

# COUNCIL BUSINESS COMMITTEE

## Lancaster City Council Response to the Government's Consultation on the Planning White Paper – Planning for the Future

15 October 2020

### Report of the Director for Economic Growth and Regeneration

#### PURPOSE OF REPORT

To advise Members of the Government's Consultation on the Planning White Paper – 'Planning for the Future' and seek approval for the submission of a response.

The consultation commenced on the 6<sup>th</sup> August 2020 and runs until the 29<sup>th</sup> October.

The Planning White Papers sets out significant and wide ranging reforms to the Planning System in terms of the preparation of a local plans and how local authorities will in the future determine planning applications.

Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member	<input type="checkbox"/>
--------------	--------------------------	------------------	-------------------------------------	------------------------------	--------------------------

Date of notice of forthcoming key decision	N/A
--	-----

This report is public

#### RECOMMENDATIONS

- (1) That the draft response to this consultation, as attached to Appendix 1 of this report, is submitted as the formal response of Lancaster City Council.
- (2) That officers keep Members updated on the progress of the White Paper and keep under review the implications of the reforms on the decision-making and plan-making roles of the Council. Updates will be provided through the Local Plan Review Group (LPRG) and Council's Planning Committee on this matter.

#### 1.0 INTRODUCTION

- 1.1 The Government have, for some time, indicated that they have been considering significant reform of the planning system, identifying their frustration with the planning system as being a blockage towards the speedy

delivery of new housing. The Government have sought, through several iterations of the National Planning Policy Framework (NPPF), to streamline the planning process and provide more clear direction over the delivery of new development (through the establishment of the 'Presumption in favour of Sustainable Development'). However, in their view this has not been sufficient to stimulate sufficient delivery of new development.

- 1.2 On the 6 August, the Government published its new Planning White Paper (entitled 'Planning for the Future') which sets out comprehensive reform of the planning system as we know it. The key proposals within the White Paper are described in Section 2 of this Report. The Government are inviting comments on the content and direction of the White Paper over a 12-week period, ending on the 29 October. The White Paper can be read online via the following weblink: <https://www.gov.uk/government/publications/planning-for-the-future>.
- 1.3 Following the close of the consultation, the Government will consider the responses received whilst it shapes their reforms to the planning system through specific legislation. Any reforms will have to be passed through both the Houses of Parliament and Lords before it becomes law. There are, as yet, no specific timescales for how long this will take to achieve although, judging by the aspirations of the White Paper in relation to Local Plan production, the Government expect the new legislation to be in place by the end of 2021.
- 1.4 The recommendation from officers is that the Council submit a formal response to the White Paper. The proposed response is attached as Appendix 1 of this report. The proposed response has already had the input from Members via the Local Plan Review Group and informally from Cabinet Members which has led to a several of refinements being made to the response.

## **2.0 PROPOSAL DETAILS**

### Key Proposals set out in the White Paper

- 2.1 The proposed reforms to the planning system are both extensive and significant. The reforms relate not only to the preparation of Local Plans but also how planning applications are determined and whether in many cases the planning application process is necessary.
- 2.2 The Government's stated aim in the White Paper is the speedier delivery of new development and the creation of 'beautiful' places through the creation of design codes and an emphasis on high quality design and construction. The White Paper is split into a series of different 'pillars' which are used to highlight the key proposals.

### *Pillar One: Planning for Development*

- 2.3 The first pillar of the White Paper looks at streamlining the planning process. It sets out the Government's vision for a future zonal planning system to replace current iterations of Local Plans and the implications of zoning areas for growth, renewal or protection. This Pillar also looks at the implications of zonal planning on the need for planning applications, particularly in areas which have been identified for either renewal or growth. The Government's

proposals under Pillar One are set out in a little more detail below:

- The role of land use plans should be simplified. The Government propose that Local Plans should identify three types of land – areas for growth, renewal or protection.
- Development management policies established at a national scale with local policies contained in local plans to deal with area specific issues.
- A standard method for establishing housing requirement figures which ensure enough land is released in 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 use land more effectively.
- Areas identified as ‘Growth Areas’ in new local plans would be automatically granted outline planning permission for the principle of development, whilst automatic approvals would also be available for pre-established development types in other areas suitable for building (such as ‘Renewal Areas’).
- Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.
- Local Plans should be visual and map-based, standardised and based on the latest digital technology and supported by a new national template.
- Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process and the Government will consider sanctions if this timetable is not met.
- Neighbourhood Plans should be retained as an important means of community input and the Government will support communities to make better use of digital technology.

#### *Pillar Two: Planning for Beautiful and Sustainable Places*

2.4 The second pillar of the White Paper is about the Government’s ambition to drive up the quality of new development and design to create ‘beautiful places’. This is envisaged to include a greater role for locally produced design codes and masterplanning, particularly in proposed identified for growth. The Government’s proposals for this pillar is described in more detail below:

- To make design expectations more visual and predictable, the Government will expect guidance and design codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.
- To support the transition to a planning system which is more visual and rooted in local preferences and character, the Government will set up a body to support the delivery of locally popular design codes and propose that each authority should have a chief officer for design and place-making.
- To further embed national leadership on delivering better places, the Government will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.
- The Government intend to fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.
- The Government intends 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.

- The Government intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting the most valuable and important habitats and species in England.
- Conserving and enhancing our historic buildings and areas in the 21<sup>st</sup> Century.
- To complement their planning reforms, the Government will facilitate improvements in the energy efficiency standards for buildings to help deliver the commitment to net-zero by 2050.

#### *Pillar Three: Planning for Infrastructure and Connected Places*

2.5 The final pillar of the White Paper relates to the delivery of infrastructure (including the delivery of affordable housing) and how contributions towards its implementation should be sought from new development. The Government's ambitions for this pillar are set out in more detail below:

- 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 to be abolished.
- The scope of the future Infrastructure Levy could be extended to capture changes of use through permitted development rights.
- The reformed Infrastructure Levy should deliver more affordable housing provision.
- More freedom could be given to local authorities over how they spend the Infrastructure Levy, for example this could include developer contributions funding the delivery of both the plan-making and decision-taking functions within local authorities.
- As the Government develop their final proposals for the new planning system, the Government will develop a comprehensive resource and skills strategy for the planning sector to support the implementation of the reforms.

### **3.0 SUMMARY OF THE PROPOSED RESPONSE**

3.1 The proposed response to the Government's White Paper is set out in Appendix 1 of this report. As Members will note, the response is structured into 26 questions which are those which are set out in the White Paper. The proposed response has already sought Member input through both the Local Plan Review Group (LPRG) and informally through Cabinet Members before seeking final approval via Council Business Committee.

3.2 The remainder of this section summarises the key issues which are raised within the Council's response on the White Paper.

### Key Issues Raised within the Council's Proposed Response

- 3.3 The White Paper continues to place an emphasis on the failure of the planning system as the root cause of the under-delivery of housing. This emphasis is not correct. Whilst the planning system is in need of change in order to keep pace with change, it is quite clear to many that this is not the only factor which has led to under delivery.
- 3.4 The White Paper has not sought to address the wider fundamental issues of housing delivery, such as the reliance on volume housing builders whose priority in many cases is development viability over the quality of the development that they provide. It is not clear how the Government's aspiration of building 'beautiful' places is compatible with the expectations or aspirations of volume house builders.
- 3.5 The White Paper also fails to address the challenges around land value and uplift which has acted as a clear constraint to housing supply. Zonal planning systems work well elsewhere in the world where local authorities collect value from uplift and then pump that back into necessary infrastructure. That is not what is proposed by the White Paper and the proposed reforms do not address this matter.
- 3.6 The streamlining of development management policies is supported and should provide more consistency, however it will be important that the Council retains an ability to set local policies where it is necessary and appropriate to do so.
- 3.7 The timescales for preparation of new local plans appear unrealistic, particularly given the emphasis given to the need for community engagement through this process and the implications for the areas of growth identified (i.e. that it effectively results on the granting of outline planning permission). The Council do not support that they should receive sanctions in relation to delays in the process.
- 3.8 The White Paper sets out several areas which water down scrutiny and assessment within the plan-making process. The potential removal of the Planning Committee process, the Examination process and the streamlining of the environmental assessments required are of particular concern and could lead to mistrust in the accountability of the planning process.
- 3.9 Further clarity and consistency in relation to the calculation of housing requirements would be supported. However, there are concerns over the White Paper's ambitions to fully centralise this approach. It is important that there remains an ability for local decisions to be made over the scale of housing to be proposed in their areas.
- 3.10 The use of affordability is not considered to be an appropriate indicator in relation to the quantity of development which should be accommodated in an area. The Council believe that priority should be given towards the constraints within an area to accommodate future development, including environmental and infrastructure constraints.
- 3.11 There is support from the proposal to remove the need for authorities to

demonstrate a 5-year supply of housing. However, there are concerns that its removal is based on an assumption that housing supply will already be in place (and be demonstrated through the housing delivery test which is to be retained). This assumes that there are no issues associated with housing delivery of which there can be many.

- 3.12 There is support for a greater role of digital technology in the planning process, but this should not be at the expense of excluding particular sections of the community, such as the elderly or those with poor broadband connections.
- 3.13 There is support for the recognition that there is a need for greater support and resourcing of planning departments to accommodate and deliver future reforms to the planning system.
- 3.14 There is support for the continuing role of neighbourhood planning. However, the changing emphasis on plan making and the importance of attached to the use of digital technology may significantly affect local communities ability to properly plan for their area.
- 3.15 There is support for the Government's aspiration to build beautiful, well designed places. However, as already mentioned it is not clear how these aspirations sit within a developer-led planning system, volume house builders and their prioritisation of development viability.
- 3.16 There is support for the role of locally prepared design codes in directing the future design and layout of new development. However, it is important that there remains local opportunity to assess whether development proposals meet the proposed codes through the consideration of planning applications.
- 3.17 The introduction of a flat-rate levy for infrastructure is not supported, this appears to be highly arbitrary and provides no consideration of local circumstances across England.
- 3.18 The levy should not seek to combine affordable housing into any future levy. This will create uncertainty over the scales of affordable housing to be delivered.
- 3.19 In principle there is support for the ability for Council's to borrow against the anticipated receipts from infrastructure delivery. However, the approach suggested in the White Paper that borrow can be done simply on an assumption that receipts will be provided at the end of the development. This introduces too much risk on local authorities. With such uncertainties local authorities will be reluctant to deliver infrastructure in the way the White Paper envisages due to the borrowing risks.
- 3.20 The implications of the White Paper that planning authorities could, in the future, be fully funded by the development industry is not supported as it will erode the local communities perception that the local planning process is fair and impartial.

#### 4.0 DETAILS OF CONSULTATION

- 4.1 Consultation on the Planning White Paper – Planning for the Future runs for a 12 week period, starting on the 6 August and concluding on the 29 October 2020. The White Paper can be read in full via the following weblink:  
<https://www.gov.uk/government/publications/planning-for-the-future>.

#### 5.0 OPTIONS AND OPTIONS ANALYSIS (INCLUDING RISK ASSESSMENT)

	<b>Option 1:</b> To formally respond on the Planning White Paper with comments provided in Appendix 2 of this report.	<b>Option 2:</b> To formally respond with any other comments.	<b>Option 3:</b> To provide no response to the proposals set out in the Planning White Paper.
Advantages	The views of the Council will be considered by the Government when the reforms to the planning system are being refined.	The views of the Council will be considered by the Government when the reforms to the planning system are being refined.	No advantages.
Disadvantages	While the Council submit comments to the consultation process, they may not result in the issues raised being dealt with in the final reforms to the planning system.	While the Council submit comments to the consultation process, they may not result in the issues raised being dealt with in the final reforms to the planning system.	That the views of the Council will not be taken into account and future opportunities to feed into the process may be lost.
Risks	The reforms to the planning system may not address the issues raised by the Council in their response.	The reforms to the planning system may not address the issues raised by the Council in their response.	That the views of the Council will not be taken into account and future opportunities to feed into the process may be lost.

#### 6.0 OFFICER PREFERRED OPTION (AND COMMENTS)

- 6.1 Option 1 is the officers preferred option. This option ensures that the City Council provides its views and will be able to make further comments should future revisions to the White Paper become available for public consultation.

## 6.0 CONCLUSION

- 6.1 It is recommended that the proposed response set out in Appendix 2 is submitted as Lancaster City Council's formal response to this consultation.

### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):**

The Government's Planning White Paper would deliver a comprehensive reform to the planning system which would change the way that local communities engage in the planning process, particularly in relation to their input into the planning application process.

Responding to the consultation provides Lancaster City Council with the best opportunity to make sure that any issues relating to these impacts are taken into account.

Any proposed reforms to the planning system which are ultimately passed by Parliament will have to be implemented by the Council using the direction of national planning policy and guidance at the time.

### **LEGAL IMPLICATIONS**

There are no legal implications arising directly from this report and the Council's proposed response.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from this report and the Council's proposed response.

The reforms set out in the White Paper, if implemented in whole or in part, will place demands and resource implications on the Council to ensure that the changes can be implemented successfully. The White Paper acknowledges these implications and suggests that funding will be made available to local planning authorities to assist with the transition to the new planning system.

### **OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

There are no resource implications arising directly from this report and the Council's proposed response.

### **SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no comments to add

### **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has no further comments to make.

### **BACKGROUND PAPERS**

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

**Contact Officer:** Paul Hatch

**Telephone:** 01524 582 329

**E-mail:** phatch@lancaster.gov.uk



## **APPENDIX 1: COUNCIL'S PROPOSED RESPONSE TO THE GOVERNMENT'S CONSULTATION ON THE PLANINGG WHITE PAPER**

The below represents the response from Lancaster City Council to the Government's Planning White Paper – Planning for the Future – which is currently subject to a 12-week consultation process. The Council welcome the opportunity to comment on the proposed planning reforms, as set out in the White Paper, and look forward to the Governments response to the issues raised by this consultation process.

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

As a local planning authority a response to this question is not applicable.

### **Q2(a). Do you get involved with planning decisions in your local area? [Yes / No]**

As a local planning authority a response to this question is not applicable.

### **Q2(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]**

As a local planning authority a response to this question is not applicable.

### **Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]**

As a local planning authority a response to this question is not applicable.

### **Q4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / **The environment, biodiversity and action on climate change** / **Increasing the affordability of housing** / The design of new homes and places / Supporting the high street / **Supporting the local economy** / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]**

Whilst the Council have highlighted three priorities in their response. It is important to note that the list provided is not simply a binary choice. The issues highlighted are all important in their own right and it is equally important that the planning system seeks to play a role in providing beneficial outcomes. The Council would also note the absence of prioritisation of low-carbon homes which should also be seen as a priority.

### **Q5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / **Not sure**. Please provide supporting statement.]**

The Council would accept the challenges associated with plan-making, recognising the length of time which it takes to prepare a Local Plan, the level of scrutiny applied to the plan process and the level of evidence required which leads to the preparation of unwieldy and bulky documents which can put people off engaging in the process. There are a number of reasons for the delays in the planning system, the perpetual changes made to the process

which introduce uncertainty for all parties and the challenges associated with striking the right balance between the aspirations of the local community and those of Central Government, particularly in relation to the delivery of housing.

The concept of zonal planning is a well-used approach in other countries around the world. The Council believe that the approach, if applied correctly, has the opportunity to provide greater certainty and produce Local Plans which are simpler to read and understand by all users. Whilst the principles of zonal planning have been applied successfully elsewhere the White Paper does not provide sufficient detail on a number of key elements:

- The implications of zonal planning on land values and the capture of uplift is not sufficiently explored and the ability to secure the delivery of affordable housing and necessary infrastructure secured from the uplift in value as a result of zoning for growth. This is applied successfully within zonal planning elsewhere but has not been addressed here.
- The role of zonal planning in relation to renewal and growth fail to recognise local nuances and assumes that design codes / masterplans (and wider national policy) can deal with all local issues.
- The implications of design codes on wider development viability. Given the proposed approach places an expectation of design codes to be used by the local authority to provide 'beautiful' well-designed places, it is not clear how the implications on developer viability will be addressed and therefore the implications of delivery of affordable housing and infrastructure.

Without sufficient clarity on how these fundamental aspects of zonal planning will be addressed then the City Council have deep concerns over its application and its ability to deliver the aspirations set out in the White Paper.

**Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / **Not sure**. Please provide supporting statement.]**

The Council have no objection in principle to the removal of locally derived development management policies to be replaced with nationally prescribed policies on some matters. If implemented correctly, this can allow for consistent decisions to be made across local planning authorities in relation to matters such as Flood Risk and designated Heritage Assets. The Council would agree there is no necessity for Local Plans to simply duplicate the content of the NPPF.

Notwithstanding this, the Council would object to any blanket restriction on preparing local derived development management policies. It would be a mistake to forget that each area is unique in terms of its qualities and the challenges it faces. It is entirely reasonable to suggest that a 'one size fits all approach' is not an appropriate method of addressing local issues, challenges or constraints. Accordingly, the Council wish to reserve the right, as a local planning authority, to prepare locally specific policies which take in local characteristics, for instance addressing local landscape matters or reflecting local infrastructure requirements.

**Q7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include**

**consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]**

The role of the examination process, its independent nature and the tests of soundness which apply are a key element of the plan-making process. It provides the final, categorical decisions on the content and direction of a local plan and seeks to resolve all outstanding objections made to the plan. The ideas put forward by the White Paper that the examination process could be removed or diluted into some form of self-assessment process will do nothing to introduce renewed trust into the planning system.

The Paper discusses the introduction of a new 'Sustainability Test' but no detail is provided on what the test will entail. On that basis the Council would recommend that the examination process is retained as a key element of the plan-making process and that any new tests are based on the original tests of soundness currently used which already provide an effective basis for examining local plans.

**Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

The Council recognise the need to talk to its neighbours as important. Historically this has been done through the consideration of strategic matters through either the Structure Plan or Regional Plan process. More latterly it has been the responsibility of local authorities through the Duty-to-Cooperate process.

Proposals to remove that process leaves a significant gap and the removal of the need for authorities to address issues which cross boundaries, for instance on matters of housing, transport or infrastructure. Whilst there may be a greater role in some places for a Combined Authority to address cross boundary issues this will not be applicable in all areas.

Discussions over strategic, cross-boundary issues are best placed within the plan-making process and the role of Duty-to-Cooperate ensures there is a responsibility on the local planning authority to talk to its neighbours in relation to key issues. It's loss without any form of alternative approach is not supported by the Council.

**Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]**

The development of the standard method for assessing housing need is supported by the Council in principle. The Council support the production of a standardised approach which ensures consistency across the country and which when implemented properly allows for the needs of specific areas to be addressed. These comments are made in relation to the identification of need and not the implied standardised and top down allocation of a housing requirement as is being proposed in the consultation document.

Whilst supporting in principle the standard method adopted in 2018 there has been significant confusion in the householder projections which an authority is to use to as a baseline and which ultimately form the basis for future need in an area. The City Council has in the past expressed dismay at the extent to which the Government have cherry picked the projections to be used depending on their agenda.

The clarity provided in the accompanying 'Planning for Change' document' to use the most up to date projections as one element of the baseline calculations is therefore welcomed. As is the introduction of existing stock within the calculations.

The White Paper seeks to further standardise this approach moving the housing need figure into a requirement for an area with a binding effect. Whilst the City Council would fully agree that the establishment of a requirement is a time-consuming process it is and remains an important local democratic process which must be done properly having full regard to the environmental and infrastructure constraints of an area. Failure to properly consider such issues and involve the local community in the process would undermine the role of the planning system in ensuring that all factors are taken into consideration and a balanced and informed decision is made.

The White Paper proposes the removal of the 5-year supply test. This is on the assumption that if the earlier stages of identifying supply through the Local Plan process have been done properly the need to monitor supply is removed with sufficient sites already in place to ensure delivery. The Housing Delivery Test would remain.

The City Council would agree that there is often an over reliance on 5-year supply considerations in the determination of planning applications with such arguments often causing additional delay and cost. Whilst an assumption that supply would be in place to ensure continued delivery is possible there is concern that such assumptions rely on sites being built out. This is not always the case with land banking a significant issue in the actual completion and delivery of new homes. To rely solely on the Housing Delivery Test as a means of measuring supply would do little to ensure supply is brought forward with this only looking at completions and not the extent of permissions that an authority has approved and which could be brought forward and built out. It would therefore potentially result in further approvals being necessary in addition to the supply identified in a Local Plan where it is shown that that supply is not, despite benefiting from approval and identification in a Local Plan, being translated into completions on the ground.

The continuation of the Housing Delivery Test and presumption in favour of sustainable development does little to address actual housing delivery on the ground and would further serve the development industry in pursuing sites on the basis of a perceived lack of delivery.

On the basis of the above the Council would have significant concerns regarding the application of a standard method for establishing housing requirements and without the benefit of additional information on how this is calculated would be unable to support such proposals.

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

No

The City Council do not agree that these are appropriate indicators of the quantity of development to be accommodated. Whilst it is agreed that these are factors to be considered the actual ability of an area to accommodate development having regard to land constraints is also important.

The extent of the existing urban area does not provide a measure of an areas ability to absorb additional development it purely confirms the scale of the existing settlement and

whilst used as a measure of what might be proportionally acceptable again does not set the quantity to be delivered.

The City Council do agree that affordability is and remains an important indicator in determining the quantity of development needed. This provides an important measure of need highlighting potential issues in the supply of development and the effect that this has had on price. The ability of an area to accommodate this need is however a different consideration which must be considered having regard to the availability of deliverable sites in relation to land constraints and sustainability considerations. Only when these factors are considered can the quantity of development to be accommodated in an area be determined.

**Q9(a). Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / **No** / Not sure. Please provide supporting statement.]**

The Council do not support the approach that there should be automatic permission granted in areas zoned for growth in the Local Plan. The proposed approach results in no ability for the Council to consider whether the locally derived design codes have been appropriately applied to new development nor whether the development proposals are consistent with national planning policy. The approach seems to seek to exclude input from local communities, elected Members and professional officers.

To simply rely on the development industry to build out to the requirements of the local plan without any form of check and assessment procedure is not considered realistic or appropriate. It is not clear how any development proposals which seek to defer from adopted national or local planning policy will be managed or considered (for instance in the context of changing viability).

The Council believe that the likely outcome of the approach described in the White Paper will be development which deviates from either national or local planning policy (or both) and cannot be brought into line due to the lack of scrutiny at a local level. Should development come forward which does not reflect local or national policy and does not have any form of local scrutiny this will lead to a further erosion of public trust in the planning process.

**Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / **No** / Not sure. Please provide supporting statement.]**

#### Consent Arrangements for Renewal Areas

The Council support the ability to streamline the application process in renewal areas, however the Council believe that each individual scheme needs to be considered on its own merits, both considering both the benefits and impacts of the proposed development. Whilst the Council have no issue with the presumption towards (and priority given to) the regeneration of brownfield sites, the Council do not agree that development should simply be approved on the basis of land-use and generic national policy relating to design. Such an approach fails to take into account local circumstances, for instance impact on the heritage assets.

#### Consent Arrangements for Protected Areas

*Consistency between Protected Areas*

The Government describe several current designations which would be incorporated into 'Protected' areas. This would include designations like Green Belt, Conservation Areas, Local Green Space and Areas of Outstanding Natural Beauty. With the proposed reforms seeking to eliminate locally derived policies on these issues it will be extremely important that national planning policy sets out clear direction on how these areas (and their very different value) can be protected.

#### *Areas of Outstanding Natural Beauty*

Lancaster City Council and South Lakeland District Councils have worked together to produce a bespoke Local Plan for the Arnsdale and Silverdale Area of Outstanding Natural Beauty (Arnsdale and Silverdale AONB DPD). This is a unique document and seen as an exemplar for other AONBs in the UK. It has been recognised as such by the planning profession and been awarded overall winner for regional RTPI Awards for Planning Excellence 2019 and finalist at the RTPI national Awards for Planning Excellence 2020. The Plan's policies seek to meet local housing needs whilst protecting the landscape quality. A bespoke approach was considered necessary due to the relatively compact nature of the area, its sensitive landscape and the number of environmental designations relating to its limestone geology, its woodlands and wetlands and its location next to Morecambe Bay.

Under the proposed planning system, the area would be afforded 'protected area' status and as such development would require planning permission in the normal way but subject to national policies set out in the NPPF. Whilst the proposals recognise the needs of protected areas it is not considered that the NPPF could provide the level of detail needed to meet the specific needs of the area. For example, there is considerable pressure on the landscape from the development of caravan parks. The AONB DPD does not allow for the development or growth of new or existing accommodation because of landscape sensitivities. This is not the case in the Lake District National Park. Conversely the AONB DPD allows for market housing but the adjacent National Park does not. A broad-brush approach set out in the NPPF for protected areas would miss this variance.

Given that the NPPF is unable to provide the necessary level of protection and accommodate the different policy needs of protected areas it is suggested that policies are retained at the local level when proposals are made to the LPA. This could be through the retention of the AONB DPD or by incorporating its policies within the wider district Local Plan.

**Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]**

The development of new settlements is a significant undertaking. The scale of development that can be proposed, the levels of funding that are necessary to deliver important infrastructure critical to development and the environmental implications of new development. The level of resource required from the local planning authority to address these challenges is significant and, as is well described, local planning authorities have for some time lacked sufficient resourcing.

In the first instance the Government should consider how to better resource local planning authorities to ensure that important decisions are made locally and are accountable to the communities they serve. However, should further resourcing not be made available then the

use of Development Corporations and role of the Nationally Significant Infrastructure Projections regime should be explored.

Should their role be expanded it is important that local planning authorities continue to have a proactive and leading role in the delivery of new settlements with their local areas.

**Q10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]**

The Council support the principles of making decision-making faster and more certain where it benefits both the development industry and local communities. However, the ambitions for a streamlined planning should not be secured at the expense of losing critical elements of accountability and the removal of important checks and balances within the planning system.

The Council support the greater role of IT for displaying planning applications and a greater role of bespoke software to allow all interested parties, particularly local communities to understand and engage in the planning process. The Council would also support streamlined applications provided that the relevant information necessary to determine a planning application is submitted alongside the application. Too often planning applications are submitted to local authorities without key information which simply delays the process.

The Council is disappointed with the direction of the White Paper which seeks to simply blame local authorities for any delays in the process rather than taking a holistic approach to the issue. The Council wish to make speedy decisions on development for the benefit of all parties, however it should not be forced into doing so due to a lack of information due to a failure of the applicant. The White Paper also fails to address the issue of resourcing the statutory consultees. Throughout the country, organisations such as Lead Local Flood Authorities; the Environment Agency; Historic England and Natural England have been decimated by cuts during the last decade. The shortage of qualified professionals who are available to respond to planning application consultations is a major failing in the current national planning system and contributes to decision-making delays. Until this resource deficit is satisfactorily addressed, any notion of speeding up the planning system is doomed to fail. Therefore, the Council does not support the implications that local authorities should be arbitrarily punished due to delays in the process, unless there is clear evidence that the Council are to blame for the delay.

**Q11. Do you agree with our proposals for digitised, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]**

The Council would support a greater role for the use of digital platforms in preparing and sharing Local Plans. The technological advances in GIS mean that the opportunities to provide interactive mapping and visual aids for how future development can be achieved are here. The Council shares the Government's ambitions in this regard and would support the use of better digital platforms and the use of interactive mapping as a key pillar of future plan-making and engagement.

Notwithstanding this, the Government should be mindful that the advance to greater use of technology in the plan-making process does not simply leave people behind. Many people who currently respond in the plan-making process do not necessarily have the technological skills, desire or resources available to benefit from such a change. It is therefore important

that the opportunity for such groups, for instance older-age groups, is not simply lost, effectively barring them from the process. Again, should this occur the Government's ambitions of effective engagement and building trust in the planning system will fail.

Furthermore, the technological advances described in the White Paper will come at a significant cost in terms of adapting skills within local planning authorities and the costs associated with upgrades to hardware and software. It is therefore critical that if the Government are truly serious about the wide roll-out of the digital platforms described then local planning authorities are properly funded and equipped to take advantage of these changes.

**Q12. Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]**

The timetables set out in the White Paper for the preparation of new local plans is ambitious to the extreme and the Council have concerns that such timetables have been introduced so that local planning authorities are set up to fail in achieving them. Whilst the need for speeding up the plan-making is well recognised to ensure plans are not immediately out-of-date, the idea that extensive public consultation on issues as controversial as a zoning plan for future development will not introduce significant challenge and delay to the process would be extremely naïve. The scale of challenge particularly so given the White Papers proposals to remove the democratic input from latter stages of the development process (i.e. planning applications). The removal of such a check and balance will only lead to a greater focus on the plan-making process for the opportunity to challenge the process which will almost inevitably lead to delay.

The Council do not accept or agree that the current suggestions for a 30-month (2.5 year) turnaround for a local plan to be realistic given the frontloading nature of the proposed system. The level of engagement and challenge already described should clearly be reflected in Stages 1, 2 and 4 of the process. Should the Government insist that the timescales be retained then the Council do not accept that there should be punishment (i.e. Government intervention) for the failure of planning authorities to keep to such aspirational and unrealistic timeframes.

**Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]**

Given the Government's stated aim to streamline the planning system it is not clear how neighbourhood planning sits within this. The role of neighbourhood plans, in principle, is a positive one and can empower communities to make local decisions on the location of new development in their areas.

However, in practice neighbourhood plans do not follow statutory processes, they are voluntary, they can in many cases seek to challenge and, at best manage down and delay the delivery of new housing. This can produce significant uncertainty into the system and delay to deliver.

It is neither clear the context in which neighbourhood plans would sit. Given the proposed move to zonal planning is the Government suggesting that all completed neighbourhood plans would be rendered out-of-date? Are the Government suggesting to neighbourhood plan groups that they are required to review their plans to provide growth, renewal and



protection zones within a similar timescale to the district-wide plans? Are the Government suggesting that zonal planning can sit seamlessly alongside old forms of plan which contain detailed allocations?

The Council would suggest that if the White Paper is implemented as described it will render the process of neighbourhood planning obsolete, either making them incompatible with wider zonal planning process or diminish them to such an extent that the only empowerment that neighbourhood planning will have is to prepare locally derived design coding to support growth zones in their area.

Such outcomes will come as a great frustration to local community groups who have put significant time and effort (on a voluntary basis) to work on the preparation of neighbourhood plans. In the short term the direction of the White Paper leaves clear uncertainty for neighbourhood plan groups who will not know whether it is worth continuing the preparation of their plans only to see their content either rendered out-of-date, incompatible or obsolete.

Whilst the Council support the role of neighbourhood plans and their ongoing role in the planning system, it cannot see how they can form an effective part of the planning process outlined in the White Paper. If the White Paper is implemented as described, then Neighbourhood Planning cannot be effectively retained in its current form.

**Q13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

Neighbourhood planning is a voluntary process and, in this Council's experience, is led by specific demographic of the community (i.e. predominantly those of retirement age). For the neighbourhood plan process to take on the use of digital tools and the preparation of interactive mapping for their area, this will take significant resource and assistance. This could be done through external assistance or through greater support from the local planning authority, however in either case greater funding will be required to achieve the Government's objective on this matter.

Whilst the local community have an important role in shaping the places where they live and work, it is not clear that they have the expertise to formulate these ideas on their own. If the Government is suggesting the neighbourhood plans of the future should include local design codes then significant assistance will need to be provided to community groups to deliver this, and this will require additional resourcing.

**Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]**

It is critical that if a zone for growth is identified that the area is built out and implemented. It is not good enough for the local planning authority to work through the local plan process only to see a site not come forward after assurances from the developer over its deliverability.

The need for build out to take place is made more critical by the proposed move by the White Paper to backload infrastructure payments to the completion of properties. As summarised elsewhere in this response, if the Government wish local authorities to pay for

expensive infrastructure prior to the commencement and completion of a development, then this has significant financial risks for local authorities and, ultimately taxpayers. If the Government want local authorities to have the confidence to borrow under such circumstances, then local authorities must be given confidence that developers will follow through with their promised to build out a site.

Notwithstanding this, it is not clear that the reforms proposed to planning system can address this. As with previous changes to the planning system, the Government forgets that local planning authorities have no control or management of private landownerships in their areas and do not have the ability to prevent landowners selling their land to a single volume housebuilder. Once secured, volume housebuilders are highly reluctant to release parts of land to competing developers. Whilst the White Paper highlights that Local Plans can seek to prioritise (and prefer) delivery via a range of housebuilders it really has no powers to enforce such a requirement should that not be a preference of the landowner or the developer.

Consequently, whilst the Council agree with the Government that build out is important and where land is zoned for development this should come forward in a timely and appropriate manner, it is not sufficient to simply think this can be achieved with changes to the planning system.

**Q15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]**

The local planning authority would recognise that it currently is not sufficiently empowered to make any meaningful difference in relation to design quality. The experience of this Council (through the application and appeals process) is that development viability and the needs placed on housing delivery simply outweighs the acknowledged benefits of good design. The lack of direction and strength within national planning policy has led to poorly designed places which lack local distinction, delivered by volume housebuilders who place greater importance on standard house-types than high quality design, purposeful place-making and quality of construction.

**Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]**

This is what we are hoping to find out in our upcoming Local Plan Review Scoping consultation. The Council declared a Climate Emergency in January 2019, at which point the emerging (now adopted – July 2020) Local Plan was too far advanced for this declaration to greatly influence the direction of the policies, having already been submitted to the Planning Inspectorate to be examined. Whilst policies which seek to address climate change are within the adopted Local Plan, upon reflection of the declaration it was felt that this issue could be better tackled through the Local Plan, hence the immediate review with a specific focus on climate change.

As a Council we believe there is not just one main priority which we need to focus on to fulfil this declaration, but a range of key areas that need addressing. It is not just about reducing the number of cars on our roads, but also improving and creating more green spaces, and improving the energy efficiency of new homes. Amongst other issues, such as the promotion of micro-renewable energy projects and the creation of SUDs. Over the next few months,

working with the community and our members, we are going to establish what specific issues we would like to focus on to ensure sustainability and mitigating the impacts of climate change underpins the Local Plan review.

We would like to make a more general point in answer to this question. Whilst the term 'sustainability' has been at the forefront of the planning system for almost three decades, it is disappointing that the White Paper fails to develop the definition of sustainability, and describe what it actually means in the context of 21<sup>st</sup> century society. At a time when a global pandemic is challenging the mental and physical health of our population, there is an opportunity to rediscover the purpose of planning. We would suggest that it is critical that the new system should be based around the concept of encouraging social interaction at a community level, which requires the creation of physically-active and safe transport networks, the delivery of a variety of functional green spaces and green infrastructure; and the ability to meet your daily needs without resorting to use of a private car (the Town and Country Planning Association frequently refer to the idea of 20-Minute Neighbourhoods). These ambitions need not conflict with the overriding need to deliver housing or any other form of development. Our shared objectives should be the creation of safe, welcoming and joyful places.

**Q17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]**

The Council have no objection to the increased use of design codes to shape new development within the locality, particularly in areas which have been identified for growth.

However, it is critical that these design codes are developed at the local level to ensure that local distinctiveness is achieved and there is input from local communities to shape their content and direction. It is not good enough to suggest that the design of large-scale development can be achieved through nationally prescribed coding (which could be applied anywhere to achieve 'anywhereville') or coding which is delivered and self-assessed through the development industry. Neither approach would assist in delivering the Government's ambition of beautiful places and both approaches would continue to erode community trust in the planning system.

**Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]**

The Council welcome the recognition from Government that further support will be needed for local authorities in terms of addressing designing skills and that such changes cannot occur overnight. The Council would support the creation of a new body to assist in the resourcing of skills into the sector and the wider resourcing of local authorities on this matter.

**Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]**

It is important that if the Government is serious about high-quality design then it leads from the front with its own developments (i.e. the delivery of development via Homes England).

The Council support the importance which should be attached to Homes England in implementing high quality design.

In recent years, Homes England have not applied any clearly defined mandatory standards through the Affordable Homes Programme both in terms of thermal efficiency and room standards. Most Registered Providers set their own minimum room standards but Nationally Described Space Standards should be mandatory. Homes England should be reinstating targets to increase thermal efficiency of new dwellings working towards zero carbon homes would certainly be welcomed.

**Q20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]**

The Council welcome and support the Governments aspirations for creating beautiful places which are both well designed and of a high construction standard (particularly where it seeks to tackle the impacts of Climate Change).

However, the Council have significant concerns over the Government's direction that development will be simply 'fast tracked'. It will be very important that Councils are given the time and resource needed to prepare local design codes and then proposals given local scrutiny over whether development proposals reflect the expectations of the code.

The White Paper appears to suggest that design codes 'could' be prepared by local authorities, an emphasis on 'could' suggests that third parties could prepare such codes, such as the development industry themselves. Such an approach where the developer essentially is given free rein to determine the design of development against a nationally prescribed code will not produce local distinctiveness nor is it likely to produce high standards of design or beauty.

#### *Stewardship of the Natural and Historic Environment*

Proposal 16 sets out an intention to set up a quicker, simpler process of environmental assessment which speeds up the process whilst protecting the environment. The Council does not believe these ambitions to be compatible and the Governments expectations that the assessments can be sped up ignores the fact that environment assessments can take time because their very nature (i.e. some assessments can only take place at certain times of the year).

The Council agree that the historic environment has a vital role to play in delivering renewal and mitigating and adapting to climate change, as set out in Proposal 17. The historic environment within our district is the starting point when considering how to regenerate an area and achieve a sense of place. Our current work on Heritage Action Zones and Future High Streets builds on these opportunities.

Historic buildings already represent a sustainable resource through their very survival. Their environmental performance is often misunderstood but research suggests that they perform better in conserving energy than previously thought. They are also amenable to a range of sensitive adaptations which can improve this performance. However, technical understanding is needed of how historic buildings function to ensure that only appropriate solutions for their improvement and adaptation are carried out. Careful specification of, for example, thermal insulation and sensitive siting of micro-generation equipment, is critical to avoid harm to historic buildings and their settings. Such harm can negate the improvement

being sought and cause damage to historic fabric and character, thereby undermining climate change adaptation and public support.

Realising the potential of our historic environment is a highly skilled process that is delivered by dedicated conservation professionals, both within the public and private sector. This balance of input between sectors is critical to the accountability and transparency of heritage conservation, delivering a robust and widely supported system that has played an important role in protecting our irreplaceable historic environment. The potential for inappropriate, harmful alterations is, however, very great without the checks and balances that the system currently provides for independent public scrutiny. Harmful outcomes and the potential loss of accountability and transparency must be avoided if local authorities are to maintain public support for the system.

“Suitably experienced architectural specialists” in relation to the historic environment are relatively thin on the ground. This is partly because heritage conservation is invariably not a core part of architectural training but also because, surprisingly, there is still no formal requirement to use an accredited architect for heritage works. Indeed, many applications are submitted by agents who are not even qualified architects.

Experience alone, therefore, is insufficient if not grounded on professionally recognised qualifications. Nor is it a replacement for independent scrutiny by local government heritage staff if the system is to remain robust, accountable and transparent. Architects, like any private contractor, are subject to considerable client pressure and win work by delivering their client’s proposals, proposals which sometimes cause harm to the historic environment, even when the architect is conservation accredited. This creates a conflict of interest and a situation where architects often greatly value the support of local government heritage team to head off proposals that they know to be harmful.

While the Council support the greater involvement of qualified architects in preparing schemes (provided they are conservation accredited), the benefit of “earned autonomy” based on “experience” is illusory as heritage protection gains its strength and public support as is a collaborative and mutually supportive process in the public interest. The public interest is not served by autonomous processes and decisions that fail to include proper independent public scrutiny.

Defining “routine” consents is also fraught – even minor alterations can have a considerable impact on the significance of a listed building and their long-term technical performance. For example, the removal and replacement of windows, inappropriate re-pointing, tanking and damp proofing can all cause great harm to heritage significance and damage to historic building fabric. Such works seem routine on the face of it but are anything but in terms of heritage significance, impact and mitigation. However, the input of local government heritage expertise ensures that such alterations are certainly more routine than they might otherwise be.

However, if there is to be greater discretion in relation to some consents, then this should rest not with architectural specialists but with the local authorities and their heritage advisors and be based on published guidance and standards. Nevertheless, the Council do consider there is a need for local authorities to employ staff with full IHBC\* accreditation and suitable experience and for the appropriate supervision of less experienced staff that are working towards their accreditation. This is a responsibility taken very seriously at

Lancaster City Council. Appropriate experience is vitally important to ensure heritage decisions are applied pragmatically and flexibly. In this respect the loss of local government heritage staff over the last decade has been very harmful and is a trend that needs to be reversed.

**Q21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]**

The Council believe that the above list identified is not a set of either / or options. It is important that to deliver sustainable and beautiful places then all the above are needed. There should not be simply a trade-off between affordable housing, necessary infrastructure or high-quality design and construction. We would also refer you to our answer to Q.16 and issues regarding the *purpose* of planning. Again, the Council would also note the absence of prioritisation of low-carbon homes which should also be seen as a priority.

**Q22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]**

S106s do much more than collect contributions and affordable housing, they ensure site mitigation for ecological impacts, air quality, SUDs, open space, management and maintenance (this list is not exhaustive). In some cases, mitigation requirements may be overly complex to control by conditions.

Specific onsite provision necessary for the development itself to be acceptable, such as open space, ecological provisions, SUDs, play space should not be funded by the Levy. Such items should be provided on site and the cost should also not be offset or provided 'In Kind'. Calculating the value would be challenging and open to dispute resulting in delays. Provision of items specific to a site, do not contribute to wider infrastructure, they add value and attractiveness to a scheme, therefore the cost and delivery should remain the responsibility of the developer.

It is essential that S106s remain available to secure such mitigation and covenants on land and to ensure the delivery of site-specific requirements on site.

The proposals for a fixed proportion of development value, fails to consider the complexity of viability. The proportion and threshold do not address the variety of costs that may arise from sites specific constraints. The proposals are likely to have a disproportionate impact on less viable development, even in locations where values appear high.

There is a lack of information available on what, if any, exemptions/discounts there may be and how local authorities are expected to address deficiency in funding for infrastructure.

Where development is primarily delivered via small sites, which fall below or close to the threshold, there could be a shortfall in funding for infrastructure. This may disincentivise local authorities from designating small scale growth or renewal areas to meet the needs of parishes, villages or other specific locations (e.g. such as on the edge of a village). If proposals disincentivise the designation of small sites, this would be contrary to the aim of

increasing the range of developers, the speed of delivery arising from small sites and meeting the needs of communities.

The proposals will not create greater certainty over contributions. As the contribution is based upon a sale value at a potential point in the future, they will vary, especially in large schemes. There is a lack of detail about what the point of occupation will be, is it per dwelling, the first dwelling in each phase or another point in time.

The timing of payment at occupation and the proposed penalty to prevent occupation are incompatible. A dwelling is not occupied until it has been purchased by the new owner, preventing occupation at this point would penalise the homeowner not the developer.

Where funding gaps exist, or if delivery of infrastructure is delayed, such as the provision of a school to educate the children living in a new development, this is likely to affect attractiveness and value of homes. There should remain an opportunity for developers to provide facilities and infrastructure on and off-site to ensure that they are delivered to meet the needs of the development and to ensure facilities are well located to serve the homes they are intended to serve. Local authorities should retain the ability to require that developers to meet these needs by delivering necessary infrastructure on site.

The proposals will create a lack of certainty for both developer and local authorities about amount of funds to be paid and the timing. Local authorities will face uncertainty and may be reluctant to deliver infrastructure if there is no certainty it will be paid for. This uncertainty and the significant amount of infrastructure which may require funding, will create a significant borrowing risk to local authorities.

**Q22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]**

There is a lack of detail about how the rate would be set and at what level area-specific rates would sit. What information would be considered when setting area-specific rates, would local authorities and local developers have an input into setting levels, how would differences in viability across areas and the viability of different types of development be addressed? The use of BCIS and a small amount for land value, as referred to in the white paper is overly simplistic.

There are advantages of a nationally set area-specific rate including the reduction in evidence requirements, cost to local authorities and removing the dispute between local authorities and developers when setting rates and negotiating affordable housing provision. Where there is a nationally set, non-negotiable rate to be paid, there may be a greater prospect of developers passing the cost onto landowners and driving down land costs, which does not appear to have happened with CIL. However, such a rate would not reflect the wide-ranging viability within areas or even districts.

A nationally set single rate or area rate, would disadvantage districts and even areas within districts which have challenging viability issues such as sites with significant constraints. National/area rates would make it more difficult for developers to bring forward land in areas with significant constraints. If these areas coincide with those with the highest pressure for protected land how will failure to deliver be addressed? In such cases, developers will be deterred from delivering housing resulting in a failure to meet need and potentially development through a tilted balance exercise in less sustainable locations.

To ensure that the rate reflects local circumstances, development costs, local infrastructure requirements, locally specific design codes, the rate must be set locally. Clear guidance (including changes to RICs guidance) and legislation should support local authorities to ensure rates are reflected in reduced land values in designated areas, profit margins (particularly for large scale developers) are not excessive, and costs of development are not inflated.

If the levy is introduced as proposed, local authorities should be have the ability to exempt or reduce the levy, in areas where they wish to encourage regeneration and to increase it where requirements for infrastructure or services necessary for the development, are particularly high.

**Q22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]**

The balance between meeting housing requirements and infrastructure requirements is skewed towards the provision of housing. Too often developers submit viability appraisal seeking to reduce the amount of affordable housing provision and infrastructure contributions. Local authorities position in defending requirements, particularly in areas of greatest need is weak.

The Levy must ensure that the infrastructure necessary to support growth in homes and employment opportunities can be provided. Provision must also be made to ensure that affordable and social housing can be provided to meet the growing need. Developments without the necessary cycling/walking/public transport/recreation/ open space/education etc. are not sustainable development. The levy must be set at a level which will ensure the value of contributions increase and that local authorities have the funds, or the ability to require developers, to ensure that infrastructure is provided at the right time and in the right place to support growth.

**Q22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]**

If local authorities are to be responsible for providing infrastructure to meet the needs of development, the ability to borrow funds will be necessary to ensure that the infrastructure is delivered at the right time. However, payment of the Levy on occupation would be too late to ensure that the facilities necessary for residents are available. This will create a significant amount of risk for local authorities who may be reluctant to deliver infrastructure when payment is uncertain. If local authorities area is deliver infrastructure and services and have the confidence to borrow they must be given certainty that developers will build sites and complete them in a swift timeframe to be agreed either with the local authority or set buildout rates.

**Q23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]**

The occupants of development provided using permitted development have equal needs for and impacts on infrastructure as those occupying development delivered through



applications/designations. As the scope of permitted development has increased significantly, the development arising from permitted development is having a greater demand for and adverse impact upon infrastructure. Such development should therefore contribute to meeting their infrastructure needs.

**Q24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]**

The amount of affordable housing required by planning policies already falls significantly short of meeting the identified need. It is therefore essential that delivery remains at current levels, if not higher. With some very limited circumstances, the council seeks to achieve on-site affordable housing, reflecting upon the fact that the level of social and affordable housing locally falls below the national average and financial contributions generally are not the true equivalent of on-site provision.

**Q24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]**

Provision of affordable housing 'in-kind' is more likely to ensure that it is delivered, is of appropriate quality and is made available throughout sites.

Clear guidance and legislation will be necessary to ensure that the discount given in Levy payment is at an appropriate level to ensure that affordable properties can be managed as genuinely affordable homes. Local authorities must have the ability to decide on the appropriate discount, such as 'fixed transfer values' and the reduction in the Levy payment to ensure homes are affordable and to ensure appropriate provision and division between affordable housing and infrastructure delivery.

Local authorities must be able to determine the proportion of affordable housing necessary, the tenure and size to ensure that affordable housing provided meets the identified local need. The standards of market housing and affordable housing must be of consistent quality.

**Q24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]**

Measures must be in place to ensure that local authorities are not liable for re-payment where affordable housing liability exceeds levy payments. Without such mitigation local authorities may be disincentivised from requiring the affordable housing necessary to meet identified need.

The proposed measures protect developers rather than local authorities. There will be a risk to local authorities if they take on homes during the construction period and they are occupied. Once occupied, local authorities would not be able to transfer them back as proposed. As it would be essential for affordable homes to be provided throughout and occupied throughout the development to create mixed communities, transferring them back to the developer at the completion of the development would not be feasible. Appropriate phasing and integration of affordable housing should reduce the risk and there is some scope for local authorities to work with developers to review and where necessary re-

negotiate the mix and affordable tenure types where necessary if they are phased appropriately.

Local authorities must be protected from values increasing between the point of transfer and the point at which the levy is paid and the adverse impact underpayment may have upon the anticipated levy available for the provision of other types of infrastructure and services.

**Q24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]**

Steps will be required to ensure that affordable housing is of the same quality and standards as open market housing. Design codes, space standards, M4(2), efficiency and renewable requirements etc. must apply to affordable housing to ensure quality. Local authorities must be able to set house sizes, tenures and ensure that affordable housing is mixed throughout a development not delivered in specific parts of a site or in clusters.

**Q25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]**

Yes, local authorities need the ability to be flexible, to react quickly to changing circumstances, fund a wide range of infrastructure to meet the needs of all development across the area and ensure funds area spent and infrastructure delivered at the appropriate time.

**Q25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]**

Ring fencing should be determined by local planning authorities to ensure that the Levy or 'in-kind' delivery of infrastructure meets local needs as and when necessary.

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

The Council support the Government's aspirations in relation to engaging more people in the planning process. This has always been challenging to achieve, however the ability to make the system simpler and more understandable will have significant benefits in achieving this.

Notwithstanding this, the proposed White Paper seeks to comprehensively reform the way that local communities seek to shape development in their area. The Paper essentially will remove the ability for people to comment on detailed planning applications, particularly in areas of growth and removes the ability for Planning Committees to determine many applications locally. The reforms seek to essentially 'rubber-stamp' developments in areas of growth, seeking to frontload any discussion to the principles of zoning land via the local plan process.

The loss of such a significant strand of public input and local democracy is of significant concern to the Council, particularly in securing its ability to address the concerns of the communities it is there to serve.

Furthermore, the reforms seek to prioritise the role of digital platforms through the planning system. Whilst the Council accepts and supports the increasing role of digital systems the Government need to be mindful that the greater promotion of digital forms of engagement and publication may also exclude specific sections of the community, such as the elderly and those in areas with poor broadband coverage.