



# Matlock

## TOWN COUNCIL

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**Sent to:** [planningforthefuture@communities.gov.uk](mailto:planningforthefuture@communities.gov.uk)

Your Ref: MTC  
Our Ref: MTC/Planning  
Please ask for: Susan Smith

04 November 2020

Dear Sir/Madam

**Re: Planning for the Future White Paper**

I write on behalf of Matlock Town Council.

Matlock Town Council is pleased to send you its comments on the Planning for the Future White Paper. These comments are based on the experience of Council members in their professional work, as members of the Derbyshire Dales District Council Planning Committee and as Matlock Town and District councillors in making representations and decisions about planning policy and individual planning applications including major developments and individual properties. This experience enables the Council to provide over 25 years of practical experience in planning, experience that has at a local level included the medium-term impact of earlier planning decisions.

Our response is structured as a summary of conclusions about the White Paper and answers to each of the individual questions with some additional remarks about the proposals. It provides an introduction outlining the current situation in Matlock and the constraints on development in the town. The responses to questions are then illustrated with examples drawn from Matlock which demonstrate the issues that need to be considered by planning authorities, statutory consultees and other bodies in developing their local plans and in assessing individual developments, and therefore provide justification for the responses provided.

We hope that you will be able to take our responses and proposals into account in preparing the final version of any new framework, given our extensive practical experience of planning and working with developers.

Yours faithfully,

S. C. Smith.

Susan Smith  
Town Clerk

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*Town Clerk – Susan Smith*

*Information communicated to the Town Council may be disclosed to the public under the Freedom of Information Act 2000*

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**MATLOCK TOWN COUNCIL RESPONSE  
TO THE  
PLANNING FOR THE FUTURE WHITE PAPER**

**Introduction**

Matlock Town Council (MTC) is the Council for Matlock, a small town with a population of some 10,875<sup>1</sup> in the Derbyshire Dales District of Derbyshire. Matlock is part of a larger conurbation with a population of some 20,000 comprising Darley Dale, Matlock and Matlock Bath. Matlock is largely built on the steeply sloping south side of the Derwent river valley, with the built environment spanning altitude from approximately 100m at river level to 230m, although the hills either side of the valley rise to over 300m. The built area of the town is constrained by the adjacent urban development to the east and west, and the hills to the north and south of the town. The town itself is just outside the Peak District National Park.

The Derbyshire Dales planning authority has an agreement with the Peak District National Park as an adjacent planning authority to absorb demand for housing arising in the Peak District. The Derbyshire Dales local plan therefore sets out demanding housing targets for Matlock as well as for Ashbourne and Wirksworth, the two other towns in the District but outside the National Park. The housing allocation in the Local Plan for Matlock is some 1,100 new dwellings. Including windfall sites already built since 2017, there will be an increase of some 1350 dwellings on a base of some 5,100 dwellings in the period to 2030. This represents growth of over 26%. The land allocated for building is a mix of brownfield, former quarries and industrial sites, and greenfield sites. The main greenfield site proposed in the Local Plan is above the present building line at an altitude of 220m to 240m. It is a major concern since its geology causes significant volumes of surface water run-off which will need mitigation if developed.

The growth is already putting a strain on resources including on roads, schools, general practitioners and perhaps most importantly on drains and sewers. With the high hills to the south of the town, and their particular geological and hydrogeological characteristics, water run-off and drainage is a major issue in the town. Flooding from run-off is a regular occurrence, and flooding from the river happens from time to time. The strain on drains and sewers is expected to grow with the increase in the built area and population in Matlock itself and in the nearby village of Tansley which share a local brook, Bentley Brook, for drainage. This brook is managed by the Environment Agency. It is pumped when the river Derwent is at a high level to avoid flooding lower lying areas of Matlock itself. The Environment Agency has expressed concern at the increased flow of water seen after storm periods which it is thought may be due to the completion of the previously mentioned new 'windfall sites' which discharge into Bentley Brook

The road network is also highly constrained by the local geography. The town centre highway network where three "A" roads meet, including the A6, is already under significant stress with extended daily peak hour traffic congestion causing long queues and delays for much of each day. A matter of serious concern is the fact that a key junction in the Town centre – Crown Square roundabout – has already reached its defined limiting capacity and other roads are nearing capacity. No physical measures can be made to increase traffic capacity in Matlock – especially in the town

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<sup>1</sup> 2014 estimate, Derbyshire Observatory

centre due to the proximity of existing buildings in a conservation area, and elsewhere by the surrounding steep sided hills.

The Derbyshire Dales Local Plan has not allocated significant amounts of land for commercial or industrial development in Matlock. This factor, and the housing mix favoured by developers of houses that are beyond the relatively low income levels in Derbyshire Dales, risk turning Matlock into a dormitory town for major cities such as Sheffield and Derby popular, for its attractive setting but with few work opportunities at salary levels sufficient to afford local house prices. The environmental impact arising from daily commuting is likely to be a problem.

### **Summary response**

In responding to the White Paper, MTC has taken a view that the changes proposed are in broad terms likely to come about and has therefore responded in a manner that it believes will improve their implementation. Within that response, MTC would like to highlight the following.

1. Overall, MTC believes that the proposals reduce control over planning by the local community and increase the power of developers. This shift in control arises from the reduced use of outline and detailed planning permission and proposals such as the acceptance of developers' codes for substantial development. This shift of power is mistaken for the following reasons.
  - a. Developers have demonstrated their inability to act responsibly to respect the community and environment in the areas surrounding their proposed development. They do not thoroughly evaluate any impact on the surrounding area, and indeed often provide misleading statements about such impact. The planning authority has to ensure that such impact is considered, and mitigation built into the developer's plans. Without thorough evaluation at outline and detailed permission level, it is likely that developers will fail to safeguard the surrounding environment and community.
  - b. Developers cannot be trusted. They have often built poor quality homes and have only improved through regulation. They have recently attempted to extract greater value from customers through unfair leasing practices. They often present planning applications that have incomplete and misleading statements within them. They frequently attempt to avoid applied conditions requiring planning authorities to spend resources in enforcement. They regularly go bankrupt. They landbank. For all these reasons, any development needs to be tested carefully with conditions attached and a strong enforcement regime in place.
  - c. Responsibility for delay in development in MTC's experience lies with developers and not with planning authorities or statutory consultees. There is no reason to believe that developers will use their increased power to build quicker. The speed at which they can roll out developments is determined by the ability for the market to absorb the additional properties developed, financing and resources available to the developer, and the developer's risk assessment of the market. Giving the developer more power will not change any of these factors sufficiently to enable increased speed of development.
2. The reduction in oversight by the local community evident in a reduced requirement for outline planning permission and in some cases for detailed planning permission, is likely to result in difficulties in ensuring the developer will comply with requirements of the planning authority, statutory consultees and other bodies. Without thorough evaluation, mitigation

measures generally agreed between planning authority and developer will not be implemented. Further, without successive evaluation at more detailed level as happens now, any mistake made at the local plan stage will not be corrected later.

3. The linkage between policy and implementation is not adequately covered by the White Paper.
  - a. The proposals are frequently not worked out at a sufficient level of detail for any assessment of their fitness for purpose.
  - b. The White Paper often describes aspirations rather than proposals – digitalisation, for example.
  - c. Much is made of sustainability, but the term is not defined and the sustainability test is not defined. This is a serious shortcoming that MTC has addressed in its detailed response.
  - d. The specification of what is to be included in a local plan is sketchy and the examples of the information to be provided is insufficient to take account of the conditions that will need to be placed on the development of individual sites.
  - e. The specification of what will be in design codes is not yet available. Therefore, it is not possible to assess whether they will adequately address the many uses made of them in the White Paper.
4. The proposal to include developers' design codes under Proposal 10 undermines local involvement in setting design standards.
5. MTC believes the White Paper is naïve in expecting digitalisation to create a new streamlined and efficient planning and development world. In the experience of Matlock's councillors, several of whom have experience of such cross-organisational applications (health service, stock exchange, MoD), there is a large gulf between specifying standards and achieving interoperability in systems across many organisations, while also providing information in a format which can be accessed with general purpose computer systems.
6. MTC is concerned that insufficient resources will be available during the transitional period for the development and assessment of new local plans. An estimate of the resources required and those available needs to take place and the transitional arrangements modified accordingly.
7. MTC disagrees that the planning process leads to delay in build out. Rather, MTC believes direct financial pressure needs to be placed on developers once permission has been granted to ensure build out takes place.
8. While MTC agrees that a standard approach to determining housing need is appropriate, it believes that the present algorithm is not correct because it seems to propose additional housing in the Matlock area when new housing already remains unsold.

MTC has in its response to specific proposals and questions identified areas where it is in agreement with the White Paper and where it considers that proposals may be improved. MTC has therefore provided some suggestions that it believes will deliver improvements to the proposed framework.

## Responses by question

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

No comment.

**Question 2(a). Do you get involved with planning decisions in your local area? [Yes / No]**

Yes,

**Question 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]**

Not applicable.

**Question 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]**

Large scale planning applications affect large numbers of residents. For example, prospective developments in Matlock listed in the Derbyshire Dales Local Plan impact transport, flooding, drainage, sewerage systems, doctors' surgeries and schools affecting all who live in Matlock and also those who live in adjacent parishes. All residents in these areas need to be notified of applications for planning permission since they will be affected. Current arrangements notify only a limited number of residents.

Local authorities have the details of all who pay the Council Tax in their communities and have maps showing the locations of all dwellings. MTC believes therefore that they have the resources to mailshot all residents affected by a planning application or proposal. This is by far the most reliable means of reaching all affected residents. Such mailshots can and should be backed up by announcements on the planning authority website, social media news feeds, newspaper advertisements and in other ways to ensure full involvement of the affected local community.

Present access to planning applications through the Derbyshire Dales website and many other planning authority websites is excellent, providing a full set of public documents related to an application without the need for specialised apps and accessible from smart phones and computers. Any future system needs to ensure that such accessibility remains, as should access to paper documents by those unable to use a computer or smart phone.

The Local Plan for Derbyshire Dales is currently published as a paper document but is also available online. This makes it easily accessible. Where a local plan includes additional detail, for example, design codes for particular development areas, it is conceivable that it could incorporate links to enable easy access of relevant documents in an online setting. However, such access should not require the use of specialist software. It should be accessible using the software available on a typical smartphone or home computer.

Nevertheless, in all cases, it should continue to be possible to access paper documents and should consider for the particular needs of individuals with protected characteristics, particularly age and disability.

**Question 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]***

MTC has the following priorities for the Matlock area:

- The well-being of its residents and visitors;
- Support for businesses already present or keen to move to the town;
- Protection of the natural environment including its climate, its biodiversity, and its natural beauty.

*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.*

***Question 5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]***

*The case for simplification*

The case for simplification has not been made in the White Paper. Typically, local plans already identify areas for development, areas for renewal and areas to be protected, and provide additional detail about the type of development allowed in each area based on Use Classes. It is not clear from the White Paper whether a Local Plan prepared under the new framework can restrict development based on Use Classes or by some other means. In large developments in growth and renewal areas it will be important to be able to specify locations for particular land uses such as light industrial and residential use to avoid combinations that do not mix easily.

MTC believes that it is important to continue such specification of development to maintain confidence amongst the local community about its ability to determine what development takes place.

*Self and custom-build homes and community led housing*

MTC welcomes the proposal to encourage self and custom-build homes and community led housing in growth areas. MTC suggests that this proposal should be extended to renewal areas as well.

*Sufficiency of the NPPF in protected areas*

MTC believes that protected areas will often be protected because of particular local characteristics. MTC believes that further specification of development in protected areas will be needed to take account of these local characteristics. That is, the NPPF may be insufficient by itself to determine what is permissible and the local plan will need to provide additional detail.

*Proposal 2: Development management policies established at national scale and an altered role for Local Plans.*

***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.]***

No. MTC believes that Local Plans as proposed will need to specify more than is proposed in the White Paper (broad height limits, scale and density). While general policies can and should be contained in the NPPF, the application of those policies to development areas and to windfall developments will need to be specified in the Local Plan. The Local Plan will therefore need to

specify land use within development areas and the impact allowed on the surrounding area. This impact may be a requirement for particular services, or it may be an impact in terms of noise, pollution, drainage, sewerage, biodiversity etc. It is expected that this impact will be part of the sustainability test but in making it so, it will be important for the local authority to specify what is expected of developers to ensure confidence in the planning system amongst the local community and to minimise risk to developers who may be interested in the site.

Indeed, this issue points to a major failing of the White Paper, and that is the linkage between policy and implementation. This linkage needs to be defined in a specification for developments in a development area, and then any development needs to be tested against the specification. Merely defining height, scale and density is insufficient. Building design is not only about these characteristics as the National Design Guide demonstrates. Indeed, the Local Plan will need to cover all the factors in the National Design Guide and specifically the limits allowed for any development. The Local Plan therefore needs to cover as appropriate the ten characteristics in that Guide and specifically any externalities by development area and for windfall developments as well.

The White Paper mentions design codes many times without specifying what such codes will contain. MTC is concerned that the White Paper considers codes to cover only visual characteristics, since those are the only ones mentioned. Design Codes will need to cover all aspects of design including the externalities mentioned above.

The White Paper places a lot of confidence in machine readable formats without specifying what these are. MTC believes that such formats need to be tested in real life design and development environments before mandating them in as policy paper.

*Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.*

***Question 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.]***

#### *Meaning of the word sustainability*

The White Paper does not define “sustainability” and therefore it is not easy for MTC to determine the sufficiency of Proposal 3.

MTC assumes that the White Paper uses the term sustainable development to mean an ability of a development to endure for a protracted period while minimising negative externalities and improving the well-being of the local population and the environment.

#### *Characteristics of the sustainability test*

The White Paper does not include any characteristics of the sustainability test.

MTC therefore proposes that the sustainability test should include a specification by development area included in the Local Plan of the externalities a development is allowed.

Such externalities may include:

- Peak water run-off rate and daily amount

- Peak sewage rate and daily amount
- CO<sub>2</sub> emissions
- Peak and average vehicular movements
- Noise limits by time of day and type of noise
- Prospective number of patients for local doctors
- Prospective number of school children
- Prospective number of elderly and disabled care users
- Etc.

#### *Evidential requirements for the sustainability test*

In the current planning framework, developers are responsible for much of the information provided to planners and to the statutory consultees who often carry out detailed analysis of applications. Such information is particularly important for larger and more difficult developments, which can be seen, even at an early stage, likely to require major complex works in order to deliver them. The analysis is usually outside the remit and the capacity of the planning authority - but within the remit of one of the consultees. MTC believes that, in the current framework, the planning authority has little leverage to request the developer to consider, produce calculations, detailed drawings and submit acceptable proposals for works at the pre-application stage to ensure sustainable development. Therefore at the submission of a planning application, the developer inevitably takes advantage of this situation and later refuses to supply requested information, consider the required works in sufficient detail, submits further unacceptable, unsound proposals and delaying the determination of the planning application and prolonging the planning process. Therefore the sustainability test must give the planning authority and statutory consultees the authority to evaluate the validity of the information provided by developers, to require developers to resubmit reports that contain questionable data, assumptions or calculations, and in extremis to procure their own independent study on which to proceed with the evaluation. Elsewhere in this response, MTC has proposed a method of funding such procurement.

#### *Public consultation for the sustainability test*

Given the absence of a definition and of any details of the test, MTC believes that it will be important for any sustainability test to be subject to a public consultation to ensure sufficiency and feasibility.

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

MTC welcomes the removal of the Duty to Cooperate. This Duty has meant that Derbyshire Dales has been subject to excess development as an obligation to provide capacity for the Peak Park authority. This excess development is the cause of much local concern and adversely affects local opinion of the Derbyshire Dales planning authority since it is viewed as an unfair burden which damages the local environment which local people consider to be the equal of that of many areas of the Peak Park.

MTC believes that any future cooperation should be undertaken on a case by case basis. There are local examples where such cooperation should take place. For example, a recent decision by Derbyshire Dales to consider a greenfield site close to the border of another authority for a traveller and gypsy site has caused some consternation with the adjacent authority that had just provided

planning permission for a caravan site in a nearly adjacent field. Cooperation between planning authorities on adjacent and contiguous development can be managed locally through MoUs or some such means between different planning authorities.

*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.*

**Question 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.]**

MTC welcomes the proposal of a standard method to de-mystify the process of determining housing need. However, it is not apparent to MTC that the proposed calculation is correct since it proposes more housing for Derbyshire Dales when already built new houses remain unsold for many months.

MTC believes that it would have been useful to have included the proposed method in this consultation.

**Question 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.]**

MTC agrees in principle that housing should be provided where affordability is worst. In practice, however, freeing up land for development may not ensure lower house prices. MTC is concerned that the imbalance is too great and in some areas of the country, for example, areas of the South East, there is just too much demand for any feasible level of land availability to satisfy. What is needed is to shift employment from such areas to less well-off regions where housing is more affordable.

There is also the question of the number of affordable dwellings required for each area. Derbyshire Dales has below average income levels, yet much of the housing provided is for above average income groups. The consequence is that new houses are often purchased by people from outside the District who then commute instead of by local people. Indeed, income levels are so low that many local people require affordable housing. In determining the number of dwellings to be provided, therefore, it is important also to determine the proportion of affordable dwellings provided as well as the total number.

*Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.*

**Question 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.]**

*Outline consent*

No. MTC believes that the removal of a need for outline approval for development will reduce local community involvement in planning and will lead to errors being made. Community involvement in Neighbourhood Plan and Local Plan development is patchy, whereas communities often come together once a specific proposal is tabled. The ability of a community to question outline approval removes this second opportunity to test the suitability of the site for development.

Further, errors happen in preparing local plans. Sites are included that should not have been. Where this takes place, outline approval may give an opportunity to stop development of the site or to ensure that the worst externalities from the development are mitigated.

MTC is aware of one such site in Matlock that was included in the Local Plan by councillors against earlier advice from planning officers and statutory consultees. The site in question is now considered to represent a flood risk to low lying areas of Matlock unless major mitigation measures are undertaken. It should be noted that the site itself is not at risk of flooding.

Since the site itself is not at risk, it could be included as a growth area under the proposed classification and hence could avoid the outline planning application stage. Under the present system, this site is now subject to an outline planning application and is being assessed by the planning authority, the flood authority and the transport authority to ensure that what is proposed is feasible and does not have an adverse impact on the town and surrounding area. This assessment should ensure that if the development takes place any major impact should be mitigated.

It should be noted, also, that the assessment has been stimulated by a local pressure group that has identified major shortcomings in the submissions made by the developer. It is therefore an example of local democracy in action that will ensure improved “sustainability” of the development. It is also an example of the inadequacy of the current requirements for developer proposals at the outline planning stage (see response to Question 7a).

MTC believes therefore that a thorough assessment at an outline planning application stage should be enabled by any new framework to ensure thorough testing of development proposals at an early stage and to ensure local views and knowledge are considered.

*Detailed consent*

The White Paper also argues within Proposal 5 for a more limited detailed planning permission process that may or may not allow for fundamental issues about a planning application to be considered. Therefore, it may be possible in at least some instances for development to take place with almost no oversight by the local planning authority once the Local Plan has been agreed. This seems to be an abrogation of the aim of the White Paper for increased local community involvement in planning decisions. It may also mean that mistakes are made which cannot be rectified later.

It is well understood that organisations that make investments that will have a long life take extraordinary care in evaluating the business case because a mistake may result in adverse business performance for many years. It is important that development is considered carefully by the local community because it will have to live with it for at least the lifetime of its members. Therefore, the current three stage evaluation – local plan, outline permission and detailed permission is an appropriate way to proceed. Further, in well managed planning authorities such as Derbyshire Dales, it does not lead to delay, but to better development.

**Question 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.]**

In renewal areas, just as in growth areas, there is a need to ensure local community consent and to avoid mistakes. Therefore, MTC believes that any planning application should continue to be assessed by the Planning Authority in accordance with the three-stage process outlined above.

**Question 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.]**

No. MTC is of the view that this approach is anti-democratic and stops local people contributing to decisions about their area.

*Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology*

**Question 10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]**

MTC believes that digitalisation is a means not an end as appears to be the view expressed in the White Paper. As noted elsewhere, digitalisation will not lead necessarily to greater community involvement and may exclude the aged and disabled. Further, builders and individual householders who put in planning applications may not have the facilities for producing the digitalised documents. Indeed, any requirement to do so may increase the cost to smaller developers and to householders wishing to make changes to their homes. Therefore, care needs to be taken in digitalisation.

*Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.*

**Question 11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]**

MTC believes that the proposals are poorly thought through. Experience in other sectors suggest that establishing a digital approach to working between organisations is prone to unforeseen difficulties. The public sector has been poor at digitalisation and the Ministry should learn from this experience and not table naïve proposals.

*Proposal 7 is not thought through*

MTC is concerned that the proposals under Proposal 7 are not thought through.

- The proposals include a series of “buzz words” that mean little without further explanation. For example: What data standards are being considered? What are digital principles? What is

meant by “The text-based component of plans should be limited to spatially-specific matters ...”

- There is no mention of access by groups that have protected characteristics, particularly of age and disability, that might make access in a digital form more difficult.
- There is no mention of access by people that do not have access to broadband because they are in the 2% that are outside the areas serviced or do not have devices that can access the digital service.

#### *Timely availability of the required standards and templates*

The White Paper talks about these being available before legislation is brought into force. There needs to be consultation on these standards and templates to ensure that they are fit for purpose.

*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.*

#### **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.]**

##### *The Plan making process*

MTC has no objection to a timetable for the development of a local plan. However, MTC proposes the following.

- That in Stage 3 the submission of the plan for examination should take place once the results of the consultation have been consolidated and placed into a report, with proposals to change the Plan specified. The draft Plan, the comments received and the proposed changes to the Plan should be presented for examination together.
- That in Stage 4, the Inspector has an obligation to respond to the comments received which have not been used to generate proposed changes to the Plan.

##### *Transitioning to the new arrangements*

MTC is concerned that insufficient resources will be available to prepare and examine local plans in the transitional period. It is likely that many planning authorities will need to prepare and submit plans during this period resulting in a shortage of the necessary consultancy resources for stages 1 and 2 of the process, and insufficient Inspectorate resources for stage 4. The Ministry should estimate the resource requirement to ensure that it is available otherwise local authorities may be inappropriately penalised for resource constraints that are outside their control.

##### *Alternative arrangements*

*The right to be heard.* MTC believes that this is a fundamental right which should not be removed.

*The Examination stage.* MTC believes that this is an important stage to ensure quality and consistency across planning authorities.

*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*

**Question 13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]**

MTC will be interested to see further proposals for neighbourhood plans and hopes that they will be subject to consultation.

MTC has previously believed that the Local Plan provides sufficient direction to local development. However, the proposed framework places additional emphasis on neighbourhood plans. MTC therefore agrees that they should be retained.

Local accountability is important in the development of neighbourhood plans. MTC can understand that street level plans might be an attractive proposition, but such hyper-local plans would need to be tested in a way similar to the tests of the present neighbourhood plans. Such testing is expensive and may be beyond the resources of such localities.

**Question 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?**

MTC has no experience of the neighbourhood planning process.

*Proposal 10: A stronger emphasis on build out through planning*

**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.]**

*Additional measures*

MTC believes that the major issue with the planning system is not the speed with which planning applications are processed but the speed of turning granted permission into buildings. Delay in processing planning applications in Derbyshire Dales is generally caused by developers who provide insufficient or poor-quality documentation. Well documented applications are almost always processed in a matter of weeks in accordance with stated targets.

MTC has seen some developers rapidly moving onto sites once permission is granted. However, other developers have built the most profitable parts of a development, leaving other parts for further negotiation with the planning authority in order to obtain more favourable treatment. This has meant that some sites have been vacant and derelict for several years and may blight opportunities for other developers working on the same site.

MTC does not believe that enabling more developers to go on site at the same time, as the White Paper seems to suggest, will make any difference. And design codes will not speed up development; developers already apply for reserved matters permission based on their own designs.

Therefore, while MTC agrees that there needs to be a stronger emphasis on build out, the proposals in the White Paper are insufficient. MTC proposes that direct financial measures should be applied to encourage build out once planning permission has been granted or, where that is not necessary under the new proposals, once a site has been acquired.

Such financial measures might include the imposition of a council tax based on the future value of the development with a scale that increases through time from zero for the first year to 100% for say a five year period with dispensation for sites where this is too rapid.

*Developers' design codes used in substantial developments*

MTC strongly objects to the proposal to increase build out by allowing design codes for sites prepared for substantial development to include a variety of development types by different builders. MTC believes that this proposal undermines the principle of local involvement and undermines the proposals for locally developed design codes mentioned elsewhere in the document. It will prove very unpopular across the country and will undermine the principles of the National Design Guide also promoted by this White Paper since local context will not be considered by developers.

*Local absorption rates – imbalance between supply and demand*

The White Paper seems to imply that the local absorption rates are a problem caused by developers building insufficient housing. MTC believes that in Derbyshire Dales the problem is caused by targets in the Local Plan that are creating excess supply of housing.

Developers in the Matlock area face a problem that the rate of development exceeds the ability of the market to absorb the developed houses through house sales. Houses on developed and finished sites have been left empty for many months due to lack of demand, and others are rumoured to have been sold at a discount. This is happening at the very start of a process whereby over 1100 houses are due to be built over the next ten years, increasing the housing stock locally by some 26%.

MTC would not want developers to build houses where there is insufficient demonstrable demand as seems to be the case locally. Nevertheless, the Local Plan, with targets that were revised upwards by the Planning Inspectorate requires these houses. The top-down approach to housing targets is failing now, and the proposed algorithm for determining future housing targets is likely to fail in the same way. Indeed, the algorithm would require Derbyshire Dales to build even more houses when those that are built cannot be sold at the same rate as they are being built. There is a need therefore, for circumspection on behalf of those that want to impose targets for house building top-down. This response also refers to Question 8a – regarding decisions on housing numbers together with the existing OAN calculations.

***Question 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]***

In and adjacent to Matlock, there have been some examples of excellent architecture, notably from one local architecture practice that has national significance and has been responsible for several award winning buildings. Also, some recent public buildings and purpose-built affordable housing has been built to a very high standard. Notably, the commercial housing developments have not always been built to the same high standards. The use of developers' standard house types and development layouts have been inappropriate within the Derbyshire Dales landscape, with poor choice of materials and curious layouts that do not make the best use of the sites and lead to over-looked gardens. The proposal for locally determined building codes is an interesting idea. However, it needs to be developed further for proper evaluation to take place.

**Question 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]**

*Addition of “choice of site” as a sustainability issue*

MTC would like to add “choice of site” to the sustainability issues mentioned here. The choice of site may have environmental impacts or require costly interventions which make it less sustainable than other sites.

By way of example, one of the sites for development in the Matlock area listed in the Derbyshire Dales Local Plan has ignored such externalities, giving rise to prospectively increased car use, the need for extensive flood and drainage mitigation measures, and the destruction of a much needed natural run-off water storage area with its biodiverse environment. Thus, choice of this site within the local plan may lead to a number of sustainability issues as listed below.

*Increased car use.* The Matlock context with its steep and long hills between new housing and the local shopping centre makes the use of cars essential. As stated in the introduction, there is a 130m vertical displacement between the lowest parts of the town and the present northern boundary to the built area. The hills are steep to walk up unencumbered and very difficult with shopping. The local around-town bus service is hourly and is frequently disrupted by parked cars that block bus access along narrow roads. The consequence is that people are frequently left waiting for buses that do not come. Cycling is not possible up the hills other than by athletes. Local hills between housing areas and the shopping centre are used for national hill climb trials. Therefore, the use of cars or taxis is essential to most of the local population for shopping expeditions. The Local Plan has disregarded this issue and a prospective developer, seeking to build at an even higher level, has provided inappropriate and misleading proposals for sustainable transport, ignoring the vertical displacement between the proposed development and schools and shops lower down the hill that will inevitably lead to additional car use in comparison with sites built at the same level as the shopping area.

*Flood and drainage mitigation measures.* The proposed development site will need extensive on-site drainage measures that will increase flows off-site to enable a suburban environment to be created and maintained. On-site SUDS will control peak flows, but nevertheless, the diversion of the flow into the nearby brook, Bentley Brook, will in conjunction with other development in its catchment area overwhelm a pumping station needed at peak times to pump water from Bentley Brook into the River Derwent. If this development is built, it may require significant capital spend by the Environment Agency to upgrade the pumping station. The current Local Plan has ignored this issue.

*Loss of biodiversity in a natural wet land.* MTC believes that the sustainability issue here is self-evident, but despite inclusion in policy terms, the Local Plan still included the site despite its impact on biodiversity.

*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.*

**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.]**

Yes, but the national guides and codes should not be over-prescriptive thereby ruling out local differences. Please see the answer to question 18 for a justification. It is noted that the contract to develop the National Model Design Code was let in August 2020 and has yet to report. It is important that this Code is subject to consultation since it is fundamental to the proposals in this white paper and will colour urban design and building design while it lasts.

The National Design Guide while worthy is perhaps a summary of what architects learn at architecture school. Certainly, several of the ten characteristics covered by the Guide were covered at the University of Bristol in the 1970s. Architectural students vary in their ability to apply principles associated with the characteristics. They learn how to do so through practice with varying degrees of success. Perhaps it is the application of the Guide that is more difficult to codify in order to ensure “beauty” than the principles themselves. Nevertheless, MTC would not wish to detract from a need for developments to conform with the principles in the Guide and appreciate that the Guide if applied through codes may force developers to build back better.

MTC would like to note that the principles in the Guide are not about visual characteristics alone, and indeed design is not only about visual characteristics. In the current planning process, the design guides and codes used for one element of a design (buildings, roads, drainage etc) are significantly different from those used for another element. The documentation used by the planning authority is different in kind from that used by statutory consultees and other bodies. Perhaps, therefore, Proposal 11 should be reworded to be more comprehensive and to note the different sets of design guides and codes to be used by the planning authority, statutory consultees and other bodies.

As an aside, MTC recognises that the illustrations in the White Paper and in the National Design Guide do show excellent design. It is to be hoped that the outcome of any revision to the planning system will encourage such excellence elsewhere.

*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.*

**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.]**

MTC believes that the focus on urban planning by planning authorities has diminished in recent years, probably as a result of changes to related law. The consequence has been developer led design and build which has resulted in banality and a loss of local identity. Nevertheless, MTC recognises that planning authorities possess people with the expertise and motivation to take a lead on planning and design. Therefore, MTC supports the proposal for a chief officer for design and

place-making in each authority. MTC believes that there will need to be democratic checks on the conduct of this role. Therefore, MTC believes, as indicated in the White Paper, that policies and design codes produced should be subject to public consultation.

MTC questions the need for a central body to support the delivery of design codes. It is not clear what this central body would do. A design council for England would, MTC believes, go too far. If a central body is formed, its role should be clearly circumscribed so that its actions do not take away local accountability for the chief officer for design. The present NPPF already leads to planning policies in Local Plans that may not fit local circumstances. One example is the need for public spaces. Derbyshire Dales comprises densely packed villages, with little open space and houses built to the curb in many instances. Often, new build in Derbyshire Dales is accompanied by large open spaces which form urban savannas that are not in keeping with the landscape. A more localised design code might avoid such large open spaces, creating open space in gardens instead, more in keeping with historical development.

*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.*

**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.]**

No comment.

*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.*

**Question 20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]**

MTC accepts that pattern books have led to some of the most popular and attractive urban landscapes in the UK, and are still doing so in some instances. However, MTC is concerned, first, regarding the need to allow for exceptions for innovative design, and secondly, regarding the need to avoid pastiche. MTC believes that the proposed framework accommodates exceptions through a decision of the planning authority. That is appropriate. Avoidance of pastiche is perhaps more difficult but should be considered in the framework when it is likely to be the result of lazy design rather than reaction to a need for consistency in an urban environment.

*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.*

MTC agrees that policies that have been determined nationally should be in the National Planning Policy Framework. MTC suggests that local requirements may be needed to supplement those policies. For example, specific requirements on developers where there are particular local issues will still be needed in the Local Plan.

*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.*

MTC agrees that there is a need for a framework for assessing environmental impact. However, this should be tied to a means of allocating costs for mitigation.

MTC proposes that the cost of mitigation should be covered by the Infrastructure Levy on a user pays principle. MTC believes that the best time for assessing the cost is at the Local Plan stage when all prospective development of any size will be determined. At that stage, an overall requirement for new and enhanced environmental services and gain can be determined and costed. The cost can then be apportioned to individual developments in line with proposals discussed later.

*Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.*

MTC agrees that historic buildings need to respond to new challenges. These include mitigating and adapting to climate change. MTC believes that it is appropriate to enable change of use for historic building to enable them to continue to provide benefit. To enable such change of use, sympathetic adaptation may be necessary. Such adaptation may be controlled through building codes as Supplementary Planning Documents do now. However, there should be a presumption in favour of new economic use and necessary adaptation instead of attempting to preserve the “look” of a building which is consistent only with an out-moded use.

Whether suitably qualified specialists can earn autonomy is a moot point. MTC believes that such specialists would need to be regulated carefully and their qualification for the role re-evaluated periodically since architectural practices may change their expertise through gaining and losing staff. A range of specialists may be necessary to accommodate buildings of different types and styles, and to meet local requirements.

*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.*

MTC agrees with the goal set for CO<sub>2</sub> emissions from 2025 but stresses the need also for high environmental performance for all new and refurbished buildings to enable this goal to be met in an affordable manner. It should not be met only by a switch to renewable sources of heat. MTC also believes that improved environmental performance is a requirement for existing buildings as well as new buildings.

***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]***

MTC's priorities for new development have to include better infrastructure to overcome the problems that have been created by past development and those that will arise with new development. Similarly, it goes without saying that the design of any new buildings is an important factor.

But the phrasing of the question misses the point that the priorities *for* development and the priorities in the design of a particular development are different in kind. Points about infrastructure provision, building design, environmental protection etc are priorities associated with the design of a particular development. Of course, these are important to MTC.

However, the purpose of new development in the Matlock area that MTC would prioritise include affordable housing for local people rather than high cost houses for commuters and employment space for high value jobs rather than for additional hospitality and other low value employment. The Local Plan acknowledges that it provides little planned additional employment space in Matlock. MTC believes that perhaps there is an imbalance between employment space and space for new housing that needs to be corrected. However, that is a local issue, and MTC acknowledges that priorities may be different elsewhere."

*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.*

***Question 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.]***

*An Infrastructure Levy to cover off-site infrastructure costs*

MTC believes that developers should be subject to a levy to cover off-site infrastructure costs and to make a contribution to affordable housing. Any development will result in externalities that impact on the availability of rivalrous but non-excludable goods such as roads, public transport, health care, education services, drainage and sewerage in the local area. Because these goods are rivalrous, additional demand from a proposed development will reduce the availability of the goods for the indigenous population and businesses, and risk complete failure in provision as for example when flooding results from an overloaded drainage or sewerage system. It seems reasonable, therefore, that the beneficiaries of any new development should be charged to provide the additional goods necessary to avoid such impact. Such a charge can be made through an Infrastructure Levy that may be directed to increase the supply of scarce non-excludable goods as required to serve a proposed development.

The method of determining the levy needs to be considered. The calculation of the levy needs to be transparent so that any developer can readily determine its value. The calculation also needs to be proportional to the additional infrastructure necessary to serve the development. The issue is whether the development value is a good proxy for such additional infrastructure.

One alternative might be to estimate the cost of the additional infrastructure on a case by case basis. Such an approach may lead to difficulties: for example, where a particular development may result in a need for a new sewer that would ultimately serve not only that development but subsequent developments as well. Also, the need for such infrastructure and the cost would be open to dispute between planners and developers and would lead to delay in decision making and risk for the developer, both of which would reduce the possibility of development taking place.

Therefore, MTC is of the view that development value is a reasonable, if not perfect, proxy for the cost of additional infrastructure. MTC also agrees that a levy should be applied only above a set threshold since the marginal cost of infrastructure for small developments will be very low or non-existent. It is assumed here that the consultation covers only housing development. Industrial and commercial development will also have an impact on off-site infrastructure but the cost of additional infrastructure for such development will be specific to the development with large differences between developments of different kinds. Therefore, an Infrastructure Levy based on development value for such developments may not be appropriate.

*An Infrastructure Levy to cover the cost of affordable housing*

That an Infrastructure Levy fixed in proportion to development value should also be used to cover the cost of additional affordable housing is a more difficult conclusion to reach. Developers often argue that the profit from a development is insufficient to cover an affordable housing obligation. Further, MTC is of the view that the use of an Infrastructure Levy to cover such costs leads to a distortion of the housing market that decreases both producer and consumer surplus and leads to an inefficient allocation of resources. It inflates the costs of building houses for the commercial market and therefore the price of those houses. The increased price leads to a reduced consumer surplus. In practical terms, it may mean that some people who might afford a dwelling if no levy for affordable housing was included are priced out of the market. Others will be forced to accept a dwelling with less amenity. However, buyers are price sensitive and it is unlikely that the developer will be able to pass on all the cost to the buyer. The developer and its major suppliers will need to absorb some of the cost. For the developer, such absorption means lower profit. For the supplier of land, this means a lower land price, which in extremis may reduce land availability. These factors suggest further work needs to be undertaken to determine the best way of funding affordable housing (see our responses to Proposal 21).

***Question 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]***

MTC believes that the rate should be determined locally. Development value varies hugely across the country and unless there is a redistribution between local authorities on a national scale of the levies collected, areas in disadvantaged regions are unlikely to collect sufficient levy to cover the cost of the additional infrastructure required, whereas regions where development value is high will collect excess revenue.

MTC therefore suggests that the Infrastructure Levy is determined locally when the local plan is prepared. The local plan will need to take account of infrastructure availability. It will therefore need to include a plan for provision of additional infrastructure. This plan should be costed and the cost distributed across the developments included in the local plan in accordance with the estimated development value of each development. The Levy will need to take account of inflation during the period of the local plan and financing costs so that infrastructure can be provided in advance of development rather than as happens presently at a later date.

***Question 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.]**

MTC believes that the Levy should capture the amount estimated to be required to meet the infrastructure needs specified in the local plan, the implication being that the infrastructure costs need to be estimated when the Local Plan is written and indexed to take account of inflation. These costs can then be spread uniformly across the different developments in the Plan, perhaps with an adjustment for windfall developments in accordance with the estimated value of each development.

With respect to affordable housing, please consider our responses under Proposal 21.

**Question 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.]**

Yes, borrowing against the Infrastructure Levy should be allowed. This would enable local authorities to build or to sponsor the building of infrastructure in advance of building taking place avoiding circumstances where infrastructure is delivered late with shortfalls arising until the infrastructure is in place.

The cost of such borrowing should be included in the Infrastructure Levy.

*Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights*

**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.]**

Yes. MTC believes that the new framework will encourage change of use through permitted development rights and this change of use will yield development value. Therefore, it is important that all development that increases value is subject to the Levy to avoid market distortions.

*Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision*

**Question 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.]**

Yes, but affordable housing will remain scarce while developers are minded to build houses for higher income groups. If it is the case that affordable housing must be subsidised, a means of providing the subsidy will remain a necessity. Like any other tax, the Infrastructure Levy for affordable housing will place a burden on both developers and the purchasers of houses sold on the open market as the S106 planning obligation does now (see the response to Question 22(a)). A detailed economic analysis would need to be undertaken to determine the impact on both developers and purchasers. However, it is self-evident that the impact of the Levy on developers and purchasers would be greater than the alternative, the financing of affordable housing through general taxation. Financing through general taxation would distort the housing market less, it would be more allocatively efficient. On balance, therefore, MTC would prefer financing through general taxation rather than through the Infrastructure Levy, but MTC also recognises that this may not be politically attractive at the present time.

**Question 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.]**

MTC believes that flexibility is required, that both approaches should be enabled, to allow for all circumstances that may arise.

**Question 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.]**

Yes, standardised agreements would be an appropriate method.

**Question 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.]**

No comment.

*Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy*

**Question 25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]**

If a national approach to determining the Infrastructure Levy is adopted, it is likely that excess funds will be generated in some areas and insufficient funds in other areas to accommodate the basic infrastructure requirements. Therefore, MTC believes that the Infrastructure Levy should be related to the needs arising from a Local Plan and not levied on a national basis.

Further, MTC believes that basic infrastructure requirements should be fulfilled before other priorities considered. The Framework therefore needs to include a list of basic infrastructure that must be provided. MTC believes this list should include supply of water, gas, electricity, sewerage and drainage services to meet the additional requirements arising from the development (and from all the developments in the Local Plan including windfall developments), schools and medical centres, adequate roads, footpaths, cycleways, and public transport for the additional traffic generated by the development and for all the developments in the Local Plan.

**Question 25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]**

Yes, MTC believes that affordable housing should be ring fenced so that other priorities cannot eat into the amount levied for this purpose.

*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.*

*Funding the new planning system*

MTC supports the proposal that the new planning system should be principally funded by the beneficiaries of planning gain but that it should in part be funded from general taxation for the reasons given. However, the following are important.

- Planning Authorities need to be independent of any particular beneficiary or set of beneficiaries. Hence it is important that clear transparent guidelines for estimating costs by application type *and size* are developed and that charges are applied based on application type and size.
- Planning Authorities need to be able to carry out work to verify statements in reports provided by beneficiaries. MTC views the misleading nature of many reports produced by beneficiaries as the principal way in which the planning process is subverted by developers. In MTC's experience, reports on transport, flood risk, and other environmental factors, are often optimistic to the point of being misleading and cannot therefore be relied upon by a planning authority. Currently, it is up to members of the public to finance critiques of such reports by experts or to finance reports that put forward an independent view. Planning Authorities and statutory consultees do not have the funds to contest such reports themselves. Therefore, charges for larger schemes should include a budget for independent review and quality assurance of the reports provided by applicants.

#### *A deep dive regulatory review*

MTC accepts that regulatory review is necessary from time to time. Nevertheless, it will be important to identify those regulations that are of continuing importance. Any regulatory review should be subject to public consultation to ensure that this requirement is met.

#### *A new performance framework which ensures continuous improvement across all planning functions*

MTC accepts that a new performance framework may be required. MTC suggests that any proposed framework should be subject to public consultation.

#### *Self-financing of the Planning Inspectorate and statutory consultees*

MTC agrees that these bodies should be self-financing through charges levied on beneficiaries. However, MTC suggests that proposals for levying charges by these bodies should be subject to public consultation.

#### *Workforce planning and skills development*

MTC agrees that these functions are the responsibility of local government. However, funding should be made available to ensure that they take place either through charges on beneficiaries or through general taxation.

#### *Digitalisation of the planning function*

MTC believes that digitalisation of the planning function should meet certain objectives:

- Improved efficiency of the planning function
- Improved transparency in planning decisions
- Improved access to and use of information related to planning by developers, planners and the general public that may wish to comment on local plans or individual planning applications

However, in moving to a digitalised approach, care should be taken not to exclude those members of the public who do not have access to digital tools either because they themselves do not have the necessary IT or applications, or because the telecommunications infrastructure in their locality needed to use the digital tools is not sufficient. Care will be needed to avoid excluding disadvantaged sections of society including the disabled and the elderly who may have particular difficulties in accessing and using IT.

*Proposal 24: We will seek to strengthen enforcement powers and sanctions*

MTC supports the intention to strengthen enforcement powers and sanctions having experienced many occasions where the balance is in favour of the developer.

One particular issue that has arisen locally is for a developer to go bankrupt before fulfilling conditions attached to planning permission, leaving a development incomplete. Perhaps some means of ensuring finance, such as an escrow account, is available for work to fulfil conditions is needed.

***26. Question: 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?***

MTC believes that the planning framework should support the aims of the Equality Act 2010 and support the suggestion in the White Paper that innovative methods of consultation about planning issues should be followed to reach groups that may not be reached by traditional methods. MTC's experience of planning consultation suggests that consultation is often too narrow, failing to reach people that may be impacted by planning decisions until it is too late even amongst the majority groups, let alone those groups with protected characteristics covered by the Equality Act. The proposals for digitalisation of the planning system need to take account of the impact of disability, age and gender on the use of IT and make the necessary allowances.

Further, design codes should also reflect the aims of the Equality Act to ensure that the final built forms also work for such groups.