

Appendix 1 - Surrey Heath Borough Council Response to Planning for the Future: White Paper

This response is prepared within the following local context. Surrey Heath Borough lies in the north west corner of Surrey and adjoins the counties of Berkshire and Hampshire. The north and east of the Borough are mainly areas of countryside and heathland. The western half of the Borough is mainly urban in character. Nearly half of the Borough is designated as Green Belt and all residential development in the Borough is affected by the Habitat Regulations due to the proximity of the Thames Basin Heaths Special Protection Area.

The Council has prepared a significant evidence base to inform an emerging Local Plan (Regulation 18 consultation due in 2021) based on the current standard methodology. Meeting the current housing figure of 332 per annum is in itself proving a challenge having regard to the constraints identified above. The Hart Local Plan Examination Inspector recognised those constraints and identified that Hart could deliver 731 dwellings from unmet need within Surrey Heath over the Hart Plan period. This is reflected in the Hart Local Plan adopted in April this year.

General Comments

In addition to responding to the questions below the Council would make the following comments:

The Council supports a review of the planning system to simplify and speed up the Local Plan, development management and developer contribution processes. It would also support ways to reach and engage a wider proportion of the population in the planning process, and to provide greater certainty to developers and the local communities. It supports the recognition that planning services are under resourced and future investment in planning skills and technology.

Public involvement – despite references in the White Paper to increasing community involvement the Council considers that the proposals may actually deliver fewer opportunities for the community to have a say on the type and location of development in their area through an increase in permissions in principle, increases in permitted development rights and in a more streamlined local plan system.

Local democracy – the proposals further limit the ability for local influence over place making in the borough through the imposition of binding top down housing targets, an increase in permitted development rights and other more streamlined application processes along with the creation of ‘rules’ rather than policies.

In many instances there is little detail of the proposed changes upon which to comment and the comments in this response are therefore based on the information available. Once further detail is published the Council may take a different view on a particular proposal.

Questions and SHBC responses

Pillar One – Planning for Development

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

SHBC Response – *Deliver sustainable development*

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

2(a). If no, why not?

SHBC Response – *As Local Planning Authority the Borough Council has responsibility for producing the Local Plan, determining planning applications and related planning matters.*

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?

SHBC Response – *The Council would support a wider use of digital media provided that local authorities are properly resourced to deliver this. The Council has some concerns about the impact of the proposals on community involvement in planning decisions as set out later in this response. A move to digitising all aspects of the planning system should not be at the exclusion of other mechanisms to reach those without the ability to access or understand digital information.*

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

SHBC Response – *The planning priorities for the borough are:*

- *Providing high quality housing that is financially accessible to local people;*
- *Delivering a sustainable environment with a focus on protecting and enhancing biodiversity and providing climate change mitigation and adaptation; and*
- *Protecting and future proofing our economic base including the borough's established employment areas and the regeneration of Camberley town centre.*

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

SHBC Response – *In principle the Council does not object to the identification of land as Growth, Renewal and Protected Areas. However, we consider that simply having three areas might be too simplistic, particularly for Renewal areas as there are many different land uses and circumstances that exist. Some Renewal areas will contain a mix of uses, some of which might also fall within Protected Areas such as important green space or lie within Conservation Areas. It is not clear how these*

circumstances will be reconciled. Similarly, very large areas of growth are likely to contain Protected Areas (such as areas of flooding) within them. The use of three Areas makes it difficult to accommodate the range of circumstances that might arise.

In order to ensure that development of an appropriate type and scale takes place within Renewal Areas the Council envisages that the settlement areas would need to be sub divided into many smaller parts to ensure that appropriate design and land use parameters can be established through the Local Plan and considered when any enhanced presumption in favour of development is implemented.

For example, Surrey Heath has a wide range of different characters within its eleven settlements, and these can vary over small areas. A mechanism is therefore required to ensure these character differences can be taken account in planning for places categorised as Renewal Areas.

The need to identify and map sub areas, for example if the Council were to identify residential gardens as Protected Areas would be time consuming and technically challenging. The Council would suggest that one way of dealing with residential gardens would be to have a national development management policy on this issue.

With regards to Protected Areas the Council has the following assets in the borough that it considers should fall within this category:

- *Metropolitan Green Belt*
- *Countryside Beyond the Green Belt*
- *Conservation Areas*
- *Historic Parks*
- *SPA, SAC and SSSI*
- *Sites of Nature Conservation Importance*
- *Areas of Local Greenspace*
- *Areas of High Archaeological Potential*
- *Scheduled Ancient Monuments*

The Council would support planning applications being required in Protected Areas. However, the White Paper proposes that all applications in Protected Areas will be considered against the National Planning Policy Framework. The Council would agree that for some Protected Areas such as the Green Belt there would be benefit in having a consistent policy approach but would want to see further detail on how policies/rules on other protected areas such as Conservation Areas and Local Green Spaces are to be drafted before being able to support this approach. Such areas can have very locally specific characteristics, defined for example through Conservation Area Appraisals and Management Plans and the Council would want to see the ability to take into account local character and circumstances retained.

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

SHBC Response – *The Council would support a set of national development management policies so long as local authorities can still reflect any very local issues within Local Plans and ensure that planning decisions can be influenced by local circumstances for example the mix and tenure of housing including requirements for affordable housing. Some flexibility is therefore needed. The use of ‘rules’ rather than policies suggests that any planning judgement or flexibility is removed from the process. Every development proposal has its own unique characteristics depending on local needs, the proposed use, local character and community aspirations. Some flexibility to allow for individual circumstances should remain in the planning process.*

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?

SHBC Response – *Yes - the Council would in principle support the replacement of existing policy and legal tests with a sustainable development test, subject to being able to comment on the detail of that test. There would need to be clarity over the definition of sustainable development to avoid ambiguity at Examination.*

The Council would support a simplification of the sustainable development assessment process including the need for Sustainability Appraisal and the Environmental Impact Assessment process. It is noted that one of the Basic Conditions that must be met by neighbourhood plans is that the plan contributes to sustainable development and a review of how this has worked could inform a Local Plan sustainability test along with other relevant measures such as consistency with the NPPF which should as a consequence ensure the delivery of sustainable development.

Any simplification of the environmental assessment process should still be sufficiently robust to ensure that environmental factors are robustly assessed and protected.

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

SHBC Response – *The Council would support the abolition of the Duty to Co-operate as it is set out at present as there remains uncertainty over whether the Duty is met with Planning Inspectors taking different views, and the process of demonstrating co-operation being time consuming and document based. However, clearly there are strategic planning matters that cross boundaries, particularly relating to infrastructure and it is disappointing that there is not greater recognition of this in the White Paper. For example, Surrey Heath contains a stretch of the M3 and is also home to Frimley Park Hospital, both of which are impacted by development in the Borough and neighbouring authorities. In addition, there are infrastructure requirements needed to support development upon which the Council has little control over the delivery and use of, such as electricity, gas and water. Furthermore, Surrey Heath is one of the eleven local authorities that are within 5km of the Thames Basin Heaths Special Protection Area, for which partnership working through the Joint Strategic Partnership Board has been essential to consistently delivering*

strategic mitigation for new housing in the region. These matters need to be considered at a wider than local level.

It is noted that in respect of housing, the White Paper does allow for authorities to voluntarily agree an alternative distribution of their requirement through joint planning arrangements. As set out in the introduction to this response the constraints within the borough mean that it is difficult to deliver the current housing requirement. The Council has worked closely with its Housing Market Area Partners through officer and Member Working Groups with an agreement in the Hart Local Plan adopted this year that Hart would accommodate 731 dwellings from unmet need in Surrey Heath.

The Council considers that there is a need for some formalised strategic planning process whereby strategic matters including housing and infrastructure can be discussed and if necessary delivered. A suggestion is either a more streamlined version of the current duty with greater clarity as to how this can be demonstrated, or through alternative mechanisms such as Strategic Infrastructure Boards, or use of LEPs.

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

SHBC Response – *The Council considers that the Government has not taken the opportunity to take an holistic view of a number of influencing factors as to how a national strategy for growth might look and has raised concerns about the proposed new standard methodology set out in the ‘Changes to the Planning System’ consultation. Factors such as the long term implications of Covid-19 and whether some areas have largely reached capacity for significant levels of additional housing having regard to available infrastructure and environmental constraints have had no recognition in informing the future spatial distribution of housing. Instead the use of a mathematical calculation takes no account of proper planning issues, nor of potential long-term implications of Covid-19 and how people will choose to work and the impact of this on where they live. For example, the long term impact of Covid-19 on the centre of cities and major urban areas could be considerable as the demand for office space falls and people become more flexible as to where they locate, with a need to re-think the opportunities for other uses such as housing. The proposed methodology does not seem to take account of those authorities that have growth aspirations or any links to where economic growth is, or should be taking place, or of major infrastructure which could support growth.*

None of these issues have been factored into the consideration of how and where future growth might take place. Where significantly higher figures have been derived for local authority areas, there is also concern that this could push development to the unsustainable locations, such as car dependent rural areas, without existing infrastructure.

In respect of the inputs to the standard method, the Council would support the use of a mid-point between the growth derived from the household projections and 0.5% of existing housing stock data. It is considered that this could be a more robust approach to identifying housing growth in an area due to its ability to take into

account both datasets, and ensures the household projections still play a role in the identification of local housing need figures.

Whilst the Council would support the use of constraints in determining a final number if this is the route that is chosen, this does not rectify the fact that the currently proposed methodology would more or less replicate what has already happened without considering whether this is the right approach.

The White Paper does not make it clear how a standard methodology would be adjusted to take into account land constraints and whether local authorities would have an input into this or whether this process will be undertaken by Government. Local councils are best placed to know the extent of local constraints and the availability of land that would enable new homes to be built. This point is illustrated by the fact that approximately 81% of Surrey Heath is within the Green Belt, Countryside Beyond the Green Belt and/or the Thames Basin Heaths and its 400m exclusion zone. The Thames Basin Heath Special Protection Area alone accounts for 23% of the Boroughs area, with a further 19% in the 400m exclusion zone around the SPA where no net new residential development is permissible (due to it giving rise to adverse impacts on the integrity of the Thames Basin Heaths SPA). These constraints significantly impact upon the Council's ability to sustainability accommodate future development.

In addition, there are areas of local wildlife importance, Conservation Areas and an Historic park and areas of important local greenspace. All net new dwellings must provide mitigation to ensure no likely effect on the Thames Basin Heaths SPA in the form of provision of or contributions to, Suitable Alternative Natural Greenspace (SANG). Opportunities for new SANG in the borough are limited providing a constraint on development. It is unclear how the Government would have the detailed knowledge to factor in all these constraints to a standard methodology to provide a binding figure which could be deliverable.

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?

SHBC Response – No - *The Council has raised concerns about the use of both of these indicators in its response to the 'Changes to the Planning System' consultation. The Council would question whether simply increasing the number of homes being built in a local area would have any significant impact on affordability as delivery is only one factor in determining house prices. Other factors such as the type of housing product/tenure also influence price. Furthermore, developers constraining the market through restricting or controlling rates of housing delivery, and land banking can impact local house prices, and is not something that plan-making authorities are able to address. The Council notes that it is not the case in Surrey Heath that the planning process is delaying the delivery of new homes. For example, in the period 01/04/2017 – 31/03/2018, the Council permitted 670 net new dwellings, whilst only 224 completed in the same period.*

The extent of existing urban areas as a factor just replicates previous patterns of development without any consideration of the factors set out in the response to Question 8a.

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?

SHBC Response – *No, the Council does not agree that Growth areas should have automatic outline permission. The faster Local Plan process means that it would be very challenging to deliver a scheme with all elements required for an outline application resolved to a satisfactory extent. The need for an outline permission level of detail would add cost and time. The proposals for public engagement are limited and give little opportunity for communities to have a proper input into the details of a scheme in the time available. The Council has concerns as to how some evidence that would be required, such as ecological surveys, could be robustly demonstrated in the time available. In addition, the time and ability for local authorities to have sufficient evidence to compare alternative site and strategy options if large sites have to be developed to an outline level of detail would be heavily constrained.*

Whilst responsibility could (and should) lie with the developers to provide early and robust evidence and masterplanning, the Council questions whether some would commit to this if there is no certainty of the site's inclusion. In addition, this still does not allow time for communities to have much say on the masterplanning or site selection process. It is noted that the Government has not yet determined how the community would be involved in the agreement to the proposed faster, final stages of the planning process. As set out in the introduction to this response the Council is concerned that other than involvement in design codes the White Paper proposals will limit opportunities for meaningful local engagement in site choice and detail.

The Council would therefore suggest that Growth areas should have a strong presumption in favour with a more streamlined application process to follow.

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

SHBC Response – *The Council would comment as follows:*

Renewal Areas – *The Council supports a plan led approach to development in these areas. However, the Council is concerned that the consent routes give greater priority to design over other matters (see comments under Pillar Two) and by increasing the range of automatic consents this further reduces local engagement and decision making in place making. The Council would support the opportunity for faster planning application processes subject to appropriate opportunities for local engagement and for local decision making.*

Protected Areas – *The Council would support applications being required in Protected Areas subject to the comments set out in Question 5.*

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

SHBC Response – *No, the determination of such significant planning projects which would impact on local communities should be considered through the local planning system with local democratic decision making. The Councils experience of the NSIP regime (London to Southampton pipeline) is that it requires a significant amount of staff resources (without any fee income), can be a prolonged process and provides limited opportunity for effective community engagement. New settlements should absolutely not bypass the local plan system. The Council also suggests that if this route is introduced there is the potential for the Secretary of State to be overwhelmed by proposals.*

If this route is implemented the Council considers that it should only be applicable to extremely large developments, for example those that have a nationally significant size threshold of at least 1% of the target for new homes nationally (circa 30,000 homes).

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

SHBC Response – Yes - *In principle but the Council would comment on the following detail that is available:*

The Council would support a more digitised process that ensures appropriate information is submitted with planning applications although would suggest that there would still need to be some human assessment as to whether the information submitted was robust and met relevant criteria, i.e. it could not just be a tick box exercise.

The proposals would require significant investment in skills and software which the Council would welcome but it is not clear how and when this would be funded.

The Council would support a more standardised approach to supporting technical information that is agreed with the statutory agencies and to other matters such as site notices.

Increased delegation of planning decisions to planning officers – the Council considers that the schemes of delegation should be determined by each local authority. Local Councillors have an important role in reflecting the views of the local community and should have the opportunity to determine the detail of applications in certain instances to be agreed at the local level.

Determination of applications – there are many reasons why an application might not be determined in time and which may not be in the control of the local authority such as amendments by the applicant, delays in statutory consultee comments etc. The Council would object to the proposals for application fees to be returned, or for applications to automatically be deemed to have been granted planning permission if not determined in time. This is likely to lead to rushed decisions, and possible

increase in refusals in order to avoid such measures. Moreover, this could be exacerbated in the context of planning services currently being under resourced.

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

SHBC Response – Yes, *in principle the Council supports the delivery of web based Local Plans subject to resources and software being made available to local authorities to deliver this. However, this should not be at the expense of the content of Local Plans being available in other formats to those hard to reach or less technologically able groups.*

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

SHBC Response – No – *The Council would support a simplification of the Local Plan system including the streamlining of the evidence base and the tests of soundness. However, the proposed 30 month timetable would be challenging having regard to the requirements for Local Plans set out in the White Paper.*

If Examinations and adoption are to take about a year of the process then this only leaves the local authority 18 months to call for sites, engage communities, have sufficient evidence to compare alternatives and draft the plan – this is particularly challenging if growth areas are to be identified and the need to develop an outline level of detail and masterplan. The need for front loading of site detail for growth areas such that they are equivalent to obtaining outline planning permission, the identification of sub areas and appropriate policy parameters, the preparation of design codes/guides and for new ways of community engagement all require software, resources and skills that may not currently exist.

In particular, the Council highlights the timescale impacts of the need to upskill local authority staff in urban design and to develop and install new computer software to provide more digital access to the planning system.

The White Paper suggests that the Inspectors Report would be binding which would suggest that there would be no need for the publication of modifications. It also proposes very streamlined evidence to be submitted to the Inspector. The Council would suggest that if this timetable is to be retained, then this element of the process could be shortened to allow more time for plan preparation. It would also suggest that an extended timetable be allowed if growth areas are to be included.

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

SHBC Response – Yes, *the Council would support the retention of neighbourhood plans although there is little detail in the White Paper as to how their role would ultimately fit into the revised planning system and could shape their local communities. Having regard to the proposals to remove development management policies from local plans and for local plans to focus on allocating sites it is unclear what role will remain other than very local design guidance. If this is the case then whilst this will allow local communities to influence what development looks like, it*

would remove the ability for them to have a greater influence over the type and location of development in their communities and on any locally specific issues in development management policies.

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?

SHBC Response – *Many town and parish councils would need significant resourcing to be able to hold and manage digital tools and to be able to develop very local design guidance and codes. Support could include expansion of the technical and funding support available to local communities preparing neighbourhood plans and provision of appropriate software and templates.*

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?

SHBC Response – Yes whilst this is not a significant issue in the Borough the Council would support measures to ensure that planning permissions are built out. Measures might include shorter timescales for the life of planning consents, statutory timescales within which to submit detailed applications following an outline consent or a statutory timescale for delivery to be agreed at the grant of permission with penalties if this is not met.

Pillar Two - Planning for Beautiful and Sustainable Places

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

SHBC Response – *The Council currently funds a part time urban design resource to provide input into the planning application and local plan process. However, the expansion of permitted development rights has reduced the ability of the Council to influence the design of many developments and in particular changes of use of existing buildings have given rise to poor quality living environments. Piecemeal development in parts of the borough have also taken place which collectively do not provide a cohesive character. This includes office to residential conversions that have taken place in the borough, which do not meet the nationally described space standards, have no associated infrastructure provision, and in some cases, include rooms that do not have windows.*

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

SHBC Response – *Sustainability comprises social, economic and environmental matters and the Council seeks to ensure a balance between these issues in determining planning applications and preparing local plans.*

To ensure that sustainable development is delivered, measures need to be in place to ensure that development does not come forward in a piecemeal manner. Furthermore, the Council considers that greater emphasis should be placed on health and wellbeing in relation to sustainable development, especially in light of the Covid-19 pandemic.

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

SHBC Response – *Yes, in principle the Council would support the increased use of design guides and codes and of these having significant weight in decision making.*

The preparation of robust design codes for different areas of the borough will require significant specialist input and extensive community engagement. The White Paper suggests that design should be ‘provably popular locally’ and that they should consider ‘empirical evidence of what is popular’. This evidence will have time and cost implications to collate, particularly to engage with those hard to reach groups, and links to the Council’s concerns about the timescales for preparing Local Plans within 30 months as set out in Question 12.

The recent Use Class Changes and expansion of Permitted Development Rights that came into effect on 1st September 2020 will make the government’s ambition to provide ‘provably popular design’ more challenging to achieve, unless some restrictions are put in place. If these are not implemented, it is likely there could be significant disparity between development granted planning permission and ‘permitted development’.

In order to avoid later discussions it would be helpful for Government to clearly set out what comprises sufficient community engagement and feedback to satisfy this test.

The Council has experience of implementing Design Codes at the development of Princess Royal Barracks at Deepcut. However, one of the main issues with the design coding process on that site is that it was delivered by the applicant who essentially replicated the same design codes across every area within the site. The Council’s experience suggests that significant resource input is required to secure the development of detailed design codes which effectively respond to the site characteristics. The Council would welcome through the proposed Resources and Skills Strategy for the planning sector the delivery of substantial resources to enable the production of design codes.

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?

SHBC Response – Yes - *the Council would support the Government providing resources for local authorities to appoint Chief officers for design and place making. In principle a new design body is supported if this would support local authorities in preparing design guidance although it is not clear from the consultation what the relationship between local authorities and a new design body would be.*

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

SHBC Response – Yes - *the Council would support design being given greater emphasis in the work of Homes England.*

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

SHBC Response – No – *the Council supports a greater emphasis on design and the development of design guidance and design codes and for them to be given significant weight in the planning system. It also supports the development of masterplans for large sites.*

The Council has concerns about the extension of permitted development rights (PDR) for some forms of residential development provided they meet pattern book design standards. Even within residential settings there are so many factors that would influence whether a development is acceptable the Council considers that this might actually perpetuate poor quality design across a wider area by replicating standard 'templates' that may not always be appropriate. This approach also places design above other land use factors, and again removes the ability for local residents to be engaged in development in their area. Such an approach also potentially stifles innovative design.

Furthermore, permitted development rights create challenges in the Council's role of creating good quality, healthy places that promote wellbeing as bypassing planning regulations giving rise to concern that the health and wellbeing of occupants will not be prioritised. Previous permitted development has been shown to exacerbate deprivation, particularly for the most vulnerable in society. This is exemplified in the 2020 study by UCL that highlighted London flat developed through PDR contained floor space as low as 15 square meters and as few as 30% of PDR units met the suggested national space standards (37 square meters) compared to 94% of units delivered through full planning permissions. Flats have also been created with no external windows and therefore no natural light or ventilation. As a result, the Council is concerned that extending PDRs results in poor space standards and fails to prioritise health and wellbeing.

Pillar Three - Planning for Infrastructure and Connected Places

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

SHBC Response – *The Council will seek policy compliant developments that provide a range of infrastructure relevant to the nature of the development and to the location. Depending on the scale of the development this will include the provision of*

affordable housing, highway improvements, the provision and maintenance of green infrastructure and education and community enhancement or provision.

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?

SHBC Response – Yes – the Council would in principle support a simplification of the developer contributions system. See comments to 22b below.

However, S106 agreements have a much wider role than seeking funding for infrastructure and it is not clear from the White Paper how other elements of this process would be delivered. For example the S106 on a scheme for 1200 homes in the borough also sought to secure:

- *The deliver and tenure of affordable housing in perpetuity*
- *The phasing of infrastructure*
- *Open space maintenance and transfer*
- *Travel plans and monitoring*
- *SPA mitigation measures, and phasing.*

The Council would therefore support a simplified Levy for contributions but with a retained S106 or similar, process to secure other measures that make development acceptable.

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

SHBC Response – *The Council considers that the rate should be set locally or on an area specific basis. The White Paper suggests that the threshold below which development will not be charged will be based on average build costs per square metre plus a small fixed allowance for land costs. As there is significant variation in these nationally, particularly land costs, it is suggested that a clear methodology be produced to enable more locally relevant values to be taken into account.*

As set out previously all net new residential development in Surrey Heath is affected by the need to provide mitigation measures to ensure that there is no likely significant effect on the Thames Basin Heaths Special Protection Area. These mitigation measures are agreed by all affected authorities and Natural England and set out in retained South East Plan Policy NRM6 and relevant Local Plan policies. The mitigation measures require the provision of, or contribution towards Suitable Alternative Natural Greenspace (SANG) and a financial contribution towards access management and monitoring measures across the SPA. The latter is not considered to be infrastructure and is currently sought through S106 agreements.

A significant proportion of the Councils CIL income is currently required to provide for the provision of strategic SANG (i.e. SANGs that are not provided on site but are funded by a number of developments). The new process would require the Council

to be able to seek this funding separately to the Infrastructure Levy where this is not provided on site otherwise this would account for a significant proportion of the Levy.

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?

SHBC Response – *The Council would clearly support maximum value being sought to support infrastructure and affordable housing to benefit local communities, particularly as the WP suggests that there will continue to be a proportion going to local communities and that a proportion should be used towards funding planning services. However, this needs to be balanced against making development still a viable option for developers.*

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

SHBC Response – *Yes, the Council would support the ability to borrow against the Levy.*

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

SHBC Response – **Yes** - *Changes of use through permitted development have an equal impact on infrastructure as do applications approved through planning permissions. In Surrey Heath, all net new residential properties require mitigation measures relating to the likely impact on the Thames Basin Heaths Special Protection Area. For smaller sites not providing on site mitigation this is currently funded through CIL. The Council strongly believes that permitted development should be liable for the Infrastructure Levy.*

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?

SHBC Response – *Yes – the planning system should secure at least as much affordable housing provision as at present and seek to enable the delivery of the level and tenure of affordable housing that meets local needs. The priority should be to deliver affordable housing on-site except in very exceptional circumstances. It is not clear from the White Paper whether affordable housing policies will be set centrally or at the local level. The Council considers that such policies should be set locally to take account of local evidence.*

The Council also points out that a reduction in affordable housing delivery would result in affordable housing needs not being met which in turn, could worsen local housing affordability issues, increase homelessness, and increase the number of individuals and families in temporary accommodation.

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?

SHBC Response – *The priority should be for developers to provide affordable housing in kind on site that meets the identified local housing needs, as evidenced by locally derived evidence. of need.*

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

SHBC Response – *yes – any financial risk to the local authority should be fully mitigated.*

The Council support the proposal indicating that if the value secured through in-kind dwellings is greater than the final levy liability, the developer would have no right to reclaim overpayments.

Another proposal in the White Paper sets out, 'in the event of a market fall, the government could allow LPAs to 'flip' a proportion of affordable units back to market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions.'

The Council objects to this proposed approach being used as a means to recoup losses in a market fall, as it is considered this would reduce the amount of affordable housing being delivered within the plan-making authority's area. It is the Council's view that this demonstrates a potential risk arising from the proposed removal of Section106 agreements and their replacement by a new mechanism for delivering affordable housing in-kind, whereby the proposed approach could reduce affordable housing delivery.

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?

SHBC Response – *A mandatory minimum standard of design for affordable homes should be set including adherence to local design guidance/codes, and a mechanism for safeguarding affordable housing delivery in times of recession, where there are falling house price values.*

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

SHBC Response – *Yes, the Council would support more flexibility in spending. However, this should come with some controls to ensure that funding for affordable housing and relevant infrastructure is prioritised and protected.*

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

SHBC Response – *Yes – funding for affordable housing should be protected.*

Equalities Impact

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?

SHBC Response - *The focus on data rather than documents and on accessing information digitally will tend to benefit the most educated, technologically able and digitally connected groups. The speeding up of the Local Plan system may restrict the time and opportunity available for local authorities to engage with hard to reach groups. Both of these factors may impact on disadvantaged groups.*