:

- responsive to local needs, to ensure a fairer contribution from developers for local communities so that the right infrastructure and affordable housing is delivered;
- transparent, so it is clear to existing and new residents what new infrastructure will accompany development;
- consistent and simplified, to remove unnecessary delay and support competition in the housebuilding industry;
- buoyant, so that when prices go up the benefits are shared fairly between developers and the local community, and when prices go down there is no need to re-negotiate agreements.



The Government could also seek to use developer contributions to capture a greater proportion of the land value uplift that occurs through the grant of planning permission, and use this to enhance infrastructure delivery. There are a range of estimates for the amount of land value uplift currently captured, from 25 to 50 per cent.<sup>19</sup> The value captured will depend on a range of factors including the development value, the existing use value of the land, and the relevant tax structure – for instance, whether capital gains tax applies to the land sale. Increasing value capture could be an important source of infrastructure funding but would need to be balanced against risks to development viability.

#### Question

**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]

## Proposals

### A CONSOLIDATED INFRASTRUCTURE LEVY

We propose that the existing parallel regimes for securing developer contributions are replaced with a new, consolidated 'Infrastructure Levy'.

#### 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.

We believe that the current system of planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'.

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:

- 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.

The single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.

As a value-based charge across all use classes, we believe it would be both more effective at capturing increases in value and would be more sensitive to economic downturns. It would reduce risk for developers, and would reduce cashflow difficulties, particularly for SME developers.

In areas where land value uplift is insufficient to support significant levels of land value capture, some or all of the value generated by the development would be below the threshold, and so not subject to the levy. In higher value areas, a much greater proportion of the development value would be above the exempt amount, and subject to the levy.

To better support the timely delivery of infrastructure, we would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. Enabling borrowing combined with a shift to levying developer contributions on completion, would incentivise local authorities to deliver enabling infrastructure, in turn helping to ensure development can be completed faster. As with all volatile borrowing streams, local authorities should assure themselves that this borrowing is affordable and suitable.

Under this approach the London Mayoral Community Infrastructure Levy, and similar strategic Community Infrastructure Levies in combined authorities, could be retained as part of the Infrastructure Levy to support the funding of strategic infrastructure.

To better support the timely delivery of infrastructure, we would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

In bringing forward the reformed Infrastructure Levy, we will need to consider its scope. We will also consider the impact of this change on areas with lower land values.

Alternative option: The Infrastructure Levy could remain optional and would be set by individual local authorities. However, as planning obligations would be consolidated into the single Infrastructure Levy, we anticipate that there would be a significantly greater uptake. The aim of the *de minimis* threshold would be to remove the viability risk, simplifying the rate setting process, as this would remove the need for multiple charging zones within an authority. It would be possible to simplify further – for instance, for the Government to set parameters. There would be a stronger incentive for local authorities to introduce the new levy, as they would not be able to use Section 106 planning obligations to secure infrastructure or affordable housing. In addition, some local authorities have chosen not to introduce the Community Infrastructure Levy out of concern for the impact on viability of development. Because the new Infrastructure Levy would only be charged above a set threshold, these impacts would be mitigated.

This option would address issues around transparency, responsiveness to local needs and consistency. However, the Government's levers over levels of land value capture would be less strong, with decisions about levy rates being taken at the local level.

Alternatively, the national rate approach could be taken, but with the aim of capturing more land value than currently, to better support the delivery of infrastructure. While developers would be liable for paying the levy, the cost of this would be capitalised into land value. This would ensure that the landowners who benefit from increases in value as a result of the grant of planning permission contribute to the infrastructure and affordable housing that makes development acceptable.

### Questions

- 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.]
- 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]
- 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.]
- 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.]



### Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

In making this change to developer contributions for new development, the scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base, and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, we will maintain the exemption of self and custom-build development from the Infrastructure Levy.

#### Question

**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.]**

### Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site. It is important that the reformed approach will continue to deliver on-site affordable housing at least at present levels.

Affordable housing provision is currently secured by local authorities via Section 106, but the Community Infrastructure Levy cannot be spent on it. With Section 106 planning obligations removed, we propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing.

This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so. Local authorities would have a means to specify the forms and tenures of the on-site provision, working with a nominated affordable housing provider. Under this approach, a provider of affordable housing could purchase the dwelling at a discount from market rate, as now. However, rather than the discount being secured through Section 106 planning obligations, it would instead be considered as in-kind delivery of the Infrastructure Levy. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. This would create an incentive for the developer to build on-site affordable housing where appropriate.<sup>16</sup> First Homes, which are sold by the developer direct to the customer at a discount to market price, would offset the discount against the cash liability.



Under this approach we recognise that some risk is transferring to the local planning authority, and that we would need to mitigate that risk in order to maintain existing levels of on-site affordable housing delivery. We believe that this risk can be fully addressed through policy design. In particular, in the event of a market fall, we could allow local planning authorities to 'flip' a proportion of units back to market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions. Alternatively, we could require that if the value secured through in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments. Government could provide standardised agreements, to codify how risk sharing would work in this way.

We would also need to ensure the developer was incentivised to deliver high build and design quality for their in-kind affordable homes. Currently, if Section 106 homes are not of sufficient quality, developers may be unable to sell it to a provider, or have to reduce the price. To ensure developers are not rewarded for low-standard homes under the Levy, local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality. It is important that any approach taken maintains the quality of affordable housing provision as well as overarching volumes, and incentivises early engagement between providers of affordable housing and developers. Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.

Alternative option: We could seek to introduce further requirements around the delivery of affordable housing. To do this we would create a 'first refusal' right for local authorities or any affordable housing provider acting on their behalf to buy up to a set proportion of on-site units (on a square metre basis) at a discounted price, broadly equivalent to build costs. The

proportion would be set nationally, and the developer would have discretion over which units were sold in this way. A threshold would be set for smaller sites, below which on-site delivery was not required, and cash payment could be made in lieu. Where on-site units were purchased, these could be used for affordable housing, or sold on (or back to the developer) to raise money to purchase affordable housing elsewhere. The local authority could use Infrastructure Levy funds, or other funds, in order to purchase units.

### Questions

- 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.]
- 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.]
- 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.]
- 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.]

## Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

It is important that there is a strong link between where development occurs and where funding is spent. Currently, the Neighbourhood Share of the Community Infrastructure Levy ensures that up to 25 per cent of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas. There are fewer restrictions on how this funding is spent, and we believe it provides an important incentive for local communities to allow development in their area. We therefore propose that under this approach the Neighbourhood Share would be kept, and we would be interested in ways to enhance community engagement around how these funds are used, with scope for digital innovation to promote engagement.

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. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax. The balance of affordable housing and infrastructure may vary depending on a local authority's circumstances, but under this approach it may be necessary to consider ring-fencing a certain amount of Levy funding for affordable housing to ensure that affordable housing continues to be delivered on-site at current levels (or higher). There would also be opportunities to enhance digital engagement with communities as part of decision making around spending priorities. Alternatively, the permitted uses of the Levy could remain focused on infrastructure and affordable housing, as they are broadly are at present. Local authorities would continue to identify the right balance between these to meet local needs, as they do at present.

### Questions

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

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

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

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

It is important that there is a strong link between where development occurs and where funding is spent.

# Delivering change

## How we move into the new system

It is important that in bringing forward reform to improve the operation of the planning system, we do not cause delays to development that is currently planned.

Subject to responses to this consultation, we will consider the arrangements for implementing these changes to minimise disruption to existing plans and development proposals and ensure a smooth transition. This includes making sure that recently approved plans, existing permissions and any associated planning obligations can continue to be implemented as intended; and that there are clear transitional arrangements for bringing forward new plans and development proposals as the new system begins to be implemented.

Nevertheless, we do want to make rapid progress toward this new planning system. We are already introducing a new Use Class Order, with associated permitted development rights, to make easier for businesses to change use without the need for planning permission to support our high streets and town centres bounce back following the COVID-19 pandemic. We have also created new permitted development rights to enable more new homes to be built on top of buildings and the demolition and rebuild of vacant buildings for housing, without the need for usual planning permission.

Today, we are also publishing a consultation on four shorter-term measures which will improve the immediate effectiveness of the current system:

- changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in this paper;

- securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
- temporarily lifting the small sites threshold, below which developers do not need to contribute to affordable housing, to up to 40 or 50 units;
- extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first;

This consultation document can be found at:

[www.gov.uk/government/consultations/changes-to-the-current-planning-system](http://www.gov.uk/government/consultations/changes-to-the-current-planning-system) .

To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, we will consult on options for improving the data held on contractual arrangements used to control land. This can be found at: [www.gov.uk/government/consultations/transparency-and-competition-a-call-for-evidence-on-data-on-land-control](http://www.gov.uk/government/consultations/transparency-and-competition-a-call-for-evidence-on-data-on-land-control) .

## Public assets and investment

As we fix our planning system, we also want to make better use of surplus land owned by the public sector, and to level up public investment in development to support renewal of towns and cities across the country, giving power to communities to shape its future use and bringing investment to places across the country. We will do this by:

- Ensuring investment in new public buildings supports renewal and regeneration of town and city centres across the country. The Government Estate Strategy (GES), which was

published in 2018, sets out how we will use the estate as an enabler to deliver better outcomes for the public, across all four nations of the UK. As part of this, the Government Hubs programme aims to transform the Government's office estate by accommodating departmental workforces in shared regional hubs and supporting office estate – creating strategic hubs across the UK in major city centre conurbations and in secondary towns and cities. We will continue to look at how the Government can ensure investment in its estate delivers wider benefits for places across the country.

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Exploring how disposal of publicly-owned land can support the SME and self-build sectors. As announced by the Prime Minister last month in 'A New Deal for Britain', the Government will produce a new cross-government strategy on how land owned by the Government can be managed and released more effectively and put to better use. As part of this review, we will explore how we can support SME housebuilders, community land trusts and self-builders to identify public land opportunities.

### Supporting innovation in delivery

As we bring forward planning reform, we also want to ensure we have in place the right delivery mechanisms, including development corporations. A good example that we are already progressing is development at Toton in the East Midlands, where we have announced our intention to support the establishment of a development corporation to maximise the area's international links and create tens of thousands of new homes and jobs. We want to see more schemes of this kind, backed by modern delivery models, around the country.

That is why we consulted at the end of last year on changes to the legislative framework for development corporations. This includes exploring whether we need to make changes to

enable more flexible development corporation models that can drive housing, regeneration and employment. We are currently considering responses to the consultation and will respond to it shortly.



## Making sure the system has the right people and skills

Local planning authorities remain at the heart of our ambitious reforms. We want to free up planners to focus on what they were trained for – creating great communities through world-class civic engagement and proactive plan-making, rather than reactive development management.

We recognise that local planning departments need to have the right people with the right skills, as well as the necessary resources, to implement these reforms successfully. Many local authorities are delivering great services, and through the COVID-19 pandemic have been able to transform the way they work to a more digital and modern service. We look forward to seeing evaluations and lessons learned so that we can use this as a catalyst for modernisation of our planning services.

But we know that local authority planning departments are under great pressure – with spending per person on planning and development down 60 per cent and shortages of specialist skills such as design and ecology.<sup>17</sup> And the technology in local planning authorities to support modern services is not there – whilst PropTech firms are developing new apps and other digital services that enable communities to engage with development in new ways, in few places can this be captured by the local authority. Instead, documents are submitted electronically, but not in the way of modern digital services such as those now supporting tax services.

The preparation of reformed Local Plans, development of new design codes, a major overhaul of development contributions, and a new streamlined approach to decision-making will have profound implications for how local planning authorities operate in future. They will need to have sufficient leadership, a strong cadre of professional planners and good access to technical expertise, as well as transformed systems which utilise the latest digital technology. But equally importantly, there must be a fundamental cultural change on how planning

departments operate. They need to be more outward looking, proactively engaging with developers, businesses, architects and designers, as well as a wider cross-section of their local communities.

In particular, we envisage the focus of local planning authorities shifting towards the development of clear Local Plans and high-quality design codes which set the parameters for development – rather than making discretionary decisions based on vague policies. In doing so, there is a real opportunity for planners to redesign their individual roles and change perceptions of their profession. We will consider how best to support the planning profession in making this adjustment, in a way which supports culture change, improves recruitment and changes perceptions of planning.

In addition, other key players, including the Planning Inspectorate and statutory consultees, will have to transform the way they operate in response to these reforms, given their critical role supporting the preparation of Local Plans and decision-making. They too will need to be more responsive and outward looking, and have the necessary skills and resources to undertake their new roles.

We understand why many participants – not just local authorities, but statutory consultees and the Planning Inspectorate – are risk averse. Judicial review is expensive, and to lose a judicial review in the courts is bad for the reputation of either. And judicial reviews can be precedent setting, establishing a new interpretation of the law. We think the proposals set out in the document should remove the risk of judicial review substantially. Most judicial reviews are about imprecise and unclearly worded policies or law. Our plans for an overhaul of planning law to create simple and clear processes and for plans that set out clear requirements and standards will substantially remove the scope for ambiguity and therefore challenge.

# The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

**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. In doing so, we propose this strategy will be developed including the following key elements:**

The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

Currently, the cost of development management activities by local planning authorities is to a large extent covered by planning fees, although the current fee structure means the cost of processing some applications can be significantly greater than their individual fee. However, the cost of preparing Local Plans and enforcement activities is now largely funded from the local planning authority's own resources.

Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. This should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate.

If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.

Reform should be accompanied by a deep dive regulatory review to identify and eliminate outdated regulations which increase costs for local planning authorities, especially to the decision-making process.

Some local planning activities should still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the Government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.

Local planning authorities should be subject to a new performance framework which ensures continuous improvement across all planning functions from Local Plans to decision-making and enforcement – and enables early intervention if problems emerge with individual authorities.

The Planning Inspectorate and statutory consultees should become more self-financing through new charging mechanisms and be subject to new performance targets to improve their performance.

Workforce planning and skills development, including training, should be principally for the local government sector to lead on, working closely with Government, statutory consultees, planning consultancies and universities.

Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making. We think the English planning profession has the potential to become an international world-leader in digital planning, capable of exporting world class planning services around the world.

In developing this strategy, we recognise different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country. We will work with local planning authorities, professional bodies and the wider planning sector to ensure views about implementation are considered. We would particularly want to see innovative solutions which can transform practice

At the same time, we also want to enable a thriving PropTech sector. By unlocking the data that underpins the planning system so that it is open, we want to enable the PropTech sector to transform housing, land, and planning industries with innovative products that are interoperable with others. This will make use of process improvement insights and data to offer services for many different clients, including for improved public consultation opportunities for citizens and developers to identify sites on which to build, helping to reduce investment risks. We will continue to engage with the innovators and the UK PropTech sector through a Minister-led PropTech Innovation Council (announced in November 2019) to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

### Stronger enforcement

As part of the implementation of our planning reforms, we want to see local planning authorities place more emphasis on the enforcement of planning standards and decisions. Planning enforcement activity is too often seen as the 'Cinderella' function of local planning services. But local communities want new development to meet required design and environmental standards, and robust enforcement action to be taken if planning rules are broken. As local



planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.

### Proposal 24: We will seek to strengthen enforcement powers and sanctions

We will review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. We will introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

This will include implementing our commitments from the Government's response to the consultation on unauthorised development and encampments, to strengthen national planning policy against intentional unauthorised development and ensure temporary stop notices are more effective. And will also consider what more can be done in cases where the Environment Agency's flood risk advice on planning applications is not followed.

We will seek to strengthen enforcement powers and sanctions



# What happens next

## Implementing reform

The proposals in this paper apply to England only. Planning is devolved in Scotland, Wales and Northern Ireland.

Subject to the outcome of this consultation, we will seek to bring forward legislation and policy changes to implement our reforms. This consultation sets out our vision for the basis of a reformed planning system. We have not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation. We will continue to develop the proposals as we gather feedback and views on them.

Our proposals for Local Plan reform, changes to developer contributions and development management would require primary legislation followed by secondary legislation. The proposals allow 30 months for new Local Plans to be in place so a new planning framework, so we would expect new Local Plans to be in place by the end of the Parliament.

We would implement any policy changes, including to set a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

## Responding to this consultation

### EQUALITIES IMPACTS

We want all communities, families, groups and individuals to have a say in the future of the places where they live. For too long, planning and planning decisions have felt out of reach from too many people. The Government has heard how the combination of technical jargon

and traditional models of community engagement discourages people from having their say on decisions. At the same time, it disproportionately encourages engagement from people from a narrow set of demographic groups – typically older, better off and white. We believe that the voices of those who may benefit most from new development are therefore often the quietest in the planning process.

We are committed to delivering wider engagement in planning, increasing the supply of land for development, and supporting inclusive and mixed communities. Some authorities and developers are pioneering new models of engagement that broaden this to different groups. We hope that the reforms set out in this consultation – to make the system more accessible, accountable, digital and transparent – will increase access and engagement for all groups up and down the country.

We would welcome views on the potential impact on the proposals raised in this consultation on people with protected characteristics and whether further reforms could broaden access to planning for people in diverse groups.

#### Question

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



# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).



# Annex A

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

These rights apply to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

## 1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gsi.gov.uk](mailto:dataprotection@communities.gsi.gov.uk)

## Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

## 3. Our legal basis for processing your personal data

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to' planning.

## 4. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

## 5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

## 6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

## 7. Storage of your personal data

The Data you provide directly will be stored by MHCLG's appointed third-party on their servers. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

If you submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems at a date following the consultation publication date.

## 8. Your personal data will not be used for any automated decision making.



# Footnotes

- 1 The shortage of affordable homes in and close to the most productive urban centres is a major drag on national productivity – see PwC (2019) “UK Housing market outlook”, available at <https://www.pwc.co.uk/economic-services/ukeo/ukeo-housing-market-july-2019.pdf>.
- 2 The EU Compendium of Spatial Planning Systems and Policies, European Commission (1997); OECD (2017), Land-use Planning Systems in the OECD: Country Fact Sheets; Monk, S., Whitehead, C., Burgess, G. & Tang, C. (2013) International review of land supply and planning systems, Joseph Rowntree Foundation.
- 3 MHCLG data, period covering 24 months to end March 2019.
- 4 YouGov polling commissioned by Grosvenor (2019) – available at <https://www.grosvenor.com/Grosvenor/files/a2/222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf>. An overview of wider evidence and studies on public attitudes to planning and development is available in chapter 9 of the Building Better Building Beautiful Commission’s interim report – available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815495/BBBB\\_Commission\\_Interim\\_Report\\_Appendices.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815495/BBBB_Commission_Interim_Report_Appendices.pdf).
- 5 See the LGAs open statement on planning at <https://www.local.gov.uk/keep-planning-local>.
- 6 MHCLG (2019) The Value and Incidence of Developer Contributions in England 2018/19 available at: <https://gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2018-to-2019-report-of-study>
- 7 MHCLG data on housing supply available at <https://www.gov.uk/government/statistics/housing-supply-net-additional-dwellings-england-2018-to-2019>.
- 8 Data from the Deloitte Property Index, available at [https://www2.deloitte.com/content/dam/Deloitte/cz/Documents/survey/Property\\_Index\\_2016\\_EN.pdf](https://www2.deloitte.com/content/dam/Deloitte/cz/Documents/survey/Property_Index_2016_EN.pdf)
- 9 Building Better Building Beautiful Commission (2019) Creating space for beauty: Interim report. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815493/BBBBBC\\_Commission\\_Interim\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815493/BBBBBC_Commission_Interim_Report.pdf)
- 10 See [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/875032/Planning\\_Application\\_Statistics\\_October\\_to\\_December\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875032/Planning_Application_Statistics_October_to_December_2019.pdf) (p.3).
- 11 See Policy Exchange (2020) “A planning system for the 20th century”, available at: <https://policyexchange.org.uk/publication/rethinking-the-planning-system-for-the-21st-century/>; Centre for Cities (2020) “Planning for the future”, available at: <https://www.centreforcities.org/publication/planning-for-the-future/>; Building Better Building Beautiful Commission (2020) “Living with beauty: promoting health, well-being and sustainable growth”, available at: <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>; Create Streets (2018) “From NIMBY to YIMBY”, and (2018) “More Good Homes”.
- 12 RTPi (2020) “Plan the world we need: The contribution of planning to a sustainable, resilient and inclusive recovery”, available at: <https://www.rtpi.org.uk/research/2020/june/plan-the-world-we-need/>.
- 13 Our plan for cycling and walking is available at <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>.
- 14 To give your views on the England Tree Strategy, please visit <https://consult.defra.gov.uk/forestry/england-tree-strategy/>.
- 15 MHCLG (2019) The Value and Incidence of Developer Contributions in England 2018/19
- 16 As above, a Section 106 planning obligation could still be used to secure a covenant on the land, where necessary. However, the value would be captured through the Infrastructure Levy, rather than Section 106.
- 17 Institute for Fiscal Studies (2019) “English local government funding: trends and challenges in 2019 and beyond”, <https://www.ifs.org.uk/uploads/English-local-government-funding-trends-and-challenges-in-2019-and-beyond-IFS-Report-166.pdf>
- 18 For more information see <https://www.commonplace.is/>
- 19 Estimates provided to the Housing, Communities and Local Government Select Committee Inquiry into Land Value Capture: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf>



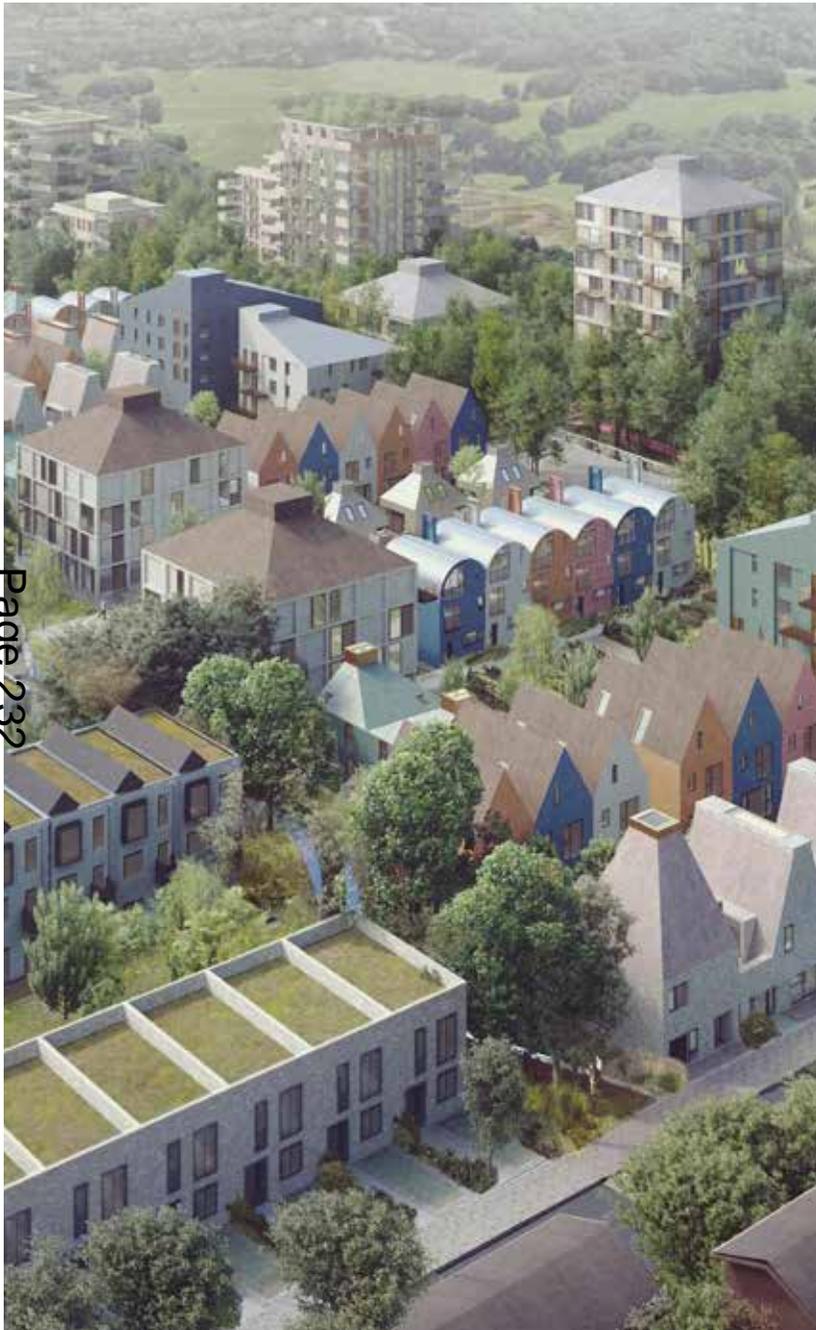
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43	Inholm site plan, Inholm, Northstowe, Cambs	Proctor and Matthews, Homes England, HDA winner
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Page	Image	Credit
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SW1P 4DF  
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August 2020

## **CABINET**

**1<sup>ST</sup> OCTOBER 2020**

### **REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION**

#### **SECTION 106 AGREEMENTS AND FINANCIAL CONTRIBUTIONS – PROPOSED GOVERNANCE**

**Cabinet Member(s):** Cllr Richard Chesterton  
**Responsible Officer:** Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

#### **Reason for Report:**

In order to agree governance arrangements for S106 agreements. A previous audit report flagged up the need to review and formalise governance arrangements. Draft proposals were subsequently drawn up and sent out for consultation with Parish and Town Councils. This report bring together the output from that consultation and subsequent amendment to draft governance proposals.

Mid Devon District Council currently collects financial contributions from new development through legal agreements signed under Section 106 of the Town and Country Planning Act 1990 (as amended), sometimes also referred to as planning obligations.

#### **RECOMMENDATION:**

- 1. That Cabinet recommend to Council that the governance arrangements at Appendix 1 be adopted.**

#### **Financial Implications:**

S106 agreements will normally include clauses stating when the funds will be paid (by reference to some trigger in the development phase) and for what purpose they will be used, often project or location specific. There is also provision for the return of contributions if they remain unspent or uncommitted after an agreed period of time, typically 10 or 15 years depending on the nature of the contribution. All monies collected on applications submitted since April 2015 must be spent on the specific project that it was allocated to at the time the planning application was submitted and that should be set out clearly in the S106 agreement. It cannot be spent on any other project and will only become available for spending once a development has commenced on site. Therefore if a site is never developed the monies won't become available and equally if development of the site is delayed, some monies may not become available for some time. It is therefore important to track payments to ensure any funds secured are used before they have to be returned.

#### **Budget and Policy Framework:**

None directly.

#### **Legal Implications:**

Planning obligations, also known as Section 106 agreements and procedures must comply with the following legislation and Government guidance:

1. The 1990 Town & Country Planning Act

2. Community Infrastructure Levy Regulations 2010 (“CIL Regulations”)
3. National Planning Policy Framework 2018
4. Ministry of Housing, Communities & Local Government Planning Practice Guidance.

More information on the legal framework within which planning obligation operate are set out in **Appendix 2** to this report.

**Risk Assessment:**

Clearer governance and the opportunity for Town and Parish Councils to engage with the process results in greater transparency and understanding of the processes that need to be followed in order to comply with the aforementioned legislation and guidance.

**Equalities Impact:**

There are no equality issues identified directly arising from this report.

**Relationship to Corporate Plan:**

The Planning Service is a statutory service, the effective operation of which is central to the delivery of Corporate Plan priorities of community, housing, economy and environment.

**Climate change impact:**

None directly arising as a result of this report save that developer contributions are a mechanism by which the impacts of a development can be mitigated in order to make it acceptable in planning terms. The climate change impacts of a development form part of the planning application assessment in accordance with policy.

**1.0 BACKGROUND.**

- 1.1 Draft governance arrangements were sent out for consultation purposes with Parish and Town Councils, with the 5 week consultation period finished on the 4th January 2019. Section 3 of this report summarises the responses from the consultation process, provides an officer response where required and advises of any revisions to the governance arrangements as a result. A copy of the governance arrangements is attached at **Appendix 1**.
- 1.2 Mid Devon District Council currently collects financial contributions from new development through legal agreements signed under Section 106 of the Town and Country Planning Act 1990 (as amended), sometimes also referred to as planning obligations.
- 1.3 The need for planning obligations are considered on a case by case basis and may only constitute a reason for granting planning permission if they meet the following statutory tests from the Community Infrastructure Levy (CIL) Regulations, namely that they are:
  - necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind.

- 1.4 Planning obligations must be fully justified (usually by reference to development plan policy requirements) and evidenced. More information on the legal basis upon which S106 agreements operate, relevant Government guidance and advice is set out in **Appendix 2**.
- 1.5 Between April 2015 and October 2019, Regulation 123 of the CIL Regulations has placed a national restriction on the traditional approach of ‘pooling’ Section 106 contributions from numerous developments towards the provision of infrastructure, such as public open space, schools or roads. Such pooling only being permissible for up to five separate planning obligations, for any given infrastructure by project or type. This pooling restriction was removed by the Government in October 2019.
- 1.6 Local planning authorities are expected to use all of the funding they receive through planning obligations in accordance with the terms of the individual planning obligation agreement with the emphasis being to mitigate the impact of development in order to make it acceptable in planning terms. This can result in the delivery of benefits for local communities and support for the provision of local infrastructure. Agreements should normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not. Equally, if monies are not spent in accordance with the terms of the S106 agreement, developers can request that their contribution is returned to them.
- 1.6 With the introduction of the CIL legislation, the Government has ‘scaled back’ the use of planning obligations, as CIL has been viewed as a replacement for the use of planning obligations in some circumstances. However the publication of the Government’s White Paper on ‘Planning for the Future’ in August 2020, indicates an intention to consolidate the existing separate systems of S106 agreements and CIL payments into a new infrastructure levy. This is likely to replace existing arrangements meaning that the S106 governance contained in **Appendix 1** is likely to be time limited, pending that change. Should new legislation be introduced, governance will need to be revisited.

## **2.0 CONSULTATION RESPONSES.**

2.1 The consultation exercise over the proposed governance arrangements produced 8 responses. The consultation sought views on the governance arrangements, guidance notes and a flow chart. This report deals with the former. Guidance notes and a flow chart to help explain procedures will be updated before being rolled out. The responses are set out below:

### **2.2 Town and Parish Council responses**

2.2.1 **Bradninch Parish Council** – Our main concerns are that the balance between the District and the local community affected is too much in favour of the District and that, within MDDC, the balance between the primacy of officials and elected councillors on the Planning Committee/S106 Board is too much in favour of the officials, in particular the Head of Planning. We’ve heard in the past that the Committee is led by the recommendations of the Planning

Officers and this governance policy will only serve to reinforce that position. We understand that this makes things easier for District Councillors but are not convinced that it is necessarily right. We have seen numerous instances in previous planning matters where dubious decisions have been the result.

The document also needs a good proof read for both grammar and the inclusion of jargon, such as 'SPD'.

The project areas for spend are limited to Public Open Space, Air Quality and 'Other'. Should these be more comprehensively defined and does it mean that projects will only have a reasonable chance of success if they fall into one of the first two categories?

**2.2.2 Clayhidon Parish Council** – The response was limited to a project specific request for funding.

**2.2.3 Cullompton Town Council** – Cullompton Town Council is pleased to note that MDDC intends to consult with Town and Parish Councils and hopes that MDDC will not only consult but also take on board the comments made and act on those comments. Request that Town and Parish Councils receive regular update reports on what S106 funding is available and when it needs to be spent by.

**2.2.4 Stoodleigh Parish Council** – Comments in relation to the guidance note rather than proposed governance.

**2.2.5 Halberton Parish Council**

1. Pre 2015 contributions – not scheme specific

- spending under £10k is delegated to officers
- spending over £10k is delegated to S106 Board consisting of members and officers. Towns/parishes within catchment area to be consulted 14 days before Board meeting.

Comment: Town/Parishes should be consulted on all proposed spending including up to £10k. It would be useful to have more than 14 days notice where possible as referrals are likely to need to fit in with formal council meeting cycles.

2. Post 2015 contributions – scheme specific

- nominations for specific projects and amount made at planning application stage
- nominations to come from MDDC departments, Ward members within the catchment area, Town/Parishes within the catchment area, sports/community groups
- assessment of nominations delegated to officers, or S106 Board if competing projects.
- Note that a project in a neighbouring area may be prioritised over local project if officers feel it is closer/more accessible. Town/Parishes in both areas to be consulted.

Comment: The council welcomes the opportunity to nominate projects, but does not find it helpful to nominate projects now which may not be delivered

for many years hence when priorities may have changed. The council does recognise this is a legislative issue and not within MDDC control.

Similar to the comment on 1 above, the council would like as much notice as possible to consider where a neighbouring project is likely to be prioritised over a local project, including MDDC reasons for preferring the neighbouring project, so that a considered response can be made.

### 3. Requests to vary S106

- delegated to officers, unless members require it be considered by MDDC committee
- must have clear planning reasons

Comment: Given the current process of nominating projects potentially many years hence, MDDC should make the process of varying the project as straight forward as possible as priorities do change over time.

2.2.6 **Stockleigh English Parish Council** – As Stockleigh English is a tiny parish with no arrangements to handle money we do not wish to participate.

2.2.7 **Tiverton Town Council** – The 14 days proposed for comments from Parish and Town Councils is not a long enough period for a democratic view to be provided. One would also question why such a short period would be necessary. We would suggest 28 days is far more realistic. Many Parish Councils meet on a monthly basis; therefore 28 days is far more realistic a period

In the flow chart it would seem that a Parish Council could be by-passed by a S106 Board. This is not acceptable. We would wish to always be consulted.

2.2.8 **Willand Parish Council** – In the proposed Section 106 governance document under paragraph 2 Willand Parish Council are concerned that the suggested makeup of the Board would mean that the decision making is officer controlled and have asked why this is felt to be necessary. It is suggested that there should be an uneven number on the Board, maybe 7 and that the majority should be elected members. The Councillors feel strongly that the officers are there to advise and not to decide, this should be decided by elected members.

Paragraph 2 also states that 'views will be sought from Parish or Town Councils and Ward Members (14 days allowed)'. Although it is recognised that these things need to be moved quite quickly Willand Parish Council also think that this period of time should be longer given that some Councils only meet bi-monthly, even Willand with its more frequent meetings can have a gap of 3 weeks between meetings

It would be helpful if the note to paragraph 3 Project Selection for Spend could emphasise that this would be discussed during the setting up of new projects from new developments and there would not be any possibility of agreed projects having funding removed to another parish.

2.3 Since the consultation draft, revisions have been made to the proposed governance arrangements. These include giving more time for receipt of

Parish and Council responses and increasing opportunity for Member input into the process.

### 3.0 PLANNING POLICY ADVISORY GROUP.

3.1 Planning Policy Advisory Group (PPAG) has previously considered draft governance arrangements for S106 agreements and requested the meeting of a working group so that this could be considered further before reporting back to a further meeting of PPAG. The working group consisted of Councillors Barnell, Chesterton and Woollatt. The group met on 8<sup>th</sup> June 2020 and was attended by Cllrs Woollatt and Barnell with apologies from Cllr Chesterton.

3.2 The views of the working group in relation to the draft governance were as follows:

1. The **S106 Board** should also include the relevant Ward Member(s). At present it is too officer led.
2. **Public open space – project nominations.** There should be more regular contact with Ward Members and Parish/Town Councils over the proposed project list.
3. **Reporting: public open space.** Ward Members and Parish/Town Councils should be advised regularly on the amount of public open space money available to spend and when it needs to be spent by. The working group suggested quarterly reporting in Tiverton, Cullompton and Crediton, with 6 monthly reporting elsewhere.
4. **Nominations for all S106 projects.** The working group also sought to replicate the public open space project nomination procedure for other S106 contributions.

However there is a marked difference here between legacy contributions sought for public open space where the project was not specified in the original S106 agreement as compared with other contributions that are now being negotiated at planning application stage. The current negotiations must be in accordance with local plan policies and take into account responses by statutory consultees. Whilst views of Ward Members, Parish and Town Councils may be taken into account, the starting point and main consideration for the determination of planning applications must legally be the policies in the development plan. To adopt the same procedure as at item 4 would move away from that approach and be likely to also introduce delay that would impact upon determination timescales.

5. **Project selection for spend: other contributions.** Consultation should also take place with Ward Member(s) as well as the relevant departments
6. **Variation or renegotiation of S106 agreements.** The working group wished for procedures to be consistently followed. These procedures derive from the scheme of delegation, procedures agreed by Planning Committee in 2016 and the agreement by Council of Motion 553 (Councillor Evans). The need to fully align these and ensure it was followed was highlighted. Further text has been added to clarify consistency with Motion 553 and the scheme of delegation and procedures will require updating accordingly

In addition to more detailed comments on the proposed governance arrangements, the members of the working group considered that:

1. Greater accountability and transparency is required over S106 agreements, the collection and spend of financial contributions.
2. Greater Member oversight and awareness is needed given the critical role of developer contributions in implementing the local plan as a whole, specific policies and strategic development allocations. Greater oversight is also required due to the significance to the Corporate Plan.
3. There was an overarching wish for greater Member involvement at an earlier stage in the planning process.
4. There is currently insufficient engagement over local priorities.
5. A process is needed to address the impact of traffic upon local communities.
6. The need was identified for a process to address these comments. It was suggested that the role of the Development Delivery Advisory Group (DDAG) could be widened to take this on.

3.3 The draft governance arrangements were updated following the meeting of the working group, to incorporate the sought additions/deletions. This was referred back to the meeting of PPAG on 27<sup>th</sup> July 2020 where the proposals were agreed for Cabinet consideration.

#### **4.0 CONCLUSIONS.**

4.1 There remains a need to agree governance arrangement for S106 agreements even in light of likely legislative change which would require a further review. The arrangements set out in **Appendix 1** have been updated following consultation with Parish and Town Councils and input by the Planning Policy Advisory Group.

Contact for more Information: Jenny Clifford, Head of Planning, Economy Regeneration  
[jclifford@middevon.gov.uk](mailto:jclifford@middevon.gov.uk)

Eileen Paterson, Group Manager for Development  
[epaterson@middevon.gov.uk](mailto:epaterson@middevon.gov.uk)

Circulation of the Report: Cabinet Members

List of Background Papers: Cabinet 25<sup>th</sup> Oct 2018  
 Ministry of Housing, Communities and Local Government 'Planning for the Future' August 2020

## APPENDIX 1 - SECTION 106 GOVERNANCE

1. All payments received by Mid Devon District Council (MDDC) for legal agreements signed under Section 106 of the Town and Country Planning Act 1990 (as amended) which are referred to as Section 106 agreements (S106) must be given the relevant planning application reference upon receipt.
2. **Arrangements for the spending of financial contributions for S106 agreements where financial contributions are not project specific** (generally pre 2015 and by infrastructure type).

- a. Spend <£10,000 delegated to Head of Planning, Economy and Regeneration in consultation with Estates and Operations (if relevant to operational area).

Views will be sought from Parish or Town Council and Ward Members within the catchment area in advance (28 days allowed).

- b. Spend >£10,000 shall be referred to a S106 Board comprising of the following:

1. Cabinet Member of Planning and Regeneration (Chair)
2. Cabinet Member for Community Well being
3. Senior officer from Planning (Head of Planning or Group Manager for Development)
4. Senior officer from Operations
5. Senior officer from Estates
6. Admin support – Planning Obligations Officer
7. Relevant Ward Member(s)

Views will be sought from Parish or Town Council and Ward Members within the catchment area in advance of Board Meeting (28 days allowed).

#### 4. **Project Selection for spend: PUBLIC OPEN SPACE**

For S106 financial contributions post 2015, these are required to be project specific. Accordingly prior to the signing of a S106 agreement at the planning application stage the project upon which the financial contribution should be spent needs to be specified.

Project nominations will be sought from:

- a. Internal to MDDC – Relevant departments and Ward Members within the catchment area.
- b. External to MDDC – Parish or Town Council within the catchment area, sports and community groups (with 28 days allowed and sports/community group consultation depending on relevance to S106 contribution).

c. Assessment of the eligibility of a project (assessed against statutory requirements, guidance and its relation to the planning application from which contribution sought) – Delegated to Head of Planning, Economy and Regeneration via case officers.

d. In the case where project prioritisation is required between two or more eligible projects – Referred to S106 Board.

NOTE – Whilst the Provision and Funding of Open Space through Development Supplementary Planning Document (SPD) identifies the use of a catchment area approach for the collection and spend of financial contributions towards public open space, in order to ensure that the tests of the CIL Regulations are met, there may be instances where a project or facility in an adjacent catchment area is more likely to be used/accessed due to it being closer/more accessible to the development in question. In such cases the Parish or Town Council and Ward Members of both catchment areas will be consulted during the setting up of new projects.

## **5. Project selection for spend: AIR QUALITY**

a. For S106 contributions post 2015 towards air quality, these are project specific therefore project nominations will be sought from:

b. Internal to MDDC – Relevant departments and Ward Members (both Ward within which the development is located and Ward of the relevant Air Quality Management Area if different).

NOTE 1 – Air quality projects are generally those which will assist in the management of air quality within an Air Quality Management Area (AQMA) (Cullompton or Crediton). Contributions may be sought from outside the AQMA where it is identified that new development would have a negative impact upon the AQMA. Actions to address air quality are included within the Air Quality Action Plan. Air quality projects to receive S106 funding will normally be based upon the actions identified within the Mid Devon District Council Air Quality Action Plan.

NOTE 2 – Suggestions for air quality projects from the community to be considered for inclusion in the Air Quality Action Plan (when next reviewed) may be made via the Ward Member.

## **6. Project selection for spend: OTHER CONTRIBUTIONS**

a. Delegated to the Head of Planning, Economy and Regeneration in consultation with relevant departments and Ward Member(s).

NOTE – These are normally identified through adopted planning policies relevant to the development and responses from statutory consultees during the planning application assessment process.

## **7. Selection of S106 heads of terms and prioritisation between S106 asks where viability an issue.**

- a. Delegated to the Head of Planning, Economy and Regeneration in consultation with the Ward Members and relevant services (e.g. Housing, Environmental Health etc.).

NOTE – These are normally identified through adopted planning policies relevant to the development and responses from statutory consultees during the planning application assessment process.

## 8. Requests to vary or renegotiate S106 agreements

- a. Delegated to the Head of Planning, Economy and Regeneration in consultation with the relevant services unless the Ward Member, Chairman and Vice-Chairman of Planning Committee and Cabinet Member for Housing (the latter in the case of amendments to affordable housing only) having been consulted, require that the Planning Committee consider the proposed changes having given clear planning reasons.
- b. Procedure a. above allows for officers and members to come to agreement over proposed changes without reference to Planning Committee. Should the officers and members fail to agree on the proposed changes or cannot negotiate agreeable alternatives, the members may require that the Planning Committee consider the proposed changes having given clear planning reasons.

NOTE – Existing process in place, agreed by Planning Committee 6<sup>th</sup> July 2016. The procedure includes consultation with relevant consultees, Ward Members and the Parish or Town Council (14 days allowed).

NOTE – The procedure at a. above includes wider Member consultation than Motion 553 (Cllr Evans) agreed at the meeting of Council on 24<sup>th</sup> April 2019 and is not inconsistent with it in other respects. Point b. above has been added to clarify the approach and consistency with Motion 553:

*'Motion 553:*

*Any planning application that is approved by Committee giving specific affordable housing provision and or a detailed section 106 agreement as part of the information for members to consider that subsequently receives any application to alter all or part of these agreements must be referred to the relevant ward member/s and the Cabinet Member for Housing for their consideration and input.*

*Should both the officer dealing and the ward member/s agree to the changes these can be allowed to form the new affordable housing agreement and or section 106 agreements.*

*Should the ward member/s and officer dealing fail to agree on the proposed changes or cannot negotiate agreeable alternatives then the application to change the affordable housing and or section 106 agreement should be referred back to the committee for their consideration and agreement / disagreement.'*



One of the Government's priorities is the delivery of housing, the achievement of which is increasingly linked to future success of funding bids. The ability to show progress against key milestones in the delivery plan for the project is of increasing importance.

Establishment of a comprehensive masterplanning framework for the development is considered vital to achieving the Council's aspirations for the garden village in terms of community, place making and quality. The absence of such an approach would represent a significant risk to achieving the desired quality outcomes.

**Relationship to Corporate Plan:** The garden village project contributes to all four corporate priorities of homes, environment, community and economy and the objectives of sustainable and prosperous communities, a sustainable planet and sustainable participation. The project is central to the delivery of many of the aims identified within the Corporate Plan. It is a significant strategic project with a national profile.

**Equality Impact Assessment:** No equality issues are identified for this report at this stage.

**Impact on Climate Change:** Masterplanning the garden village in a holistic way will provide a valuable opportunity to put the Council's commitment to the Climate Change Declaration at the heart of sustainable growth options. Opportunities exist for encouragement and provision of sustainable travel options including public transport and walking and cycling, provision of new local employment opportunities, exploration of low carbon construction opportunities, provision of accessible natural open space, tree planting, enhancement of wildlife habitats and natural flood management.

## 1.0 INTRODUCTION

- 1.1 Policies CU7-CU12 of the adopted Mid Devon Local Plan Review allocate 160 hectares of land to the east of Cullompton for up to 1,750 homes and associated development within the period up to 2033 (with at least 850 houses thereafter). This allocation is intended to form part of a larger garden village proposal. Policy CU7 of the Local Plan Review requires comprehensive masterplanning of the development including at least two stages of public consultation, and adoption of the masterplan as a Supplementary Planning Document before any planning application is determined. The Mid Devon Local Plan Review was adopted at the meeting of Full Council on 29 July 2020.
- 1.2 Culm Garden Village was one of 14 initial areas awarded garden village status by the Government in January 2017 following a successful expression of interest by the Council. The background to this was summarised and included within the report considered by Cabinet on 6 July 2017.
- 1.3 With Culm Garden Village receiving garden village status, there is a clear intention and direction of travel towards a garden village of significantly greater scale and covering substantial additional land to that currently allocated by policy CU7 of the Mid Devon Local Plan Review.

- 1.4 The draft Cullompton Neighbourhood Plan has been through examination and is awaiting a referendum before being made. The Plan supports the idea of the wider garden village beyond the local plan allocation conditional upon establishing a joined-up and locally led approach that ensures physical and social 'integration' of existing and new development enabling development to the east of the M5 to become an integral part of the community of Cullompton.
- 1.5 The remainder of the garden village for development over and above the Local Plan Review allocation will need to be allocated within a future plan, whether at local or more strategic level scale. Its allocation was due to form one of the site options for consultation through the Greater Exeter Strategic Plan (GESP). Following the decision by East Devon District Council to withdraw from GESP, the plan and allocation options cannot be taken forward as intended. At the Council meeting on 26 August 2020, MDDC resolved to consider options for an alternative joint strategic plan as well as to accelerate an early review of Mid Devon's Local Plan. The Council reaffirmed its commitment to Culm Garden Village. A proposal for allocation of the remainder of the garden village is therefore intended to be taken forward within a future development plan, such as the early review of the Mid Devon Local Plan.
- 1.6 Masterplans bridge the gap between planning policy aspiration and its implementation in order to achieve high quality design and create successful places. They also set out key principles that planning applications will need to have regards to in order to be considered acceptable. Additionally, as masterplans often relate to large strategically important sites that are to be delivered in phases over what may be a long time period, they also need to contain flexibility in order to respond to changing circumstances.
- 1.7 Supplementary Planning Documents provide guidance and can only be developed in support of adopted planning policies. Whilst they do not form part of the Development Plan, they are a material consideration in the determination of planning applications.
- 1.8 As development is to be allocated through two different plans and the policy vehicle for allocating the wider garden village has not yet been finally established, it is not possible to masterplan the whole of the garden village within one masterplan SPD document. There is currently no site allocation for the garden village, only for initial development east of Cullompton. At this stage, it is therefore proposed only to develop a detailed Masterplan SPD for the part of the garden village to be allocated under the Mid Devon Local Plan Review (policies CU7-CU12).
- 1.9 However, the Council has an aspiration to masterplan the whole of the garden village area as one, rather than in parts. In looking to respond positively to this context, the opportunity is being taken now to develop and determine the key choices and decisions for the initial East Cullompton Masterplan SPD area at the same time as establishing a clear picture and understanding of the broader, longer term concept for the wider garden village in the form of a framework masterplan.

- 1.10 Whilst the framework masterplan for the wider garden village will not have the level of detail and planning status as an adopted SPD, it will take the form of planning guidance for future developers until such time as a detailed SPD can be developed and adopted under a future allocation. This is to ensure that the whole of the garden village is developed as a sustainable new settlement that achieves the Council's aspirations for the garden village in terms of climate change, community, place making and quality.
- 1.11 A technical evidence base has been developed by the land promoters for the East Cullompton Local Plan allocation which is sufficiently detailed to inform the East Cullompton Masterplan SPD. However, as information gathering for the remainder of the garden village is less advanced due to the fact that land is not yet allocated, there will likely to be a need for this Council to commission baseline technical reports to inform the wider masterplanning work. Such baseline reports could include flood risk, heritage, landscape and visual and ecology. A gap analysis is being carried out to determine the information and reports that have already been carried out (if any), and determine any further reports that need to be commissioned alongside the masterplanning work itself.

## **2.0 BACKGROUND WORK AND ENGAGEMENT TO DATE**

- 2.1 Following approval by Cabinet on 3 January 2019, stage 1 public consultation took place over a six-week period from 18 January 2019 to 1 March 2019 on two documents:
- 1) The draft Culm Garden Village Vision & Concept Document that sets out a Vision and a number of key principles to guide development at the proposed new garden village, together with a Concept Plan which starts to add shape to ideas on how the garden village might look.
  - 2) The East Cullompton Masterplan Supplementary Planning Document: Issues, Opportunities & Concepts document that sets out a number of issues and opportunities based on an analysis of the site, brought together to inform some initial concepts for the masterplanning of the East Cullompton Local Plan Review allocation, which will form Phase 1 of the garden village.
- Stage 1 is a means to scope out the content and key issues for the East Cullompton Masterplan SPD and Garden Village Framework Masterplan.
- 2.2 Results of the public consultation and details of engagement activity that informed those documents were reported to Cabinet on 30 May 2019. This public consultation formed Stage 1 of the two stage public consultation process required by the Council's Statement of Community Involvement.
- 2.3 With the adoption of the Local Plan Review on 29 July 2020, it is now imperative that the next stage of masterplanning is progressed and a draft Masterplan SPD (East Cullompton) and draft Framework Masterplan (wider garden village) is produced for Stage 2 public consultation.

- 2.4 Whilst work has been ongoing to inform the masterplanning process, including technical work and engagement with local communities, additional resourcing, knowledge and expertise is required to produce the draft SPD and Framework Masterplan.
- 2.5 One of the key principles for delivery of Culm Garden Village is that it is locally-led. Production of the draft Masterplans by consultants commissioned by the Council would ensure that full control of the masterplanning process is retained by MDDC.

### 3.0 **SCOPE OF COMMISSION**

3.1 It is recommended that consultants (funded by capacity funding set aside for this purpose) be engaged to produce two documents on behalf of the Council:

- 1) A draft East Cullompton Masterplan SPD and
- 2) A Culm Garden Village Framework Masterplan

The Masterplan SPD and Framework Masterplan will build on engagement work to date, including the Stage 1 public consultation.

3.2 The production of the Masterplans will require a multi-disciplinary approach. It is expected that the commission will be filled by a multi-disciplinary consultancy or group of consultancies.

3.3 The engagement work to date has identified a number of priorities that need to be addressed within the Masterplans. These include:

- 1) Masterplanning should be landscape-led, building on the area's natural assets and creating quality green and blue infrastructure.
- 2) Climate change, including opportunities for low carbon development, should be a key focus for the development.
- 3) Natural flood management and sustainable urban drainage should form a key aspect of flood risk mitigation.
- 4) Active transport (walking, cycling, public transport) should be the main transport choice.
- 5) The garden village should promote links (physical, social and economic) with Cullompton.
- 6) The garden village should be self-sustaining with good employment and skills opportunities.
- 7) Urban design should focus on a high quality living environment, taking into account the health and well-being of future residents.

3.4 The consultants will need to consider phasing of delivery of development and viability to ensure that the development is policy-compliant and deliverable.

3.5 The commission will consist of:

- 1) Production of a draft Masterplan SPD for the East Cullompton Local Plan Review allocation, building on the technical work and engagement (including the Stage 1 public consultation) that has taken place to date.

This will be a detailed masterplan to be adopted as a Supplementary Planning Document.

- 2) Production of a Framework Masterplan for the whole of the Garden Village, again building on technical work and engagement (including the Stage 1 public consultation) that has taken place to date. This will be less detailed but will set a vision and key principles for the garden village and provide guidance, including a spatial land use plan, on land uses including green spaces, movement and connections, character areas and sustainability. The detailed East Cullompton Masterplan will fit seamlessly within this wider Framework Masterplan.
- 3) Production of evidence base reports to inform the Masterplan SPD and Framework Masterplan where there are gaps in current knowledge. These reports could include flood risk, ecology, heritage, landscape and transport.

3.6 The consultants will need to take into account ongoing work that is being carried out in respect of provision of essential infrastructure, such as delivery of the Cullompton Town Centre Relief Road, and Strategic Outline Business Cases for motorway junction improvements and the re-opening of Cullompton railway station.

3.7 The consultants will also need to take into account the Cullompton Neighbourhood Plan, Cullompton Town Centre Masterplan that is moving towards Stage 2 public consultation on a draft Masterplan and a Delivery Plan, and the Connecting the Culm project that has developed a catchment-wide flood model and will be identifying natural flood management and water quality opportunities within the catchment through a catchment blueprint.

3.8 A provisional timetable is proposed:

Action	Date
Cabinet	1 October 2020
Award of contract	November 2020
Draft Masterplan SPD and Framework Masterplan to Cabinet	May 2021
Stage 2 public consultation	June/July 2021
Final draft Masterplan SPD and Framework Masterplan to Cabinet	October 2021
Adoption	November/December 2021

#### 4.0 CONCLUSIONS

4.1 The East Cullompton Masterplan SPD will seek to provide a comprehensive framework to guide Phase 1 development in a coordinated and comprehensive manner. Once adopted it will achieve full weight in decision making as a material planning consideration.

4.2 The Culm Garden Village Framework Masterplan will provide guidance to ensure that the entire garden village is delivered in a holistic way. It will also

inform development of future planning policies for the garden village. The East Cullompton Masterplan SPD will fit seamlessly into the wider Framework Masterplan.

- 4.3 The first phase of public consultation has been undertaken. The engagement of consultants is now sought to develop the draft East Cullompton Masterplan SPD and draft Culm Garden Village Framework Masterplan ahead of the second stage of public consultation.

<b>Contact for any more information</b>	Tina Maryan, Area Planning Officer <a href="mailto:tmaryan@middevon.gov.uk">tmaryan@middevon.gov.uk</a>
<b>Background Papers</b>	Cabinet report 3 January 2019 Cabinet report 30 May 2019
<b>Circulation of the Report</b>	Members of Cabinet

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**CABINET**  
**01 OCTOBER 2020**

## **MID DEVON DISTRICT COUNCIL EMERGENCY BUDGET REVIEW 2020/21**

**Cabinet Member(s):** Cllr Andrew Moore  
**Responsible Officer:** Andrew Jarrett – Deputy Chief Executive (s151)

**Reason for Report and Recommendation:** To assess the financial impacts of the Covid 19 pandemic and to enable the Council to meet its obligations to maintain a balanced budget whilst holding reserves at the recommended minimum level. This report therefore seeks to present a revised budget for 2020/21 which will address the loss of income and the additional expenditure arising from the pandemic and those actions that have been taken to control it.

### **RECOMMENDATION(S):**

- 1. It is recommended that Cabinet notes the Council's revised spending proposals in respect of its General Fund.**
- 2. As part of the Council's pledge to become carbon neutral by 2030, there is an intention to create a Climate Coordinator post on a fixed term contract for one year. The annual cost is expected to be £30k. The post is expected to be recruited by January and Cabinet is therefore asked to approve an amendment to budget of £7,500 in 2020/21 accordingly.**
- 3. The Heritage Action Zone (HAZ) project relating to Cullompton spans the 4 years from 2020/21 to 2023/24. Current year expenditure is budgeted to be £270k and it is recommended that Cabinet approves the inclusion of this in the current year capital programme. It can be noted that £130k is funded from external bodies with the balance coming from existing ear marked reserves.**
- 4. The project to install a solar array at Carlu Close is intended to be increased in capacity to maximise its environmental advantage. There is an existing approved budget for 2020/21 of £18k. It is recommended that Cabinet approves additional expenditure in the current year of £14k accordingly.**

**Financial Implications:** Good financial management and administration.

*Approved by Finance: yes – Ian Chilver - Group Manager for Financial Services*

**Budget and Policy Framework:** The Local Government Finance Act 1992 places a legal requirement on a council to approve not only the budget but also any changes to the budget proposed during the year. Council has a legal duty to ensure that the budget is balanced and that any changes to the budget are fully funded.

**Legal Implications:** The Council is legally responsible for setting a balanced budget each year and for taking action when there are adverse movements in the projected financial position during the year. Therefore, if a decision is taken to remove a proposed reduction, then Council must identify how that will be funded.

**Risk Assessment:** Understanding and mitigating the risk of unforeseen over or under spends arising at year end and so allowing the Council to direct its resources to key corporate priorities.

**Equality Impact Assessment:** It is considered that the impact of this report on equality related issues will be nil.

**Relationship to Corporate Plan:** The financial resources of the Council impact directly on its ability to deliver the Corporate Plan; prioritising the use of available resources brought forward and any future spending will be closely linked to key Council pledges from the updated Corporate Plan.

**Impact on Climate Change:** This report references initiatives relating to the Councils pledge to be carbon neutral by 2030, for example the creation of the Climate Co-ordinator post, and provides funding for their facilitation.

## 1. Summary

- 1.1. This report reviews the budgetary implications of the Covid 19 measures which largely relate to the general fund. The resulting budget gap is forecast to be £4.4m as detailed in section 6.1.
- 1.2. Further analysis details how this gap might be part filled, utilising government grants, making short term cost savings within existing operations and other budget savings. These total £3m, leaving a net gap of £1.4m extant (section 7.1).
- 1.3. Section 8 examines the extent to which the income protection guarantee will recover the net gap and how the Council may choose to manage any deficit that persists further to this scheme.

## 2. Background

- 2.1. In February 2020, Council approved the budget for 2020-21, including setting the Council Tax for the District. This resulted in a balanced budget for the year, which had a nil effect on the General Fund Balance at year end.
- 2.2. On 23 March of this year the government announced a national lockdown in response to the Covid 19 pandemic. This has had, and continues to have, a significant impact on the finances of local authorities. It has led to many, if not most, councils struggling to balance the books and warning of the possibility of section 114 notices. The situation is being closely monitored by Government and we along with all councils have been submitting regular reports on income losses and additional expenditure. The Government has taken several measures to support the sector. This ranges from advance payment of the 2020/21 s31 NDR claim to ease immediate cash flow concerns, to delivery of a specific compensation package over 3 tranches. Further, the Council has participated in the Job Retention Scheme or furlough scheme. However, the scale of income loss and additional expenditure

incurred because of Covid-19 and the lockdown exceeds by a significant margin this additional funding received from Government.

- 2.3. Other government schemes have been announced, the most promising of which looks to be the Income Protection Guarantee whereby Authorities will receive 75p for each £ of lost income after the first 5%. Important details of this scheme are awaited so that we may ascertain its true worth to MDDC.
- 2.4. Also of note, is the following statement from Robert Jenrick MP, at the MHCLG, included in the press release of 2 July: “In the next Spending Review, the government will agree an apportionment of irrecoverable council tax and business rates losses between central and local government for 2020 to 2021.” This hints at further support in respect of collection fund losses.
- 2.5. The current estimate for income losses due to the pandemic in 2020/21 for Mid Devon District Council is £3.02m. This compares to a net budget of £11.52m. This includes the losses over the lockdown period as well as an estimation for the rest of the year. Service activity levels will not recover overnight. Many residents remain cautious about returning to their old habits. Some activities are limited by ongoing restrictions. Indeed, it is likely that most service areas will continue to be depressed going in to 2021/22. As so often said, these are unprecedented times with really no past experience or historical data on which to fall back. Future outcomes will also be impacted by other unknowns. Will there be further infection peaks with accompanying lockdowns? How will the economy fare over the coming months and years? How will local companies respond to the end of the furlough scheme? What does future government policy look like? Not only this, but the Brexit transition period finishes at the end of December. At the time of this report there is no certainty that a succession agreement will be ready, let alone its scope.
- 2.6. The Council is obliged to take action to ensure its books balance at the end of the financial year. This report therefore seeks to set a revised budget for 2020/21 to address the additional expenditure and loss of income experienced as a result of the restrictions imposed to combat the Covid-19 pandemic. Projections of the financial impact on the Council show a position where the Council will be unable to simply use its General Fund Balance to offset the additional expenditure and losses. As a result Council needs to take action early to protect the overall financial position of the Council. The projections are of course based on a number of assumptions. In general, being that there are no further significant periods of lockdown and that over time things will return to how they were, albeit slowly.
- 2.7. These assumptions may well change as the response to the pandemic progresses. The purpose of this report therefore is to deliver a balanced budget, bearing in mind that this is a new and evolving situation. There will be an ongoing need for the Council to respond and adapt accordingly. It may be that the proposals made to address the shortfall are such, that if the financial position of the Council improves, then elements of the reductions being proposed can be reinstated or reserves can be strengthened.

2.8. The report will set out the additional expenditure incurred, the projections of income lost, broken down between irrecoverable and potentially recoverable, and proposals to balance the budget.

### **3. Covid 19 - Additional Expenditure (General Fund)**

3.1. The pandemic caused massive disruption to services. Some were completely suspended eg leisure services and other new services were set up to deal with the special needs of residents during the crisis. A hub was set up in Tiverton to support residents who were shielding which set up in unit 10, Market Walk, and special efforts were made in respect of rough sleepers in the district. Suspended services saw many officers placed on furlough under the government Job Retention Scheme with other officers being redeployed to support new services or backfill positions vacated by colleagues for whom it was important to isolate. There were additional costs relating to PPE particularly for property services and also grounds maintenance. Many officers who continued to work, did so from their own homes. This has brought its own challenges, not least in respect of connectivity issues and ensuring that IT infrastructure was sufficiently robust to deal with the extra demands made upon it. This was also hugely important for the continued good governance of the organisation with face to face meetings no longer possible, many quickly became proficient in new technologies such as Zoom.

3.2. To support the economy generally, the government quickly implemented a grant programme. Businesses in receipt of Small Business Rates Relief of Rural Rates Relief and also those in the retail, hospitality or leisure sectors were awarded funds according to the rateable value of their properties. £22.7m was received in respect of this in April and the Revenues and Benefits team have made a supreme effort to distribute these funds. This has involved redeployment of officers as well as some additional charges relating to the overtime that has been incurred to get these funds out to local businesses as soon as possible. Those businesses not captured by this scheme have been able to apply to a discretionary fund to access much needed support.

3.3. Whilst the lockdown has largely been relaxed, social distancing and other measures to avert a recurrence of high infection rates still exist. Phoenix House is now open for officers to return to work, albeit recent announcements have meant that substantial proportions of working at home is likely to be required for many months ahead. Ensuring that Phoenix House is covid-safe has required extensive planning with one way systems being implemented internally and access to cleaning materials. There have been some adaptations to the building to accommodate this new traffic system. Elsewhere, the leisure centres have been reopening over 4 phases from 3 August, broadly being fitness studio and fitness classes, outdoor facilities, swimming pools and finally, all other facilities, the cafés and retail. The speed of this programme will be driven by how events evolve generally together with what is learnt along the way. This is new territory for us all.

3.4. These costs are summarised in the table below:

<b>Covid 19 Cost Pressures</b>	
	<b>Forecast (FY) £k</b>
PPE	33
IT including connectivity costs	21
Waste Services – vehicle hire and additional agency costs to support additional rounds	70
Revs & Bens – overtime costs	20
Leisure – reopening and social distancing costs	107
Public Health	10
Rough sleeping	33
Property services including Phoenix House works	33
<b>Total</b>	<b>327</b>

#### 4. Covid 19 - Income Losses (General Fund)

4.1. The greatest stresses to the general fund budget that was set before there was any knowledge of Covid 19 and its implications, relate to income streams arising from the delivery of our services. The table below set out the lost income incurred to date / projected for the year. Some of the income loss is immediate and irrecoverable e.g. car park income /closure of facilities such as the leisure centres, some is projected e.g. commercial rent. This is due to the fact that it has been invoiced but not yet paid and may be recovered once the economy starts to recover. It will only be an actual loss when a bad debt provision is made or it is written off. Therefore there is scope for the position to be better or worse than projected:

	Income Loss	
	Actual Apr - Jul £k	Forecast Full Year (FY) £k
<b>Fees &amp; Charges</b>		
Building Control Fees	11.3	40.0
Planning Fees	59.2	282.0
Land Search Fees	14.0	25.0
Car Parking Fees	209.6	466.5
Leisure Fees & Charges	931.0	1,935.0
Trade Waste Income	74.3	110.0
Licensing	6.6	34.0
Market Income	16.3	35.0
	<b>1,322.2</b>	<b>2,927.5</b>
Other Income	52.6	92.7
<b>Total</b>	<b>1,374.8</b>	<b>3,020.2</b>

4.2. Total income losses attributed to the lockdown and other ongoing pandemic factors to the end of July of £1,374k represent 45% of estimated losses for the year at £3,020k.

4.3. Building Control (FY loss £40k) – Mid Devon has a partnership arrangement with North Devon to manage building control. The expectation is for performance to remain flat for the rest of the year with income losses c17% of budget. The end of the furlough scheme is causing concern and uncertainty regarding the economic outlook. The assumption is that the demand for domestic construction work will remain strong with low demand for commercial projects and projects >£100K build cost.

4.4. Planning Fees (FY loss £282k) – There has been some recovery in July with the easing of lockdown however the bounce is expected to be short lived. There has been a distinct move to smaller, reduced value household applications rather than the larger commercial projects. The economic concerns persist together with the long term outlook for the sector and its ability to access borrowing. The projection is for income losses in the year of 35% of budget.

- 4.5. Land search charges (FY loss £25k) – Income reduced significantly in quarter 1 (46% of budget) due to the lockdown and the temporary halt to house sales. A good month in July is once again tempered by concerns of the longer term prospects for the housing market. Annual income losses are expected to be c21% of budget.
- 4.6. Car parking (FY loss £466.5k) - With an annual budget of £866k, this is an important revenue stream for MDDC. The quarter 1 / lockdown period saw revenues fall to c11% of budget. The Council have also implemented a free parking scheme which covers selected car parks in Crediton, Cullompton and Tiverton. The scheme which allows free parking for up to 2 hours during August and September will cost c£50k in lost income and was introduced as a direct action to assist with the reopening of town centres as per the government directive. The forecast is for car parking losses to recover to 54% of budget.
- 4.7. Leisure (FY loss £1,935k) – The 3 sports centres – Culm Valley, Exe Valley and Lords Meadow – closed during the lockdown period with income virtually eliminated. They reopened on 3 August but with but with reduced capacity for all activities. It is assumed that social distancing will remain in place during 2020/21, preventing a return to full capacity and so keeping income down. Local demand for leisure facilities remains unknown, so forecast income levels assume low demand initially before a partial recovery to levels achievable within the reduced capacity caused by social distancing measures. Some activities are unlikely to restart in the year including squash, birthday parties and saunas, with other activities being able to use the space. The sum loss of these activities is c£278k. Gym membership losses are expected to be c£676k over the year largely due to capacity issues arising from social distancing measures. Wetside losses are expected in the region of £648k. Losses across all leisure activities are expected to be 62% of annual income.
- 4.8. Trade Waste Income (FY loss £110k) – the majority of trade waste customers are billed twice a year in April and October. As the crisis developed it quickly became apparent that this would be a difficult time for local businesses. To assist, the 30 day cancellation period for trade waste contracts was waived and quarter 1 losses were in the region of 20%. Since then customers have slowly began returning and the forecast loss for the year is 14%.
- 4.9. Licencing – (FY loss £34k) – the loss for the year has been predicted at 25% of income.
- 4.10. Market income – (FY loss £35k) – in Q1 losses were unsurprisingly high at 96% of income due to a suspension of market tolls and a reduction in traders due to shielding. Since the end of lockdown there has been renewed interest amongst traders with several units being let which has seen expectations improve. Annual losses however, remain estimated at 42% of budget.
- 4.11. Other income (FY £92.7k) – this includes recycling income (£15k) which saw depressed prices during the lockdown as demand slumped;

private water sampling income (£27.8k); and Piper lifeline income (£5.8k) as installations have been halted since the lockdown.

## 5. Summary of Shortfall

5.1. Throughout the crisis the MHCLG have monitored local authorities with data collection requests (Delta returns) regarding cost pressures and income losses as described above. The request also looks at the impacts on the collection fund, the distribution of council tax hardship funding (MDDC received £475k at the beginning of April), and consideration is given to the resilience of cash flow over the coming months, together with the ability to fall back on reserves if necessary.

5.2. To make this process as relevant as possible, service managers have also reviewed their areas for budgetary pressures being faced but not relating to the pandemic:

	£k
Pay	117
Non pay	309
<b>Non Covid Budget Pressures</b>	<b>426</b>

For further details of the larger items contributing to the non Covid budget pressures please see Appendix A. One item that merits mention, not by itself large in value, but which heralds a new era as the Council embarks on its policy to be carbon neutral by 2030, is the creation of a Climate Coordinator post (£7.5k). Other measures to promote this policy include renewed efforts and further funding in respect of the Hydro Mills Electrical Project (however it is likely that expenditure on this project will not be incurred until 2021/22); expansion of the Carlu Close solar panel scheme and a greener procurement initiative. Many officers were forced into home working during the lockdown but have found it beneficial, both personally and professionally. Exploratory work is to follow to see how this learning is best retained into the future. The action list for this policy continues to grow. The Environment PDG considered the Climate Action Plan at its meeting in September whilst a new Energy Officer has been appointed to the HRA. The Council's housing stock of 3000+ dwellings represents the greatest portion of its carbon emissions. Work here, focusing on energy efficiency, will make a significant contribution to the reduction of its overall carbon footprint.

5.3. In summary therefore, the budget pressures are as follows:

	£k
Additional Expenditure	327
Income Losses	3,020
<b>Total Covid 19 Budget Pressures</b>	<b>3,347</b>
Non Covid 19 Budget Pressures	426
<b>All Budget Pressures</b>	<b>3,773</b>

Total Covid 19 budget pressures are therefore £3.3m. When the non Covid budget pressures of £0.4m are added to this, the total budget pressure rounds up to £3.8m. This represents 33% of the net budget of £11.5m.

## 6. Collection Fund

6.1. Mid Devon is a billing authority for council tax and NDR. A shortfall in their collection during the year impacts the finances of the Authority in a couple of ways:

- The immediate impact is a cash flow deficiency and any shortfall in collection fund receipts will have a disproportionate effect on the cash flow of the Council. As a collecting authority we collect on behalf of Devon County Council, Devon and Cornwall Police and Devon and Somerset Fire and Rescue Service, as well as the Council itself. The Council is committed to making precept payments to these bodies regardless of the amount that it actually receives. That is, from a short term cash flow perspective, MDDC must manage the full amount of the deficit in receipts for ndr and council tax. The table below indicates an expectation that across the collection fund as a whole, receipts will under-perform by £3,772k.

£k	Collectable	Forecast Collection	Deficit	Deficit %
NDR*	9,569	8,777	792	8.3%
Council Tax	59,497	56,517	2,980	5.0%
<b>Total</b>	<b>69,066</b>	<b>65,294</b>	<b>3,772</b>	<b>5.5%</b>
<ul style="list-style-type: none"> <li><i>After allowing for 100% relief granted to retail, hospitality and leisure sectors.</i></li> </ul>				

- The secondary impact is that on funding for budgetary purposes. Due to the mechanisms of collection fund accounting, the reduced amounts received in 2020/21 will actually flow into 2021/22 and impact the funding available in that year's budget. The shortfall in receipts is entered into a tool provided by CIPFA and this indicates what level of funding deficit should be carried forward into the following year.
- Based on the shortfalls in the table above, the funding deficits in 2021/22 would be:

	<b>£k</b>
NDR	739
Council Tax	304
<b>Total Collection Fund Deficit</b>	<b>1,043</b>

The causes of the shortfall in receipts leading to this funding deficit occur in 2020/212. To fully understand the in-year cost of Covid 19 therefore, it would be necessary to include them here. The mechanism would be to defer funds in the current year by way of an ear marked reserve which would compensate for the funding shortfall in 2021/22. If we do not, the risk is that next year will continue to suffer financial

impacts from Covid. Even if the current recovery continues, it is unlikely that revenues will be back to pre-pandemic levels by April 2021. If the recovery is thwarted by a re-emergence of the virus, fees and charges and collection fund receipts would be expected to slump.

- Once again, these can be added to the budget pressures to show the total effect of the pandemic in 2020/21:

	£k
Covid 19 Budget Pressures	3,347
Collection Fund Deficit	1,043
<b>Total 2020/21 Covid 19 Funding Deficit</b>	<b>4,390</b>
Non Covid 19 Budget Pressures	426
<b>TOTAL BUDGET DEFICIT</b>	<b>4,816</b>

Total pandemic funding losses are therefore £4.4m. When additional non Covid pressures are included the total budget deficit in the year will be £4.8m which, similar to the before, represents 42% of the net budget of £11.5m.

- 6.2. The detrimental effects of the pandemic containment measures on the economy are now clear. As income streams and cash reserves are cut, the very survival of some companies is at risk, with many cutting jobs to manage the crisis. Certain sectors are affected more than others and in response to this the government have implemented a scheme granting 100% relief from ndr for all retail, hospitality and leisure businesses throughout 2020/21. The Council will instead receive these monies by means of an s31 claim from government in year (£7.33m).
- 6.3. The table above shows that after allowing for this scheme, and a budgeted collection rate of 98%, collectable ndr in 2020/21 is £9.6m, whilst £792k is expected to go uncollected being a default rate of 8.3%.
- 6.4. If the economy suffers it is inevitable that household incomes will be stretched ever further impacting their ability to pay council tax. As redundancies mount, and more applicants chase fewer vacancies, not forgetting the imminent close of the furlough scheme, it is likely that the situation will worsen before it starts to improve. With so much uncertainty forecasts are at the mercy of events. However, the best current estimate is that of the £59.5m that is collectible after allowing for the budgeted collection rate of 98%, defaults will reach c£3m or 5%.

## 7. Addressing the Shortfall

7.1. The remedy for addressing this shortfall will include a mix of approaches.

	£k	£k	£k
Additional Income			267
Pay Savings			491
Non Pay Savings			332
<b>Total Direct Savings (Appendix B)</b>			<b>1,090</b>
<b>Other savings</b>			
Statutory Adjustments		104	
Interest Payable on Other Activities		290	
Interest Receivable on Investments		155	
Government Grants:			
Covid 18 Grants	994		
Job Retention Scheme	323		
		1,317	
<b>Total Other Savings</b>			<b>1,866</b>
<b>TOTAL SAVINGS</b>			<b>2,956</b>
<b>TOTAL BUDGET DEFICIT</b>			<b>4,816</b>
<b>OUTSTANDING BUDGET DEFICIT AFTER SAVINGS</b>			<b>1,860</b>

7.2. Income gains – With so many people restricted to their homes over the spring period, it is not surprising that many took the opportunity to tend their gardens. The additional waste created a £25k over-performance for garden waste collection. Of the remainder £236k relates to Revenues and Benefits and of this £170k is a new burdens grant relating to the administration of the business grant schemes detailed above. Revs and Bens have also benefitted from other grant surpluses and another new burdens grant in respect of housing benefit initiatives delivered within the existing resource (total - £66k).

7.3. Pay savings - generally this relates to vacancy management (posts being held vacant) with service managers coping in the short term with less resource to deliver their services. In some cases this may be made possible as the pandemic has forced lower demand as reflected in the losses to income streams.

7.4. Non pay savings – notable savings include £38k being a 1 year saving on GESP maintenance being a fallow year and £20k consultancy saving in General Fund Housing. Trade waste have made savings due to the reduction in trade totalling £80k. The reduced volumes have led to lower disposal charges and the fall in fuel prices over the lockdown period also boosted savings. Scrutiny of the budget has also identified a provision of £131k made for the potential further impairment of the working capital loan made to 3 Rivers Developments Limited. Provision was made in the 2019/20 financial

statements on the basis of IFRS 9 and no further impairment is currently expected to be made.

7.5. Other savings – the next 3 items relate substantially to 3 Rivers. 3 Rivers Development Limited being the 100% subsidiary of the Council, were unable to continue on site construction over the lockdown period and the return to work since then has varied from site to site. There is also a well-publicised ongoing review of the company during which the commencement of new projects has been prohibited. This has all contributed to the construction programme being pushed back and it will not now fully restart until later in the year. The intended programme was to be financed by loans from Mid Devon. The funding for the loans was embedded into the Council’s treasury strategy with initial drawdowns to be funded internally whilst reserves allowed, before borrowing from the market, in all likelihood the PWLB, later in the year. With the restriction of the building programme, 3 Rivers has a reduced borrowing requirement, which in turn means that so does MDDC. With reduced borrowing from the PWLB, the projected “Interest Payable on Other Activities” is reduced by £290k.

7.6. The reduction in borrowing has further reduced the Minimum Revenue Provision or MRP. This reflects in the “Statutory Adjustments” line being a saving of £104k.

7.7. There is also a benefit as “Interest Receivable on Investments” is expected to exceed budget by £155k. This derives from a prudent budgeting approach to interest income receivable from loans made to 3 Rivers. Even during more “normal” periods the drawdown rate against loan facilities by the company is difficult to predict. The risk is that overstating interest income in the budget could mean funds needing to be found from elsewhere. To mitigate this risk, interest receivable is budgeted at cost whilst the actual amounts received are at the higher rates as per the loan agreements, resulting in a budget surplus. This budget surplus totals £200k and is offset by £45k pressure as interest rates on treasury investments has fallen against budget expectations.

7.8. Government Grants – to date the government has supported local authorities with a Covid 19 grant that has been paid over in 3 tranches: £39k in March, £825k in May and £130k in August – total £994k. All local authorities have suffered financially as a result of the crisis and these funds provide some immediate relief against the budgeting concerns that are being felt. There are no criteria attached to the grants which may be applied as best seen fit.

7.9. Government also implemented the Job Retention Scheme or furlough. This covered employee costs at 80% of salary up to £2500 per month, national insurance costs plus pension costs up to 3% from the start of April. From 1 August the claim was reduced to salary only, with the salary portion claimable dropping to 70% and 60% in September and October respectively. The table below shows how MDDC have claimed under this scheme.

£k	April	May	June	July	Total
Leisure	53	90	81	61	<b>295</b>
Other	19	5	11	3	<b>38</b>
<b>Total</b>	<b>72</b>	<b>95</b>	<b>92</b>	<b>64</b>	<b>323</b>

The majority of the claim clearly relates to leisure staff and with the leisure centres' phased reopening from 3 August, any further claims under the scheme will be minimal.

## 8. Balancing the Budget

8.1. The outstanding budget deficit after savings equates to £1.9m. This is before accounting for the income compensation scheme.

8.2. In a press release on 2 July the MHCLG announced the scheme to protect Councils from lost income: "All relevant" losses over and above the first 5% of planned income from sales, fees and charges, will be compensated for at a rate of 75p in every pound."

8.3. The 5% deductible allows for an acceptable level of volatility whilst the marginal rate of 75% is to encourage Councils to still manage and minimise losses as much as they can.

8.4. The scheme guidelines specifically exclude commercial and residential rents and investment income. It does extend for the whole of this financial year and losses should be measured against budget.

8.5. Based upon the losses forecast in section 4, and after applying these guidelines, the income protection scheme would be expected to return £1.6m to this Authority.

	£k
Budget Deficit After Savings	1,860
Income Protection Guarantee	1,608
<b>Budget Deficit After Savings and Income Protection Guarantee</b>	<b>252</b>

The budget deficit then remaining, after allowing for savings and Income Compensation Scheme receipts, would be £252k. It is recommended that this should be funded by a combination of:

- Ongoing vacancy management;
- Contributions from reprioritising ear marked reserves;
- Transfer from the general fund balance;
- Some slippage in the capital programme or planned revenue maintenance spend in 2020/21.

Note – due to all the unknowns/volatilities the Council may find itself needing to utilise more or less of the above.

8.6. At 31 March 2020 the balance on reserves was: general fund £2,252k and general fund ear marked reserves £13,688k. The general fund reserve is under pinned by the Council's policy, approved in Cabinet meeting in January 2020, to retain the general fund reserve in excess of £2m. The ear marked reserves meanwhile have each been built up over time to prudently provide for the maintenance of services to our residents. These reserves also provide

a financial buffer to weather any kind of temporary or medium term storm associated with changes to the Fair Funding review, business rate review and changes to NHB. Whilst Covid 19 dominates in the present, each of these challenges, along with the end of the Brexit transition period, await us in the future.

## 9. Housing Revenue Account (HRA)

9.1. HRA rental income has so far proved resilient in the face of the Covid 19 challenge. In Delta returns and monitoring reports some provision has been made with a full year deficit attributable to the pandemic estimated at £344k. The HRA will encounter the same economic challenges as the other funds. With job losses already mounting and the end of furlough looming, along with Brexit and what will be a rocky economic road for the foreseeable future, this provision is made to reflect the uncertainties that lie ahead. Time will tell us whether it is enough. Similarly an under performance of £120k in commercial rental incomes is being provided to recognise the potential for loss but without knowing its sufficiency.

9.2. Total predicted losses are therefore £464k. The focus of this report, however, is the general fund where it is clear the deficit is much larger and the funding challenge is greater and more complex.

9.3. This is not a frivolous approach. All losses are regrettable. The HRA deficit will be offset to some extent by vacancy management. Moreover, due to its sound financial management the HRA benefits from significant ear marked reserves which are statutorily ring fenced (£18.3m at 31 March 2020). Within this is the Housing Maintenance Reserve which, also at the end of March this year, stood at £14.2m. In the absence of alternative recourse, the final deficit for the year will be funded from this reserve.

## 10. Cash flow

10.1. The significant challenges from Covid 19 to cash flow have been detailed above. In summary, those relating to 19/20 are:

	<b>Inflows £k</b>	<b>Outflows £k</b>	<b>All Flows £k</b>
<b>Inflows</b>			
Covid 19 Income Losses		(3,020)	(3,020)
Collection Fund losses		(3,772)	(3,772)
Additional Income		267	267
Interest Receivable		155	155
Government Grants (Covid 19 & Furlough)		1,317	1,317
<b>Outflows</b>			
Covid 19 Cost Pressures	(327)		(327)
Other Cost Pressures	(426)		(426)
Other Cost	692		692
Interest Payable	290		290
<b>Total</b>	<b>229</b>	<b>(5,053)</b>	<b>(4,824)</b>

10.2. The indication is that cash flow will under-perform by £4.8m. Once again, this does not take an account of the Income Guarantee Protection as not only are the computational details of the scheme yet to be announced, but also the payment schedule is unknown. Assuming however, scenario “C” above, and that it is also paid in year, the cash flow deficit reduces by £1.2m to £3.6m.

10.3. For this purpose, the collection fund deficit attributable to Mid Devon (£621k) is replaced with £3,772k reduction in the amounts expected to be collected in the year. As detailed above, this Authority seeks to fulfil its commitments to its precepting authorities. That means shouldering the cash flow burden by maintaining payments out even though receipts in are reduced.

10.4. How will Mid Devon cope with a £4.8m/£3.6m cash deficit?

- Section 7.5 above details how the sound and prudent financial management of this Council over recent years has led to the accumulation of reserves for the maintenance of services and resilience in times of financial stress. These partially reflect in the short term investments of £20m which the Council held at the beginning of the crisis (31 March balance sheet value as per the financial statements). Generally, the difference between general fund accounting and cash flow accounting is timing difference. In the short term the cash flow is able to “borrow” from those monies held which represent the Council’s reserves (general fund and HRA).
- There is a similar effect within the Collection Fund. The inflow deficit this year of £3.8m will result in reduced precept payments in future years. As has been shown, the Council must still fund its own shortfall of £621k.
- Some leeway has been granted by the government regarding how quickly the 2020/21 collection fund deficit should be absorbed into future funding. As we have said, generally it is absorbed in the following year. With enlarged deficits expected in 2020/21 due to the pandemic the government have allowed for this year’s deficit to be spread over the following 3 years. This is a voluntary dispensation. It will ease the funding burden but extend the cash flow burden as the reduced payments to preceptors would be divided over the longer period.
- Further cash flow advantage arises from the capital programme. Due to the complexity of projects, this programme can fall behind its schedule. This effect is amplified by Covid 19 with the project progress slowing or even halted as operations are interrupted. In particular, we have seen this in respect of 3 Rivers and it leads to a postponement of payments to suppliers for the duration of the delay.

## 11. Capital Programme

11.1. The capital programme is summarised in the table below:

£m	Approved Capital Programme 2020/21	Brought Forward	Budgeted Capital Programme 2020/21	Forecast (Under) / Overspend 2020/21	Forecast Slippage to 2021/22	Deliverable Programme 2020/21
General Fund	22.0	7.5	29.5	(0.1)	18.3	11.1
HRA	5.2	2.2	7.4	(0.3)	3.7	3.4
<b>Total</b>	<b>27.2</b>	<b>9.7</b>	<b>36.9</b>	<b>(0.4)</b>	<b>22.0</b>	<b>14.5</b>

11.2. This shows the slippage referred to in section 9.4 above, although not all of this will be a result of Covid 19.

11.3. The extent to which capital is funded from the general fund is limited (£138k). As such, it can make very little contribution to resolving the general fund budget gap.

11.4. A couple of projects of note:

- The Hydro Mills Electricity Project currently slipped to 2021/22, will be amended as part of the Medium Term Financial Plan to go to Cabinet in October.
- The Heritage Action Zone (HAZ) project (Cullompton) planned spend in 20/21 amounts to £270k. This project will span 20-21 to 23-24 with a total cost of £2.3m. The years 21/22 to 23/24 being picked up on the MTFP as above.

## 12. Medium Term Financial Plan

12.1. The MTFP that was presented to Cabinet in October 2019 is summarised below:

£m	19/20	20/21	21/22	22/23	23/23
Budget Requirement	10.2	12.0	12.6	12.1	12.4
Funding	10.2	11.6	10.8	10.9	11.0
Gap	-	0.4	1.8	1.2	1.4
Annual Gap Variance		0.4	1.4	(0.6)	0.2

This indicates a funding challenge in 21/22 over 20/21 of £1.4m.

12.2. In this report the financial implications of the Covid 19 measures have been reviewed for 2020/21. This short term review indicates substantial unknowns hiding the potential for significant volatility. The optimistic outlook is for a steady recovery in the months/years ahead. Even if this manifests, the income losses are expected to extend in to next year and economic events may worsen and prolong the recovery period.

12.3. The budget process for 2021/22 is underway. Many challenges lie ahead. Starting from a position with a £1.4m funding challenge in an

environment of losses and uncertainty will require innovative and open thinking to achieve a balanced budget for the years ahead.

### 13. Conclusion

- 13.1. It is clear that the financial impacts of Covid 19 are severe with general fund budget pressures totalling £4.4m or 38% of a net budget of £11.5m.
- 13.2. This may be funded by savings and relief from government grants of £3.0m leaving a £1.4m gap.
- 13.3. A great deal of reliance is being placed upon the government's Income Protection Guarantee to plug this gap. It is imperative that local authorities have the detail of this scheme as soon as possible so that we might evaluate any residual position. In the scenario adopted in this paper, the scheme delivers £1.2m leaving a budgetary imbalance of negative £0.2m. The Council has a menu of options with which to manage this (section 7.4).
- 13.4. Appendix C compares current and revised budgets showing the impact by service line and the imbalance assuming scenario "C."
- 13.5. Impact on the HRA and capital programme is of less immediate concern.
- 13.6. Cash flow is resilient thanks to the prudent level of reserves built up by this Council. The timing effect of many impacts will balance out over time. It is extremely important to maintain reserve levels as many challenges await us in the future; not least, the impacts of the virus can be expected to extend beyond the current year.
- 13.7. Woven throughout this report is the caveat of uncertainty arising from the uniqueness of this situation and the difficulties of forecasting without historical data. This is exacerbated by the inherent volatility, such that predicting future events relies on assumptions that may prove to be flawed. As such it is imperative that this Council continues to monitor its financial position closely and maintains a response that is both flexible and swift.

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#### **Circulation of the Report:**

Cabinet Member seen and approved – Cllr Andrew Moore - TBC

Leadership Team seen and approved – 22 Sep 2020

## Appendix A Non Covid Budget Pressures

Service Area	Pressure Description	Periods				
		1-4	5-6	7-9	10-12	1-12
Waste Services	Agency costs	10,000	-	-	-	10,000
Finance And Performance	Agency overspend - Temp GM for Finance	16,820	26,640	13,320	-	56,780
Finance And Performance	Overspend on overtime Salaries - net overspend from moving market manager salary 100% to	4,150	-	-	-	4,150
Community Development: Markets	markets (50% previously paid from Economy & Dev) and 6 mth delay in recruitment of vacant post	-	-	3,900	3,900	7,800
Planning And Regeneration	Change to FTE from 0.5FTE and delay in recruitment for 5 mths - Principal Housing Enabling & Forward Planning Officer FTE 2 Yr Fixed Contract	-	750	5,625	5,625	4,650
Planning And Regeneration	PD09 Planning Support Officer moved from PR110 and additional hours taken from PD10 Validation Technician	7,350	750	5,625	5,625	4,650
Legal & Democratic Services	Legal Services - Changes to staffing	7,200	3,575	5,363	5,363	21,500
Corporate Management	Climate Coordinator post (possible fixed term contract) - start Jan 21	-	-	-	7,500	7,500
	<b>PAY TOTAL</b>	<b>27,270</b>	<b>32,925</b>	<b>31,148</b>	<b>25,338</b>	<b>116,680</b>
Corporate Management	Bank charges	4,933	2,467	3,700	3,700	14,800
Waste Services	Delay in recruiting shared Transport Manager with ECC	6,668	3,332	-	-	10,000
IT Services	Delay in telecoms project. Maintenance costs	3,510	1,755	2,633	2,633	10,530
Revenues And Benefits	Forecast under recovery of Single Occupancy Discount Penalties	3,750	11,250	-	-	15,000
Revenues And Benefits	Forecast under recovery of Court Costs for C/Tax & NNDR - Issuing 'soft' reminders No Courts booked in 20/21	18,780	31,220	-	-	50,000
Revenues And Benefits	HB Subsidy & Overpayment recovery	22,780	9,300	13,950	13,970	60,000
Property Services	Reduction in rental income on Fore Street flats due to postponed Tiverton Regeneration Project	5,500	1,375	2,063	4,125	11,000
Planning And Regeneration	Development Management - supplies & services overspend on defending appeals, consultancy and advertising fees	-	22,000	22,000	-	44,000
Legal & Democratic Services	Legal Services - 3 Rivers Reports	12,500	2,500	3,750	3,750	22,500
Legal & Democratic Services	Electoral Services - Reduction in IER funding	-	-	-	-	17,000
Finance And Performance	Upgrade of E-Financials (current version un-supported)	-	-	-	44,000	44,000
Property Services	Budget overspend on the Cleaning contract	-	2,500	3,750	3,750	10,000
	<b>NON PAY TOTAL</b>	<b>78,421</b>	<b>87,699</b>	<b>51,845</b>	<b>75,928</b>	<b>308,830</b>

## Appendix B Direct Savings

Service Area	Savings Description	Periods				
		1-4	5-6	7-9	10-12	1-12
Waste Services	Garden Waste Income	-	-	-	-	-
Community Development	Community Development Grants - saving from claim no longer being made	23,347	1,653	-	-	25,000
Revenues And Benefits	NNDR New Burdens Grant for Grant administration	-	-	-	-	-
Revenues And Benefits	Various New Burdens grants from DWP in respect of Housing Benefits initiatives delivered within existing resource	3,000	-	3,000	-	6,000
Revenues And Benefits	Additional HB admin Grant than Budgeted	170,000	-	-	-	170,000
Revenues And Benefits	Additional CTB admin Grant than Budgeted	-	-	-	-	-
	<b>ADDITIONAL INCOME TOTAL</b>	<b>252,397</b>	<b>11,923</b>	<b>3,000</b>	<b>-</b>	<b>267,320</b>
Corporate Management	Andrew Pritchard pay not used in CMT uplift	-	-	-	-	-
Grounds Maintenance	Posts not in super, backfill for Operations Manager 0.80fte	6,667	3,333	5,000	5,000	20,000
Grounds Maintenance	Delay in recruiting vacant Grounds Maintenance Operative posts	-	-	-	-	-
Grounds Maintenance	Vacant Grounds Maintenance apprentice post - full year	-	-	-	-	-
Grounds Maintenance	Agency - less seasonal cover due to the pandemic	13,780	-	-	-	13,780
Waste Services	Street Cleansing Op - 0.40fte offset by recharge to HRA. Vacant driver post - using agency until service review	3,073	1,537	2,305	2,305	9,220
Waste Services	Delay in recruiting posts - Drivers and Loaders	3,100	3,266	1,634	-	8,000
Environmental Services incl. Licensing	Vacant part-time Public Health Officer	-	-	-	-	-
Environmental Services incl. Licensing	Vacant DO post within Environ Enforcement (recruitment Aug)	4,930	2,460	3,690	3,690	14,770
IT Services	Gazetteer Officer post on lower grade than budgeted	-	-	-	-	-
Recreation And Sport	Vacancies & reduction in casual claims for July	2,500	1,250	1,875	1,875	7,500
Recreation And Sport	Vacancies & reduction in casual claims in Q1	-	-	-	-	-
Finance And Performance	Vacant GM for Finance	7,000	-	-	-	7,000
Finance And Performance	Other salary savings within Finance (Pension, reduced hours, SCP)	41,000	-	-	-	41,000
Finance And Performance	Sickness & vacant post of Procurement & Contracts Officer	-	-	-	-	-
General Fund Housing	Salary savings - further delay recruitment for 0.65FTE Housing Options Officer hours	20,089	10,040	5,020	-	35,149
General Fund Housing	Salary savings - delay in recruitment for an Housing Options Officer	-	-	-	-	-
		5,300	2,660	3,210	3,210	14,380
		7,830	5,080	-	-	12,910
		-	-	-	-	-
		-	-	6,000	6,000	12,000
		8,000	2,500	-	-	10,500

General Fund Housing	Salary savings - full year apprentice vacancy	-	-	-	-	-
		3,000	1,500	2,250	2,250	9,000
Property Services	Vacant 22.2 hours of Open Space Manager for 7 month (Sept - Mar)	-	1,920	5,760	5,720	13,400
Planning And Regeneration	Forward Planning - savings from a further 7 mths delay in recruiting for the Affordable Housing Officer	-	3,750	11,250	11,250	26,250
Planning And Regeneration	Removal of PF02 Graphic Designer post	-	-	-	-	-
		6,500	3,250	4,875	4,875	19,500
Planning And Regeneration	Economic Development - savings from delay in recruiting Market Manager and once recruited moving costs 100% to CD300	-	-	-	-	-
		4,800	2,400	5,901	5,899	19,000
Planning And Regeneration	Enforcement - savings on salaries role moved to Development Management	-	-	-	-	-
		5,500	3,000	4,500	4,500	17,500
Planning And Regeneration	PD10 Validation Technician - 25HRS VACANT-delayed recruitment	-	-	-	-	-
		8,200	4,050	-	-	12,250
Planning And Regeneration	Other minor salary variances	-	-	-	-	-
		6,200	1,493	2,239	2,239	12,170
Planning And Regeneration	Apprentice Vacant Post - full year saving	-	-	-	-	-
		3,100	1,525	2,288	2,288	9,200
Planning And Regeneration	Economic Development - savings from delay in recruiting for CD07 Growth & Regen Officer	-	-	-	-	-
		6,600	2,400	-	-	9,000
Planning And Regeneration	Delay in appointment of PF05 Monitoring & Information Officer	-	-	-	-	-
		7,550	-	-	-	7,550
Planning And Regeneration	Building Control - savings from furloughing staff due reduced work levels as a result of COVID19	-	-	-	-	-
		5,000	-	-	-	5,000
Planning And Regeneration	Reduction in hours temporarily for PF04 Principal Forward Planning Officer	-	-	-	-	-
		4,600	-	-	-	4,600
Planning And Regeneration	PD03-2 Area Team Leader, delay in recruitment and increased to FTE	-	-	-	-	-
		-	2,580	-	-	2,580
Customer Services	Salary savings - delay in recruiting for vacant posts	-	-	-	-	-
		8,000	1,000	1,500	1,500	12,000
Human Resources	Vacant HR Business Partner (until Qtr 4)	-	-	-	-	-
		18,600	9,200	13,800	-	41,600
Human Resources	Part-time vacant Apprentice	-	-	-	-	-
		3,200	1,600	2,400	-	7,200
	<b>PAY SAVINGS TOTAL</b>	<b>240,319</b>	<b>79,494</b>	<b>97,046</b>	<b>74,150</b>	<b>491,009</b>
Corporate Management	Impairment allowance	-	-	-	-	-
		43,750	21,875	32,813	32,813	131,250
Grounds Maintenance	Town Councils are now paying for plants and shrubs	-	-	-	-	-
		4,000	2,000	3,000	3,000	12,000
Grounds Maintenance	Plant maintenance and fuel	-	-	-	-	-
		7,000	-	-	-	7,000
Waste Services	Fuel savings not as much as originally forecast	-	-	-	-	-
		2,000	2,000	3,000	3,000	10,000
Waste Services	Trade Waste - disposal charges are down due to less customers	-	-	-	-	-
		50,000	-	-	-	50,000
Waste Services	Fuel savings	-	-	-	-	-
		16,400	5,900	8,850	8,850	40,000
Recreation And Sport	Change in operating costs due to Covid-19 - additional to Q1	-	-	-	-	-
		600	1,575	2,363	2,363	5,700
Recreation And Sport	Savings against advertising budget - no promotions whilst leisure centres not accepting new members	-	-	-	-	-
		11,000	-	-	-	11,000
Recreation And Sport	Savings from going cashless	-	-	-	-	-
		1,900	900	1,350	1,350	5,500
Recreation And Sport	Change in operating costs due to Covid-19	-	-	-	-	-
		14,500	3,000	4,500	4,500	2,500

General Fund		-	-	-	-	-
Housing	Consultancy saving	10,000	2,500	3,750	3,750	20,000
Community Development: Markets	Supplies & services - further £1k savings to be offered up by deferment of special events in 20/21	-	-	-	-	-
		3,000	300	-	-	3,300
Community Development: Markets	Supplies & services - further savings from reduced advertising and special events	-	-	-	-	-
		-	1,000	-	-	1,000
Planning And Regeneration	Statutory Plan - 1 year saving on GESP membership as a fallow year	-	-	-	-	-
		12,500	6,250	9,375	9,375	37,500
Legal & Democratic Services	Member Services - savings against Member allowances, mileage, internet access payments & training	-	-	-	-	-
		6,500	2,000	3,000	3,000	14,500
		-	-	-	-	-
	<b>TOTAL NON PAY SAVINGS</b>	<b>177,950</b>	<b>39,300</b>	<b>57,000</b>	<b>57,000</b>	<b>331,250</b>

## Appendix C Budget Bridge

General Fund Summary	Current Budget	Budget Bridge	Emergency Budget
	£	£	£
<b>Cllr Bob Deed</b>			
Corporate Management	1,648,161	(128,950)	1,519,211
<b>Cllr Colin Slade</b>			
Grounds Maintenance	567,810	(55,000)	512,810
Cemeteries & Bereavement Services	(85,300)		(85,300)
Waste Services	1,714,920	71,000	1,785,920
<b>Cllr Dennis Knowles</b>			
Community Development	77,650	(6,000)	71,650
Environmental Services incl. Licensing	815,740	21,230	836,970
IT Services	994,650	23,530	1,018,180
Land charges	(19,200)	25,000	5,800
Public Health	(8,850)	29,750	20,900
Open Spaces	126,120		126,120
Recreation And Sport	434,750	1,969,100	2,403,850
<b>Cllr Andrew Moore</b>			
Finance And Performance	744,000	42,491	786,491
Revenues And Benefits	499,200	(91,320)	407,880
Car Parks	(632,962)	491,490	(141,472)
<b>Cllr Bob Evans</b>			
Private Sector Housing	(11,640)	12,150	510
General Fund Housing	315,520	(12,550)	302,970
Property Services	1,008,800	69,477	1,078,277
<b>Cllr Richard Chesterton</b>			
Community Development: Markets	60,640	38,500	99,140
Planning And Regeneration	1,259,750	215,050	1,474,800
<b>Cllr Mrs Nikki Woollatt</b>			
Customer Services	740,285	(12,000)	728,285
Human Resources	513,490	(48,800)	464,690
Legal & Democratic Services	1,052,350	29,300	1,081,650
<b>All General Fund Services</b>	<b>11,815,884</b>	<b>2,683,448</b>	<b>14,499,333</b>
Net recharge to HRA	(1,481,630)		(1,481,630)
Statutory Adjustments (Capital charges)	1,052,154	(103,628)	948,526
<b>Net Cost of Services</b>	<b>11,386,408</b>	<b>2,579,820</b>	<b>13,966,229</b>
Finance Lease Interest Payable	48,340		48,340
Interest from Funding provided for HRA	(49,000)		(49,000)

Interest Payable on Other Activities	439,878	(290,000)	149,878
Interest Receivable on Investments	(568,322)	(155,000)	(723,322)
Transfers into Earmarked Reserves	2,597,050		2,597,050
Transfers from Earmarked Reserves	(1,369,370)	(38,976)	(1,408,346)
Contribution from New Homes Bonus Reserve	(960,540)		(960,540)
<b>Total Budgeted Expenditure</b>	<b>11,524,444</b>	<b>2,095,844</b>	<b>13,620,289</b>
Revenue Support Grant			
Rural Services Delivery Grant	(466,700)		(466,700)
Covid19 Non Ring fenced Grant **		(2,886,509)	(2,886,509)
New Homes Bonus Grant	(1,418,190)		(1,418,190)
Retained Business Rates	(3,312,727)		(3,312,727)
Business Rates Deficit (20-21)		738,767	738,767
Business Rates Benefit from Devon Pool	(150,000)		(150,000)
CTS Funding Parishes			
Collection Fund Surplus (19-20)	(112,000)		(112,000)
Council Tax	(6,064,827)		(6,064,827)
Council Tax Deficit (20-21)		303,653	303,653
<b>Total Budgeted Funding</b>	<b>(11,524,444)</b>	<b>(1,844,089)</b>	<b>(13,368,533)</b>
<b>Forecast in year (Surplus) / Deficit</b>	<b>0</b>	<b>251,756</b>	<b>251,756</b>
General Fund Reserve			(2,250,987)
<b>Forecast General Fund Balance 31/03/2021</b>			<b>(1,999,231)</b>
<b>**Covid 19 Non Ring fenced Grant includes Income Compensation Scheme receipts of - £1,608k.</b>			

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## CABINET 1 OCTOBER 2020

### PERFORMANCE AND RISK REPORT

**Cabinet Member** Cllr Bob Deed  
**Responsible Officer** Catherine Yandle, Group Manager for Performance, Governance and Data Security

**Reason for Report:** To provide Members with an update on performance against the corporate plan and local service targets for 2020-21 as well as providing an update on the key business risks.

**RECOMMENDATION:** That the Committee reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern.

**Relationship to Corporate Plan:** Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

**Financial Implications:** None identified

**Budget and Policy Framework:** Produced in accordance with the Risk and Opportunity Management Strategy.

**Legal Implications:** None

**Risk Assessment:** If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

**Equality Impact Assessment:** No equality issues identified for this report.

**Impact on Climate Change:** No impacts identified for this report.

#### 1.0 Introduction

- 1.1 Appendices 1-5 provide Members with details of performance against the Corporate Plan and local service targets for the 2020-21 financial year. **The Committee is invited to suggest measures they would like to see included in the future for consideration.**
- 1.2 Appendix 6 shows the higher impact risks from the Corporate Risk Register. See 3.0 below.
- 1.3 Appendix 7 shows the risk matrix for the Council.
- 1.4 All appendices are produced from the Corporate Service Performance And Risk Management system (SPAR).

1.5 When benchmarking information is available it is included.

## 2.0 Performance

**Please note that for all areas of the Council the results since March will have been understandably impacted by the effects of the Covid 19 pandemic. There are specific comments on the attached appendices reflecting this.**

### Environment Portfolio - Appendix 1

- 2.1 Regarding the Corporate Plan Aim: **Increase recycling and reduce the amount of waste**; Covid 19 has had an impact on the amount of waste created by households, the increase per household was 5.4% compared to the same period last year. The recycling rate is also slightly below target. These figures have yet to be verified by DCC as is usual.
- 2.2 Mid Devon District Council's fleet of recycling vehicles, which were scheduled to be replaced in 2020, have started to be delivered from the manufacturers. The new vehicles have been designed to accommodate a greater range and weight in the materials put out by residents.

### Homes Portfolio - Appendix 2

- 2.3 Regarding the Corporate Plan Aim: **Deliver Housing**: The target for annual housing completions has been updated to reflect the Local Plan target.
- 2.4 Regarding the Corporate Plan Aim: **Private Sector Housing: Bringing Empty homes into use** is a little below target as at the end of May. Due to funding changes this is the last year that this measure will be reported.
- 2.5 Regarding the Corporate Plan Aim: **Council Housing**: all measures are either at or just below target. In terms of gas servicing compliance this has been affected by Covid 29 and we currently have 25 properties with expired LGSRs. We still have an extremely high compliance % compared to our peers.
- 2.6 Regarding the Corporate Plan Aim: **Support and grow active tenancy engagement**: The tenant census has commenced the Housing Facebook Page currently has 853 "likes".
- 2.7 Housing performance remains in the top quartile compared with HouseMark.

### Economy Portfolio - Appendix 3

- 2.8 Regarding the Corporate Plan Aim: **Identify strategic and tactical interventions to create economic and community confidence and pride in the places we live. This includes a continued focus on Town Centre Regeneration: Empty shops**; it should be noted that the vacancy count is done at the start of each quarter but it was not done in April due to Covid 19.

We are looking at changing the information to reflect all empty commercial properties rather than just shops. Your comments on this would be welcomed.

- 2.9 Data on units owned by MDDC has now been added to Appendix 3.
- 2.10 Regarding the Corporate Plan Aim: **Work with local stakeholders to initiate delivery of the new garden village at Culm**: Engagement with the various stakeholder groups has been re-started including 3 Stakeholder Forum events on the subjects of Building with Nature, held on 11 August, Connecting the Culm project (9 September) and Transport and Future Mobility (October/November).
- 2.11 Regarding the Corporate Plan Aim: **Work with developers and DCC to deliver strategic cycle routes between settlements and key destinations**: Walking and cycling provision needs to be prioritised as set out in the Culm garden village vision and objectives.

#### Community Portfolio - Appendix 4

- 2.12 We currently have no PIs set for the new Corporate Plan although projects have been identified, so the Community PDG has been asked to consider PIs and targets to set for 2020/21.
- 2.13 The play area at West Exe Recreation Ground will be closed for approximately one month to allow contractors to carry out a make-over of the community space from 14 September. Mid Devon District Council is investing around £75,000 to fund the exciting improvements.

#### Corporate - Appendix 5

- 2.14 **Working days lost due to sickness** is better than expected for the first quarter of 2020 despite the Covid 19 pandemic.
- 2.15 The **Response to FOI requests** have been 100% on time since April 2019.
- 2.16 The **% total Council Tax collected** and **% total NNDR collected** are both slightly below target. This has deteriorated due to the pandemic. Staff have resumed collections work and having concentrated on processing small business grants and the council tax relief hardship fund for the first 4 months of the year.
- 2.17 All the Planning quality and delivery PIs are on target.
- 2.18 The Council has now formally adopted the Mid Devon Local Plan Review 2013 – 2033.

### **3.0 Risk**

**Some risk scores have increased due to the Covid 19 pandemic especially as regards financing, homelessness and the economic outlook.**

- 3.1 The Corporate risk register is regularly reviewed by Group Managers and Leadership Team and updated as required.
- 3.2 Risk reports to committees include strategic risks with a current score of 10 or more in accordance with the Risk and Opportunity Management Strategy. (Appendix 6)
- 3.3 Appendix 7 shows the risk matrix for MDDC for this quarter. If risks are not scored they are included in the matrix at their inherent score which will be higher than their current score would be.
- 3.4 Operational risk assessments are job specific and flow through to safe systems of work. These risks go to the Health and Safety Committee biannually with escalation to committees where serious concerns are raised.

#### **4.0 Conclusion and Recommendation**

- 4.1 That the Committee reviews the performance indicators and any risks that are outlined in this report and feeds back any areas of concern.

**Contact for more Information:** Catherine Yandle Group Manager for Performance, Governance and Data Security ext 4975

**Circulation of the Report:** Leadership Team and Cabinet Member

### Corporate Plan PI Report Environment

Monthly report for 2020-2021  
 Arranged by Aims  
 Filtered by Aim: Priorities Environment  
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
-------------------------	---------	-------------------	--------------	-----------	--------------	-------------------

\* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Environment																
Priorities: Environment																
Aims: Increase recycling and reduce the amount of waste																
Performance Indicators																
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Residual household waste per household (measured in Kilograms) (figures have to be verified by DCC)</u>	123.35 (4/12)	362	35	64	97	130									Stuart Noyce	(April - July) Covid-19 'Stay at Home' guidance impacted on the amount of waste created by households during the first quarter. The % increase per household for the year so far is 5.39 compared to the same period in the previous year (LD)
<u>Number of Fixed Penalty Notices (FPNs) Issued (Environment)</u>	8 (4/12)	No Target	0	0	4	4									Stuart Noyce	(July) Due to carrying one vacancy in the team and the remaining team assisting with other critical services such as waste during covid enforcement has been minimal during the 1st quarter and into the 2nd quarter (LD)
<u>% of Household Waste Reused, Recycled and Composted</u>	54.14% (4/12)	54.5%	52.5%	53.7%	54.1%	54.1%									Stuart Noyce	(July) The rate is very slightly below target. Most dry

Corporate Plan PI Report Environment																
Priorities: Environment																
Aims: Increase recycling and reduce the amount of waste																
Performance Indicators																
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>(figures have to be verified by DCC)</u>																recycling materials have increased during the first quarter due to the 'stay at home' guidance; an increase in GW customers has been seen. However there has also been an increase in residual waste so recycling rates are similar to the same period last year. (LD)
<u>Number of Households on Chargeable Garden Waste</u>	10,195 (4/12)		10,007	10,837	10,928	11,088									Stuart Noyce	(July) An increase of 893 customers compared to July 2019 (LD)
<u>% of missed collections reported (refuse and organic waste)</u>	0.01% (4/12)	0.03%	0.01%	0.02%	0.02%	0.01%									Stuart Noyce	(July) Remaining within target (LD)
<u>% of Missed Collections logged (recycling)</u>	0.02% (4/12)	0.03%	0.03%	0.03%	0.03%	0.03%									Stuart Noyce	(July) Remaining on target for the year (LD)

### Corporate Plan PI Report Homes

Monthly report for 2020-2021  
 Arranged by Aims  
 Filtered by Aim: Priorities Homes  
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
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\* Indicates that an entity is linked to the Aim by its parent Service

#### Corporate Plan PI Report Homes

##### Priorities: Homes

##### Aims: Deliver Housing

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Net additional homes provided</u>	n/a	n/a	393	n/a	Jenny Clifford, Tristan Peak												
<u>Number of affordable homes delivered (gross)</u>		85	124	n/a	Angela Haigh												
<u>Build Council Houses</u>	0 (3/12)	26		n/a	n/a	0	n/a	n/a		n/a	n/a		n/a	n/a		Angela Haigh	

##### Aims: Private Sector Housing

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Deliver homes by bringing Empty Houses into use</u>	55 (4/12)	138	72	1	9	26	31									Simon Newcombe	

##### Aims: Council Housing

Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% Properties With a Valid Gas Safety Certificate</u>	99.91% (4/12)	99.82%	100.0%	99.6%	99.4%	98.9%	98.9%									Angela Haigh	
<u>% Complaints Responded to On Time</u>	100.0% (4/12)	100.0%	99.0%	100.0%	0.0%	100.0%	100.0%									Angela Haigh	
<u>% Emergency Repairs Completed on Time</u>	100.0% (4/12)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%									Angela Haigh	
<u>% Urgent Repairs Completed on Time</u>	100.0% (4/12)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%									Angela Haigh	
<u>% Routine Repairs Completed on Time</u>	100.0% (4/12)	99.3%	100.0%	100.0%	100.0%	100.0%	100.0%									Angela Haigh	
<u>% Repair</u>	100.0% (4/12)	98.9%	100.0%	100.0%	100.0%	99.8%	100.0%									Angela	

Corporate Plan PI Report Homes																	
Priorities: Homes																	
Aims: Council Housing																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Jobs Where an Appointment Was Kept</u>																Haigh	

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## Corporate Plan PI Report Economy

Monthly report for 2020-2021  
 Arranged by Aims  
 Filtered by Aim: Priorities Economy  
 For MDDC - Services

### Key to Performance Status:

Performance Indicators:

No Data	Well below target	Below target	On target	Above target	Well above target
---------	-------------------	--------------	-----------	--------------	-------------------

\* indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Economy																
Priorities: Economy																
Aims: Improve and regenerate our town centres																
Performance Indicators																
Title	Prev Year (Period)	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>Tiverton Town Centre Masterplan</u>	n/a		n/a		Jenny Clifford, Tristan Peak, Adrian Welsh											
<u>Cullompton Town Centre Masterplan</u>	n/a		n/a		Jenny Clifford, Tristan Peak, Adrian Welsh											
<u>West Exe North and South</u>	n/a		n/a	n/a	12	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 92% 1 vacant unit (CY)
<u>Fore St Tiverton</u>	n/a		n/a	n/a	2	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 67% 1 unit vacant (CY)
<u>Market Walk Tiverton</u>	n/a		n/a	n/a	13	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 87% 2 vacant, 1 under offer (CY)
<u>Tiverton Other</u>	n/a		n/a	n/a	8	n/a	n/a		n/a	n/a		n/a	n/a		Andrew Busby	(Quarter 1) 100% (CY)
<u>The Number of Empty Shops (TIVERTON)</u>	(1/4)	18	n/a	n/a		Adrian Welsh	(Quarter 1) Count not done in									

<b>Corporate Plan PI Report Economy</b>																
<b>Priorities: Economy</b>																
<b>Aims: Improve and regenerate our town centres</b>																
<b>Performance Indicators</b>																
<b>Title</b>	<b>Prev Year (Period)</b>	<b>Annual Target</b>	<b>Apr Act</b>	<b>May Act</b>	<b>Jun Act</b>	<b>Jul Act</b>	<b>Aug Act</b>	<b>Sep Act</b>	<b>Oct Act</b>	<b>Nov Act</b>	<b>Dec Act</b>	<b>Jan Act</b>	<b>Feb Act</b>	<b>Mar Act</b>	<b>Group Manager</b>	<b>Officer Notes</b>
																Q1 due to covid 19 (CY)
<b><u>The Number of Empty Shops (CREDITON)</u></b>	(1/4)	8	n/a	n/a		Adrian Welsh										
<b><u>The Number of Empty Shops (CULLOMPTON)</u></b>	(1/4)	8	n/a	n/a		Adrian Welsh										

## Corporate Plan PI Report Community

Monthly report for 2020-2021

Arranged by Aims

Filtered by Aim: Priorities Community

Filtered by Flag: Exclude: Corporate Plan Aims 2016 to 2020

For MDDC - Services

*Key to Performance Status:*

Performance  
Indicators:

No Data

Well below  
target

Below  
target

On target

Above  
target

Well above  
target

\*

indicates that an entity is linked to the Aim by its parent Service

### Corporate Plan PI Report Community

No Data Returned

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**Corporate Plan PI Report Corporate**

Monthly report for 2020-2021  
 Arranged by Aims  
 Filtered by Aim: Priorities Delivering a Well-Managed Council  
 For MDDC - Services

Key to Performance Status:

Performance Indicators:	No Data	Well below target	Below target	On target	Above target	Well above target
-------------------------	---------	-------------------	--------------	-----------	--------------	-------------------

\* Indicates that an entity is linked to the Aim by its parent Service

Corporate Plan PI Report Corporate																	
Priorities: Delivering a Well-Managed Council																	
Aims: Other																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<u>% of complaints resolved w/in timescales (10 days - 12 weeks)</u>	95% (4/12)	94%	90%	100%	100%	89%	77%									Lisa Lewis	(July) 9 completed at first check - check again at 8 weeks (RT)
<u>Number of Complaints</u>	34 (4/12)	26		5	11	15	16									Lisa Lewis	(July) figure amended from 23 to 19 as 4 are either SRs or not MDDC (RT)
<u>New Performance Planning Guarantee determine within 26 weeks</u>	99% (1/4)	100%	100%	n/a	n/a	100%	n/a	Jenny Clifford, Eileen Paterson, Tristan Peak	(Quarter 1) COVID-19 (RP)								
<u>Major applications overturned at appeal (over last 2 years)</u>	0% (1/4)	2%	10%	n/a	n/a	4%	n/a	Jenny Clifford, Eileen Paterson, Tristan Peak									
<u>Major applications overturned at appeal % of appeals</u>	0.00% (1/4)	10.00%		n/a	n/a	100%	n/a	Jenny Clifford, Tristan Peak									
<u>Minor applications overturned at appeal (over last 2 years)</u>	0% (1/4)	0%	10%	n/a	n/a	0%	n/a	Jenny Clifford, Eileen Paterson, Tristan Peak									
<u>Minor applications overturned at appeal % of appeals</u>	0% (1/4)	13%		n/a	n/a	0.25%	n/a	Jenny Clifford, Tristan Peak									
<u>Response to FOI Requests (within 20 working days)</u>	100% (5/12)	100%	100%	100%	100%	100%	100%	100%								Catherine Yandle	
<u>FOI/EIR Requests where the information was granted in full</u>	37 (5/12)	31		15	24	35	26	24								Catherine Yandle	
<u>ICO Decision</u>	3 (5/12)	3		0	0	0	0	0								Catherine	

Corporate Plan PI Report Corporate																	
Priorities: Delivering a Well-Managed Council																	
Aims: Other																	
Performance Indicators																	
Title	Prev Year (Period)	Prev Year End	Annual Target	Apr Act	May Act	Jun Act	Jul Act	Aug Act	Sep Act	Oct Act	Nov Act	Dec Act	Jan Act	Feb Act	Mar Act	Group Manager	Officer Notes
<b>Notices</b>																Yandle	
<b>Community Infrastructure Levy</b>	n/a	n/a		n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Jenny Clifford, Tristan Peak	
<b>Working Days Lost Due to Sickness Absence</b>	1.55days (3/12)	8.12days	7.00days	n/a	n/a	1.41days	n/a	n/a		n/a	n/a		n/a	n/a		Matthew Page	
<b>% total Council tax collected - monthly</b>	29.29% (3/12)	98.50%		10.71%	19.36%	28.02%										Dean Emery	
<b>% total NNDR collected - monthly</b>	33.07% (3/12)	99.20%		10.09%	16.52%	31.01%										Dean Emery	

## Corporate Risk Management Report - Appendix 6

Report for 2020-2021

Filtered by Prefix: Exclude Risk Prefix: OP, PR, EV

Filtered by Flag: Include: \* Corporate Risk Register

For MDDC - Services

Filtered by Performance Status: Exclude Risk Status: Low

Not Including Risk Child Projects records, Including Mitigating Action records

### Key to Performance Status:

Mitigating Action:	<b>Milestone Missed</b>	<b>Behind schedule</b>	<b>In progress</b>	<b>Completed and evaluated</b>	<b>No Data available</b>
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Risks:	<b>No Data (0+)</b>	<b>High (15+)</b>	<b>Medium (6+)</b>	<b>Low (1+)</b>
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## Corporate Risk Management Report - Appendix 6

**Risk: Affordable and Council Housing Demand** Housing supply does not meet local demand or reflect demographic shifts like increased demand for single occupancy

Service: Housing Services

Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Detailed Analysis of Housing Need	Provision of 'heat map' to show where housing need is gathered by geographical area	Claire Fry	28/05/2013	12/05/2020	Fully effective (1)
In progress	Review of Housing Register	The register is regularly reviewed to minimise the incidence of fraud and to ensure that it represents a true picture of housing need. We also participate in the NFI waiting list matches.	Claire Fry	31/12/2019	12/05/2020	Positive(2)

Current Status: No Data | Current Risk Severity: 4 - High | Current Risk Likelihood: 4 - High

Service Manager: Claire Fry

## Corporate Risk Management Report - Appendix 6

**Risk: Climate Change Declaration** The implications to the Council's strategic, budget and medium term financial plans are not yet fully explored and understood. This introduces an increased level of uncertainty. Impact of climate change on the financial viability of the Council.

**Service: Governance**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Cabinet Member for Climate Change	Was appointed in January 2020 with specific responsibility for the climate change agenda.	Catherine Yandle	17/02/2020	04/09/2020	Fully effective (1)
In progress	Consideration by the Environment PDG	This PDG has been tasked with considering the Council's own policy response (s) to the Climate Change Declaration made at Full Council on 26 June 2019.	Catherine Yandle	19/07/2019	04/09/2020	Positive(2)
In progress	Devon Climate Emergency – Tactical Group	MDDC are part of the tactical group for the climate emergency that has strategic links to our own plans.	Catherine Yandle	18/05/2020	04/09/2020	Fully effective (1)
In progress	Net Zero Advisory Group	This was approved by Cabinet on 23 April terms of reference to be progressed for the group, membership confirmed and a date of the first meeting to be scheduled.	Catherine Yandle	18/05/2020	04/09/2020	Positive(2)
<b>Current Status: High (20)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 4 - High</b>		
<b>Service Manager: Catherine Yandle</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Commercial Land supply** Insufficient diversity in commercial land provided to meet changing business needs

**Service: Planning**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Business and landowner engagement	Continued brokering of sites and identification of creative opportunities to meet business demands can be very effective in addressing this risk	Adrian Welsh	10/06/2019	19/08/2020	Positive(2)
Behind schedule	Incubator/Flexible workspace project	This project should help identify opportunities to help the delivery of new flexible workspace	Adrian Welsh	10/06/2019	19/08/2020	Poor - action required(3)
In progress	Plan for recovery	Develop a recovery plan/ strategy in conjunction with partners	Jenny Clifford	12/05/2020	19/08/2020	Positive(2)
<b>Current Status: Medium (10)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 2 - Low</b>		
<b>Service Manager: Jenny Clifford, Tristan Peak</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Coronavirus Pandemic** There is now a significant risk to MDDC's ability to conduct business as usual

**Service: Public Health**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Business Continuity Planning (BCP)	BCPs have been reviewed. Regular updates are being obtained from Public Health England and the Local Resilience Forum. Weekly meetings of managers and Leadership Team via Skype.	Catherine Yandle	06/03/2020	06/07/2020	Fully effective (1)
In progress	Financial and Economic effects monitoring	To ensure that local authorities including MDDC are reimbursed in full for the Covid 19 response by Central government. At present we have been given approx. 20% of the costs to date in extra funding. Announcement re additional funding of 75p in the £1 on 3 July is encouraging.	Catherine Yandle	13/05/2020	06/07/2020	Positive(2)
<b>Current Status: High (15)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 3 - Medium</b>		
<b>Service Manager: Simon Newcombe</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Culm Garden Village** Possible discontinuance of Government funding support

**Service: Planning**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Further bids for capacity funding	To continue to secure external funding to support the project	Jenny Clifford	29/03/2019	02/06/2020	No Score(0)

**Current Status: No Data** **Current Risk Severity: 4 - High** **Current Risk Likelihood: 4 - High**

**Service Manager: Ian Chilver**

## Corporate Risk Management Report - Appendix 6

**Risk: Cyber Security** Inadequate Cyber Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. If the Council fails to have an effective ICT security strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

**Service: I C T**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Email and Protective DNS	ICT have applied the all levels of the government secure email policy, which ensures secure email exchange with government agencies operating at OFFICIAL. PSN DNS has been configured at the Internet gateway, which ensures the validity of websites and blocks known sites.	Lisa Lewis	06/06/2019	15/05/2020	Fully effective (1)
Completed and evaluated	Information Security Policy in place, with update training	Information Security Policy reviewed. LMS (online policy system) included in induction.	Catherine Yandle	22/10/2015	15/05/2020	Fully effective (1)
In progress	Regular user awareness training	Staff and Member updates help to reduce the risk	Catherine Yandle	03/01/2019	15/05/2020	Positive(2)
Completed and evaluated	Technical controls in place	Required to maintain Public Sector Network certification	Lisa Lewis	03/01/2019	15/05/2020	Fully effective (1)
<b>Current Status: No Data</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 4 - High</b>		
<b>Service Manager: Lisa Lewis</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Economic Development Service** The macro economic position might necessitate a reactive response, impacting on the Council's resourcing and reducing its ability to deploy resources as planned.

**Service: Growth, Economy and Development**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Distribution and processing of Gov business support funding.	To assist businesses through these difficult initial stages.	Adrian Welsh	12/05/2020	19/08/2020	Positive(2)
In progress	Hardship funding	To support individuals/households but also crucial for self employed and furloughed staff	Adrian Welsh	12/05/2020	19/08/2020	Positive(2)
In progress	Recovery plans	Work underway to develop recovery plans to assist positive impacts on local economy.	Adrian Welsh	12/05/2020	19/08/2020	Positive(2)
<b>Current Status: High (25)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 5 - Very High</b>		
<b>Service Manager: Adrian Welsh</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Economic Strategy** Failure to deliver projects/outcomes in Economic Strategy

**Service: Growth, Economy and Development**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to seek out existing and new funding opportunities	To assist in ensuring adequate funding for delivery.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	partnership working	Continue to work closely with delivery partners to gain advance warning of difficulties so as to seek to mitigate	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Project Management	Continue rigorous project management, monitoring and reporting	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Recovery Plans	Recovery Plans will be put in place to aid recovery.	Adrian Welsh	12/05/2020	12/05/2020	Positive (2)
In progress	Review and re-prioritisation	Part of review of projects for Year 2 actions. This will consider maximising investment and prioritising officer time.	Adrian Welsh	31/01/2020	12/05/2020	Positive(2)

**Current Status: High (20)**

**Current Risk Severity: 4 - High**

**Current Risk Likelihood: 5 - Very High**

**Service Manager: Jenny Clifford, Tristan Peak**

## Corporate Risk Management Report - Appendix 6

**Risk: Funding** Insufficient resources (including funding) to deliver growth aspirations of Corporate Plan.

**Service: Growth, Economy and Development**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Lobbying	Officers will continue to review funding opportunities and seek opportunities to work closely with local partners and the HotSWLEP to seek additional funding support for key infrastructure.	Adrian Welsh	12/05/2020	12/05/2020	Positive (2)
In progress	Officers have reprioritised work programmes to explore new funding opportunities	End of European funding sources	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
<b>Current Status: High (16)</b>						
<b>Service Manager: Adrian Welsh</b>			<b>Current Risk Severity: 4 - High</b>		<b>Current Risk Likelihood: 4 - High</b>	

## Corporate Risk Management Report - Appendix 6

**Risk: GDPR compliance** That the Council cannot demonstrate that we are complaint with GDPR requirements.

**Service: Governance**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	IDOX Records Handling Plan	To utilize IDOX bulk data handling tool across the Council services using Uniform	Catherine Yandle	01/03/2019	06/07/2020	Positive(2)
In progress	Records Management Action Plan	To improve identified issues with records management	Catherine Yandle	15/06/2018	06/07/2020	Positive(2)
<b>Current Status: Medium (10)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 2 - Low</b>		
<b>Service Manager: Catherine Yandle</b>						

**Risk: Health and Safety** Inadequate Health and Safety Policies or Risk Assessments and decision-making could lead to Mid Devon failing to mitigate serious health and safety issues

**Service: Governance**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Risk Assessments	Review risk assessments and procedures to ensure that we have robust arrangements in place.  In progress ready for September reports.	Catherine Yandle	28/05/2013	20/11/2019	Fully effective (1)
In progress	Risk assessments	Group Managers contacted with request to update the outstanding risk reviews	Catherine Yandle	20/09/2019	20/11/2019	Positive(2)
<b>Current Status: Medium (10)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 2 - Low</b>		
<b>Service Manager: Catherine Yandle</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Homelessness** Insufficient resources to support an increased homeless population could result in failure to meet statutory duty to provide advice and assistance to anyone who is homeless.

### Service: Housing Services

#### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Completed and evaluated	Computer System	New ICT system for recording homelessness data procured and fully functional including reporting facility.	Claire Fry	05/09/2017	12/05/2020	Fully effective (1)
Completed and evaluated	Staff Support	Officers are trained and knowledgeable and the structure of Housing Options team to be reviewed to build resilience.  Homelessness strategy was reviewed Autumn 2019.	Claire Fry	22/06/2017	12/05/2020	Fully effective (1)

**Current Status: No Data**   **Current Risk Severity: 4 - High**   **Current Risk Likelihood: 4 - High**  
**Service Manager: Claire Fry**

## Corporate Risk Management Report - Appendix 6

**Risk: Information Security** Inadequate data protection could lead to breaches of confidential information and ultimately enforcement action by the ICO.

**Service: Governance**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Awareness and Training	Attend team meetings and other meetings such as Tenants Together to provide training and answer questions on request. Articles in the Link on an ad hoc basis.	Catherine Yandle	09/08/2019	06/07/2020	Positive(2)
In progress	Breach notification	Security breaches are logged via the helpdesk and monitored for developing trends. Training and advice is offered in response to items logged.	Catherine Yandle	09/08/2019	06/07/2020	Positive(2)
<b>Current Status: Medium (10)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 2 - Low</b>		
<b>Service Manager: Catherine Yandle</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Infrastructure delivery** Inability to deliver, or delay in delivering, key transport infrastructure to unlock planned growth

**Service: Growth, Economy and Development**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Partnership working	Close working with delivery partners to attempt to mitigate risks.	Adrian Welsh	12/05/2020	12/05/2020	Positive (2)
In progress	Partnership working with infrastructure providers and statutory bodies	Reduce risk of delays and communication.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	target funding opportunities	To seek to bring forward delivery	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)

**Current Status: High (16)** Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High  
Service Manager: Jenny Clifford, Tristan Peak

**Risk: Localism Act - Community Right to Buy / Challenge** Transference of services to the community could enable the Council to identify cost savings

**Service: Financial Services**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	This is an opportunity - Communication with third parties needed		Ian Chilver	02/08/2019	06/09/2020	Positive(2)

**Current Status: Medium (12)** Current Risk Severity: 4 - High Current Risk Likelihood: 3 - Medium

Service Manager: Ian Chilver

## Corporate Risk Management Report - Appendix 6

**Risk: Overall Funding Availability** Changes to Revenue Support Grant, Business Rates, New Homes Bonus and other funding streams in order to finance ongoing expenditure needs.

**Service: Financial Services**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Engaging in commercial activities		Ian Chilver	28/09/2017	15/05/2020	Positive(2)
In progress	Medium term planning		Ian Chilver	28/09/2017	15/05/2020	Positive(2)
<b>Current Status: No Data</b>		<b>Current Risk Severity: 5 - Very High</b>			<b>Current Risk Likelihood: 3 - Medium</b>	
<b>Service Manager: Ian Chilver</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: Reduced Funding - Budget Cuts** We are subject to continuing budget reductions. If we concentrate on short term cost savings, it may increase long term impact of decisions

**Service: Financial Services**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Business Plans	Service Business Plans are reviewed each financial year with suggestions for revised performance targets based on budget to be agreed by Cabinet Member and PDG.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)
In progress	Identify Efficiencies	Taking proactive steps to increase income and reduce expenditure through efficiencies, vacancies that arise and delivering services in a different way.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)
In progress	Reserves	Cabinet have taken the decision to recommend a minimum general reserve balance of 25% of Net annual budget.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)
In progress	Set Budget	Each year as part of the budget setting process, members are consulted via PDGs in time to evaluate savings proposals, ahead of the November draft budget.	Andrew Jarrett	28/05/2013	15/05/2020	Positive(2)

**Current Status: No Data**    **Current Risk Severity: 4 - High**    **Current Risk Likelihood: 4 - High**

**Service Manager: Ian Chilver**

## Corporate Risk Management Report - Appendix 6

**Risk: Reputational damage - social media** impact of reputational damage through social media is a significant risk that warrants inclusion on the Authority's risk register.

**Service: Communications**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
No Data available	Monitoring social media	Two members of the communications team monitor the main corporate social media accounts on a rota basis. Alerts are also set up so the team receives notification of comments and can respond as appropriate. This is monitored in office hours only and the team does not provide 24 hour monitoring or a call out function. The Comms Team also works with other local authorities and takes part in social media training with other local authorities as the opportunities arise budgets permitting.	Jane Lewis	05/06/2019	18/05/2020	No Score(0)
<b>Current Status: Medium (10)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 2 - Low</b>		
<b>Service Manager: Jane Lewis</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: S106 Agreement** Inability of the legacy systems to provide a full overview of the 'trigger points' for all of the s106 agreements

**Service: Planning**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	S106 improvement project	A S106 improvement project is taking place to build a new system that will be able to effectively manage the process and provide better visibility over the information on S106 agreements and monies held/spent/expected.	Jenny Clifford	04/10/2019	19/08/2020	Positive(2)
<b>Current Status: Medium (10)</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 2 - Low</b>		
<b>Service Manager: Jenny Clifford, Tristan Peak</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: SPV - 3 Rivers - Failure of the Company** This will depend on Economic factors and the Company's success in the marketplace commercially.

For MDDC the impacts will be:

3 Rivers are unable to service and repay the loan from MDDC

Not receiving the forecast additional income

Not supporting corporate objectives.

### Service: Financial Services

#### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Quarterly Officer Programme Board	Will receive detailed project updates and will ensure performance correlates with existing metrics, budgets, timetable and considers any specific material project risks that have been identified. Anything materially o/s of project confines would then be reported to Cabinet	Andrew Jarrett	13/06/2019	15/05/2020	Positive(2)
In progress	Regular monitoring	The Board of 3 Rivers deliver a half yearly report to the Cabinet which provides an update on their delivery against their business plan. We charge interest to them at a commercial rate in order to maintain an "arms-length" relationship and the interest provides some mitigation to the outstanding principal.	Andrew Jarrett	30/05/2019	15/05/2020	Positive(2)
<b>Current Status: No Data</b>		<b>Current Risk Severity: 5 - Very High</b>		<b>Current Risk Likelihood: 4 - High</b>		
<b>Service Manager: Ian Chilver</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: SPV Disclosure requirements - 3 Rivers** Failing to maintain the balance between commercial sensitivity and the transparency and openness requirements of a wholly owned entity.

**Service: Financial Services**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Employed services of Ichabod	We can refer technical matters regarding group accounts etc. to our retained technical advisor. This is a cost effective way of receiving technical updates.	Ian Chilver	02/01/2018	15/05/2020	Positive(2)
In progress	Liaison with External Auditors and 3 Rivers	We have regular discussions with our external auditors to ensure that we are providing the correct information for decision making purposes. We are mindful of the need to maintain commercial sensitivity but we are also aware that Members must be appraised to an appropriate level to be able to make informed decisions.	Ian Chilver	06/01/2020	15/05/2020	Positive(2)
<b>Current Status: No Data</b>		<b>Current Risk Severity: 4 - High</b>		<b>Current Risk Likelihood: 3 - Medium</b>		
<b>Service Manager: Ian Chilver</b>						

## Corporate Risk Management Report - Appendix 6

**Risk: SPV Governance Arrangements - 3 Rivers** Not being able to demonstrate robust challenge and decision-making.

**Service: Governance**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
Behind schedule	External Review	Several recommendations have been recommended. All have been approved between Cabinet, Audit and Scrutiny. Action Plan will be put in place after Cabinet 9 July meeting.	Catherine Yandle	06/07/2020	<b>06/07/2020</b>	<b>Poor - action required (3)</b>
In progress	Included on AGS	This issue has been included on the Annual Governance Statement Action Plan so we do not lose sight of the issue throughout the year.	Catherine Yandle	15/07/2019	<b>06/07/2020</b>	<b>Positive(2)</b>
In progress	Openness and Transparency	Regular reports to Cabinet in open session where possible.  Need to balance commercial interests with Nolan principles.	Catherine Yandle	20/05/2019	<b>06/07/2020</b>	<b>Positive(2)</b>

**Current Status: High (20)**

**Current Risk Severity: 5 - Very High**

**Current Risk Likelihood: 4 - High**

**Service Manager: Catherine Yandle**

## Corporate Risk Management Report - Appendix 6

**Risk: Tiverton Pannier Market** Failure to maximise the economic potential of Tiverton Pannier Market

**Service: Growth, Economy and Development**

### Mitigating Action records

Mitigation Status	Mitigating Action	Info	Responsible Person	Date Identified	Last Review Date	Current Effectiveness of Actions
In progress	Continue to retain and prioritise market budget	To ensure most efficient use of resources	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	continue to work with traders on promotion	To increase footfall.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Implement and review market strategy	Implementation of strategy will increase market's financial success and help fulfill its function as a key driver for the town.	Adrian Welsh	10/06/2019	12/05/2020	Positive(2)
In progress	Masterplan Implementation	To realise benefits from the Masterplan to increase visibility of market and increase footfall.	Adrian Welsh	10/06/2019	12/05/2020	Poor - action required(3)

**Current Status: High (16)** Current Risk Severity: 4 - High Current Risk Likelihood: 4 - High

Service Manager: Jenny Clifford, Tristan Peak

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Print Date: 06 September 2020

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# Risk Matrix

Report  
 Filtered by Prefix: Exclude Risk Prefix: OP, EV  
 For MDDC - Services  
 Current settings

<b>Risk Likelihood</b>	<b>5 - Very High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>1 Risk</b>
	<b>4 - High</b>	<b>No Risks</b>	<b>No Risks</b>	<b>No Risks</b>	<b>5 Risks</b>	<b>2 Risks</b>
	<b>3 - Medium</b>	<b>1 Risk</b>	<b>1 Risk</b>	<b>10 Risks</b>	<b>4 Risks</b>	<b>1 Risk</b>
	<b>2 - Low</b>	<b>No Risks</b>	<b>1 Risk</b>	<b>13 Risks</b>	<b>10 Risks</b>	<b>6 Risks</b>
	<b>1 - Very Low</b>	<b>5 Risks</b>	<b>1 Risk</b>	<b>2 Risks</b>	<b>2 Risks</b>	<b>2 Risks</b>
	<b>1 - Very Low</b>	<b>2 - Low</b>	<b>3 - Medium</b>	<b>4 - High</b>	<b>5 - Very High</b>	
	<b>Risk Severity</b>					

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## **CABINET 1 OCTOBER 2020**

### **3 Rivers Developments Limited - Update**

**Cabinet Member:** Councillor Bob Evans - Housing & Property  
Councillor Andrew Moore – Finance

**Responsible Officer:** Chief Executive – Stephen Walford

**Reason for Report:** To provide Cabinet with an update on current project performance, emerging risks and progress with recommendations emanating from the Cabinet report of the 9 July 2020.

**RECOMMENDATION:** That Cabinet note the update report on current performance, risks and progress on recommendations.

**Financial Implications:** The Council has a duty to obtain value for money. All financial interactions between the Council and 3Rivers are carried out at commercially evidenced rates and subject to individual loan agreements.

**Budget and Policy Framework:**

**Legal Implications:** None to this report, however this report is prepared in accordance with the Shareholder Agreement, Company's Memorandum and Articles of Association and currently Approved Business Plan.

**Risk Assessment:** Detailed within the report.

**Equality impact assessment:** No equality issues identified for this report.

**Impact on climate change:** 3 Rivers is a commercial organisation and where deliverable sustainable options are available they are utilised, however, as a commercial organisation it is acknowledged that where there is a significant cost differential and what the market will sustain, that this plays heavily in the choices made.

## **1.0 Introduction**

1.1 In order to ensure regular progress reports are provided to members prior to agreeing a more formulaic quarterly reporting process, due to commence from quarter beginning the 1 October 2020, it is felt helpful to deliver a brief update since the last Cabinet report which was considered on the 3 September 2020.

1.2 Since the previous meeting of Cabinet, two new Cabinet ambassadors have been appointed to oversee all activities of the Council's property development company and ensure progress on all the recommendations that have been previously agreed. It has been decided that this Cabinet function will be performed by Cllr Bob Evans and Cllr Andrew Moore, based on the Portfolios they have responsibility for. It is currently envisaged that these two members

will also act as a necessary member interface to help foster a more transparent communication process between both parties. In due course the shareholder agreement will be updated to reflect the revised way in which Cabinet wishes to exert its oversight and management of this relationship.

## 2.0 Company Project Update

2.1 A detailed company update report was provided by the Directors of 3 Rivers Developments Limited for Cabinet's consideration at its meeting on the 3 September 2020.

2.2 Below shows a brief overview of project progress since this report and any associated issues as at the end of August, which is the last full financial month of company accounting information.

### 2.2.1 Current Projects

**Threwstones, Tiverton** – 3 market houses - scheme completed – all 3 units have been sold.

**The Orchard, Halberton** – 4 semi-detached market houses and a barn conversion - the 4 semis are now substantially completed and a reasonable level of interest already being shown. There are some ongoing planning issues with regard to the barn that requires resolution and may well delay project completion until May/June 2021.

**St George's Court, Tiverton** – 39 market flats/houses – work was suspended on 25/3/20 due to Covid19 and the site saw a soft re-opening on 14/9/20 with a small number of contractors back on site. Full scheme reopening is due to commence from 21/9/20 and a revised project timetable is expected by the 25/9/20.

### 2.2.2 Rental properties

**Banksia Close/Cemetery Lodge, Tiverton** – all rental payments up to date.

### 2.2.3 Future Schemes

Any proactive site searches or exploration has been temporarily suspended. However, for members' information the updated position on the three sites that were previously in-train are as follows:

**Bampton** – planning application submitted in January 2020 for a medium sized market housing development – no further progress.

**Knowle Lane, Cullompton** – site purchased for circa 70 properties (mix still to be determined) – no further progress per instruction.

**Post Hill, Tiverton** – included within last approved Business Plan – initial works undertaken for a planning application – no further progress per instruction.

#### 2.2.4 Financial Overview

The company has effectively been in operational lockdown over the past few months with only minimal levels of overhead costs being incurred. However, sale receipts of £987.5k from all the Threwstones units have been achieved.

### **3.0 Progress on Cabinet Recommendations**

3.1 Since the last Cabinet report the council has:

- Commissioned and received all of the necessary loan agreements from Anthony Collins Solicitors, which includes the associated securities. These are currently being reviewed by both parties.
- Drafted job descriptions and person specifications for the 2 additional Director roles. The structure of the appointments panel is being considered.
- The necessary release for seconded staff has been put in place.

3.2 Most if not all of the other recommendations are either a work in progress or are conditional upon a prior action being completed. A comprehensive update will be provided at the next Cabinet meeting.

### **4.0 Conclusion**

4.1 Moving forward with 3 Rivers Development Limited necessitates a number of key governance and financial changes and also provides the Council with the opportunity to reflect on how it supports its development company moving forward. A revised Shareholder Agreement will be required in order to reflect what the Council wants to set as its key operational and delivery requirements that it will then use to measure future performance by.

4.2 Part of these new changes will include a more regular reporting process by the company back to the Council, where as much information as commercially practicable will be in part 1 (unrestricted) reports. In addition, the Company has been asked to provide an interim business plan in order to deliver current projects until the end of the financial year. Thereafter, it will return to the usual (annual) Business Plan submission to Cabinet in February in order to comply with the Council's annual budget setting and treasury management timetables.

Contact for more information: Stephen Walford, Chief Executive ([swalford@middevon.gov.uk](mailto:swalford@middevon.gov.uk))

Circulation of the report: Cabinet and Leadership Team

**MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS**

**September 2020**

**The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting**

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<p><b>Syrian Vulnerable Persons Refugee Scheme and the new United Kingdom Resettlement Scheme</b> To consider a revised scheme.</p>	<p>Homes Policy Development Group  Cabinet</p>	<p>15 Sep 2020  29 Oct 2020</p>	<p>Claire Fry, Group Manager for Housing Services Tel: 01884 234920</p>	<p>Cabinet Member for Housing and Property Services (Councillor Bob Evans)</p>	<p>Open</p>
<p><b>Operations Directive Enforcement Policy</b> A joint meeting of the Community, Environment and Homes PDG's to receive a review of the Operations Directive Enforcement Policy from the Group Manager for Public Health and Regulatory Services.</p>	<p>Community Policy Development Group  Cabinet</p>	<p>20 Oct 2020  29 Oct 2020</p>	<p>Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615</p>		<p>Open</p>
<p><b>Public Spaces Protection Order</b> To consider the outcome of the public consultation and any recommendations.</p>	<p>Cabinet</p>	<p>29 Oct 2020</p>	<p>Darren Beer, Operations Manager</p>	<p>Cabinet Member for the Environment (Councillor Colin Slade)</p>	<p>Open</p>

**Agenda Item 14.**

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Design Supplementary Planning Document - post consultation</b> To consider the Supplementary Planning Document post consultation</p>	Cabinet	29 Oct 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<p><b>Cullompton Railway Station</b> To provide a project update and next steps</p>	Cabinet	29 Oct 2020	Adrian Welsh, Group Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<p><b>SPV Options Report</b> To consider options for the Special Purpose Vehicle</p>	Cabinet	Not before 29th Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Leader of the Council (Councillor Bob Deed)	Part exempt
<p><b>Land at Post Hill, to consider development options</b> To consider the options for the land at Post Hill Tiverton.</p>	Cabinet	29 Oct 2020	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Part exempt

<b>Title of report and summary of decision</b>	<b>Decision Taker</b>	<b>Date of Decision</b>	<b>Officer contact</b>	<b>Cabinet Member</b>	<b>Intention to consider report in private session and the reason(s)</b>
<b>Measured Term Minor Structural Works Contract 2020 - 2024</b> To consider the outcome of the tender process	Cabinet	29 Oct 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Medium Term Financial Plan</b> To consider the Medium Term Financial Plan	Cabinet	29 Oct 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Treasury Management Strategy and Mid Year Review</b> To consider a report with information regarding the treasury performance in the first 6 months of the municipal year.	Cabinet Council	29 Oct 2020 6 Jan 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Refuse Waste Options</b> To consider a report with regard to waste options	Environment Policy Development Group Cabinet	3 Nov 2020 3 Dec 2020	Darren Beer, Operations Manager	Cabinet Member for the Environment (Councillor Colin Slade)	Open
<b>Economic Development Strategy</b> To consider a revised	Economy Policy Development	5 Nov 2020	Jenny Clifford, Head of Planning, Economy and	Cabinet Member for Planning and Economic	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
strategies	Group Cabinet	3 Dec 2020	Regeneration Tel: 01884 234346	Regeneration (Councillor Richard Chesterton)	
<b>Housing Revenue Account Asset Management Strategy</b> To receive a report providing a review of the Housing Revenue Account Asset Management Strategy.	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Grass Verges on HRA land Working Group report</b>	Homes Policy Development Group Cabinet	10 Nov 2020 3 Dec 2020	Claire Fry, Group Manager for Housing Services Tel: 01884 234920	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Single Equalities Policy and Equality Objectives</b> To receive the Annual review of the Single Equalities Policy and Equality Objective	Community Policy Development Group Cabinet	17 Nov 2020 3 Dec 2020	Catherine Yandle, Group Manager for Performance, Governance and Data Security Tel: 01884 234975	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Use of CCTV Policy and Guidance</b> To receive and approve the Use of CCTV Policy and	Community Policy Development Group	17 Nov 2020	Andrew Busby, Group Manager for Corporate Property and Commercial	Cabinet Member for Community Well Being (Councillor	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Guidance	Cabinet Council	3 Dec 2020 6 Jan 2021	Assets Tel: 01884 234948	Dennis Knowles)	
<b>Community Safety Partnership Plan</b> To receive the 2 yearly review of the Community Safety Partnership Plan	Community Policy Development Group Cabinet	17 Nov 2020 3 Dec 2020	Simon Newcombe, Group Manager for Public Health and Regulatory Services Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Corporate Recovery Policy</b> To receive the Corporate Recovery Policy from the Group Manager for Revenues and Benefits	Community Policy Development Group Cabinet	17 Nov 2020 3 Dec 2020	Dean Emery, Group Manager for Revenues and Benefits	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Beech Road, Tiverton - Design and Build Tender</b> To consider the award of the tender	Cabinet	3 Dec 2020	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Part exempt
<b>Schedule of Meetings 2021-22</b> To consider the schedule of meetings for 2021/22	Cabinet Council	3 Dec 2020 6 Jan 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open

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Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Tiverton Town Centre Masterplan</b> To consider a draft masterplan for public consultation</p>	Cabinet	3 Dec 2020	Jenny Clifford, Head of Planning, Economy and Regeneration Tel: 01884 234346	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
<p><b>Asbestos Surveying and Unlicensed Removal 2021 - 2024</b> To consider the outcome of the tender process</p>	Cabinet	3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<p><b>Asbestos Surveying and Unlicensed Removal 2021-2024</b> To consider the outcome of the tender process</p>	Cabinet	3 Dec 2020	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<p><b>Options for Accelerating Affordable Housing Delivery in the District</b> To consider additional governance arrangements for housing delivery</p>	Scrutiny Committee Cabinet	7 Jan 2021 4 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<p><b>Bereavement Services Fees &amp; Charges</b> To receive the annual review of Bereavement Services Fees &amp; Charges from the Group Manager for Corporate Property and Commercial Assets</p>	<p>Environment Policy Development Group  Cabinet</p>	<p>12 Jan 2021  4 Feb 2021</p>	<p>Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948</p>	<p>Cabinet Member for the Environment (Councillor Colin Slade)</p>	<p>Open</p>
<p><b>Housing Enabling SPD (S106 - Housing Need Allocation - Exception Sites)</b> To receive a report reviewing the Housing Enabling SPD document</p>	<p>Homes Policy Development Group  Cabinet</p>	<p>19 Jan 2021  4 Feb 2021</p>	<p>Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381</p>	<p>Cabinet Member for Housing and Property Services (Councillor Bob Evans)</p>	<p>Open</p>
<p><b>Housing Strategy</b> To receive a report reviewing the Housing Strategy</p>	<p>Homes Policy Development Group  Cabinet</p>	<p>19 Jan 2021  4 Feb 2021</p>	<p>Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381</p>	<p>Cabinet Member for Housing and Property Services (Councillor Bob Evans)</p>	<p>Open</p>
<p><b>Decant Policy</b> To receive a report reviewing the Decant Policy.</p>	<p>Homes Policy Development Group  Cabinet</p>	<p>19 Jan 2021  4 Feb 2021</p>	<p>Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381</p>	<p>Cabinet Member for Housing and Property Services (Councillor Bob Evans)</p>	<p>Open</p>

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>HRA Medium Term Financial Plan</b> To consider a MTFP for the HRA.	Homes Policy Development Group  Cabinet	19 Jan 2021  4 Feb 2021	J P McLachlan, Principal Accountant	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Corporate Health and Safety Policy</b> To receive the annual review of the Corporate Health & Safety Policy from the Director of Corporate Affairs and Business Transformation	Community Policy Development Group  Cabinet	26 Jan 2021  4 Mar 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Community Engagement Strategy (Including Action Plan)</b> To receive the 2 yearly review of the Community Engagement Strategy and Action Plan	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Lisa Lewis, Group Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Grant payments to external organisations (the strategic grants review process)</b> To receive the 4 yearly review of Grant Payments to external organisations from	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)  Cabinet Member	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
the Group Manager for Growth, Economy & Delivery				for Community Well Being (Councillor Dennis Knowles)	
<b>Corporate Anti Social Behaviour Policy</b> To receive the 3 yearly review of the Corporate Anti Social Behaviour Policy	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Town and Parish Charter</b> To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group  Cabinet	26 Jan 2021  4 Feb 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Budget</b> To receive proposals for the General Fund and Housing Revenue Account for 2021/22	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Capital Programme</b> To seek approval of the 2021/22 Capital Programme and to note the draft	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
2022/23, 2023/24 and 2024/25 programmes					
<b>Capital Strategy</b> To request agreement of the proposed Capital Strategy for 2021/22.	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Treasury Management Strategy and Annual Investment Strategy</b> To seek agreement of the proposed Treasury Management Strategy and Annual Investment Strategy for 2021/22.	Cabinet  Council	4 Feb 2021  24 Feb 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Policy Framework</b> To consider the Policy Framework	Cabinet  Council	4 Feb 2021  24 Feb 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
<b>The Establishment</b> Report of the Group Manager for Human Resources informing Members of the overall structure of the Council	Cabinet  Council	4 Feb 2021  24 Feb 2021	Matthew Page, Group Manager for Human Resources	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
showing the management and deployment of officers.					
<b>Pay Policy</b> To consider a report relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.	Cabinet  Council	4 Feb 2021  24 Feb 2021	Matthew Page, Group Manager for Human Resources	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
<b>Debt Collection Policy</b> <b>Recommendation from the</b> <b>Audit Committee to the</b> <b>Cabinet)</b>	Audit Committee  Cabinet	23 Mar 2021  8 Apr 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
<b>Vulnerability Policy</b> To receive a report reviewing the Vulnerability Policy	Homes Policy Development Group  Cabinet	16 Mar 2021  8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
<b>Telecare Policy</b> To receive a report reviewing the Telecare Policy	Homes Policy Development Group  Cabinet	16 Mar 2021  8 Apr 2021	Jill May, Director of Corporate Affairs and Business Transformation Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
<b>Tree Policy</b> 5 yearly review	Environment Policy Development Group  Cabinet	9 Mar 2021  8 Apr 2021	Andrew Busby, Group Manager for Corporate Property and Commercial Assets Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
<b>Outturn report 2020/21</b> To receive the outturn for the financial year 2020/21	Cabinet	Not before 10th Jun 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open