

Rutland County Council
White Paper Consultation Response [Draft]

Highlight indicates changes following consideration by Council on 12th October 2020

1 Introductory comment

- 1.1 It is recognised that the planning regime in England has become over-complex, plans take too long to prepare, assessments of housing need and environmental impacts have become too complex and opaque, **is subject to appeals and recourse to the Courts,** the process for negotiation of developer contributions has become protracted and unclear, and more is needed to improve the quality design in new development.
- 1.2 The White Paper needs to recognise that the national shortfall on housing delivery is a complex matter going beyond the reform of the planning system.
- 1.3 The White Paper is short on detail as to the form of any subsequent primary and secondary legislation and as to how many of the ideas in the White Paper will be taken forward. It is noted that the Government intends to undertake further consultation on specific issues, and this is welcomed. The lack of detail and further consultation is likely to impact on the proposed legislative and implementation timetable.
- 1.4 **There is a lack of an appropriate evidence base to support the proposals set out in the White Paper, and it ignores the thrust of recent independent reviews of aspects to the planning system. For example, the Government is fully aware of the issues with the land market as it was made clear in the Independent Review of Build Out Report that it commissioned, led by former Conservative Minister Oliver Letwin MP. This report made clear the limitations of the local housing markets to absorb new homes without materially disturbing the market price and in turn reducing the value on sites and shareholder value. This is entirely at odds with the Government drive to deliver more homes and clearly identifies the need to diversify the market and the tenures being delivered.**
- 1.5 **The reforms set out in the consultation seek to ensure the planning system is accessible, accountable, digital and transparent. This is proposed to create an increase in access and engagement for all groups and individuals. However, there is a risk that there will be a differential impact on those who do not have internet access, who are proportionately greater in older age groups, by the Government's proposals for the planning regime in England to be more digitally orientated. Without due provision, the proposals may also disadvantage those that prefer or require access to paper copies.**
- 1.6 It is a serious deficiency of the White Paper that it gives no consideration whatsoever to minerals and waste planning. It is far from clear how planning for mineral extraction and waste facilities could fit in with the concepts of growth, renewal and protection areas. **Similarly, as the White Paper focusses on housing delivery, it fails to pay sufficient attention to how the planning system can best support issues considered extremely important in Rutland such as climate change, employment and the recovery of local economies; sustainable transport; the need to protect best and most versatile agricultural land for food production.**
- 1.7 **While we recognise that the NPPF has simplified the rules for Local Plans and development control the National Planning Policy Guidance is far from transparent and has probably created even more information that needs to be considered compared the previous PPGs.**

1.8 We support the principle of providing more affordable homes for the young people of this country and we have placed that at the heart of our local plan which is about to be submitted for examination.

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

- 2.1 The White Paper sets out what might change through plan making but is not clear about the fact that key aspects of current plan preparation and decision making will continue to be integral to the system. Consequently, it gives the impression that there will be much less work to preparing plans than is likely to be the case. It is anticipated that the workload and cost of preparing a more simplified Local Plan as proposed would not change significantly given the scale of evidence still required.
- 2.2 In plan-making under the present system it is established good practice to identify the issues and opportunities the plan needs to address, sets out a vision for the area together with strategic objectives, and develops an overall strategy to shape the future of the area. Without clarity about these higher-level issues, any plan which seeks to go straight to site related proposals will not necessarily be soundly based, or capable of being demonstrated to be robust. These features will be just as important in any changed system as now, and the Government should be encouraged to make this clear as it develops its proposals further.
- 2.3 In particular, it will continue to be crucial that there should be a clear vision and strategy for the area, which addresses the key issues and explores the real choices available, to set out the framework which underpins all that follows.
- 2.4 There is much within the White Paper about the need for housing, but very little on the wide range of other matters which plans deal with. It gives little or no attention to the local economy, the interrelationship between development and infrastructure, the quality of life for local people, and important matters such as minerals and waste planning. There seems only passing reference to climate change rather than identifying this as a focal point in planning for the future. This is in marked contrast to the National Planning Policy Framework (NPPF), which sets out succinctly the very wide number of matters which plans are likely to need to address.
- 2.5 Given that it has been judged to be in the public interest that local plans should address this range of issues, it is presumed that they will continue to need to do so in the future, albeit with a greater emphasis on their role in formulating the plan proposals than as topics to be addressed in their own right. The Government should remove uncertainty by making this clear in further developing its proposals.
- 2.6 A large part of plan preparation involves the collection of evidence to inform the plan and assist in decision making about it. The White Paper describes the burden of evidence as disproportionate, and in principle we agree with this view. The intention is expressed to simplify the process of environmental assessment, and this is supported in principle. We welcome the opportunity to comment further on future proposed consultation regarding this. It would be appreciated if further guidance is provided on how the evidence base might actually be slimmed or simplified. The provision of a definitive list of required evidence required along with standard templates for key evidence would help reduce the volume, cost and time taken to prepare evidence and would limit the scope for challenge of evidence, especially through Judicial Review.
- 2.7 Important decisions cannot be allowed to be made on the basis of unsubstantiated assumptions, opinion, or misinformation; they need to be well founded. So, given the wide range of matters which the NPPF requires plans to address, further clear guidance from the Government would be appreciated as to the practical scope to significantly reduce the burden

of evidence.

- 2.8 Any planning process is about balancing a wide range of factors and making choices, which requires consideration of the real alternatives available to the Local Planning Authority (LPA), and their appraisal. There is no mention of consideration of alternatives in the White Paper, but it will still be an essential part of plan making to ensure that the best solutions are chosen. Developers will still wish to have their potential sites properly and fairly considered, and communities and individuals will still wish to be able to see the options available and express their preferences. Local Plan Inspectors will need to be able to confirm whether the main elements that make up the plan amount to **reasonable** choices to deliver sustainable development.
- 2.9 The discussion under this proposal focuses on the assignment of land to one of the three categories of growth, renewal and protection areas. But it does not consider how that might be done. The world is complex, and so are cities and towns, so it is no surprise that the NPPF identifies so many matters which need to be considered in preparing plans. As noted above, LPAs will still need evidence about such matters and take them into account as appropriate to the area in making decisions of *principle* about where growth should take place. They will still need to consider valid alternatives. And they will still need to set out an overall strategy to set the framework for decisions on the three types of areas.
- 2.10 Moreover, the White Paper appears to assume that once land has been assigned to one of the three categories of growth areas, renewal areas and protected areas, and development management policy has been transferred to the NPPF, there will be no need for local plans to address other matters. There is no information about whether such designations should cover the whole of an LPA's area, or whether it is acceptable to have areas which are not subject to one of the three categories, or indeed areas which might be covered by two categories. For example, an area might be "protected" for one or more reasons (such as a conservation area) but could also be considered as a "renewal" area too.
- 2.11 However, in formulating their plans, planning authorities will still need to address all the relevant considerations that bear upon their decisions about whether land is suitable for development, and the form it should take. As noted above, the NPPF sets out the matters to be considered.
- 2.12 Most of the matters identified by the NPPF are not about development management policy, but are important matters of principle to be addressed by local plans, including (purely as examples) such matters as the proportion of affordable housing, density standards and their areas of operation, economic strategy, specific measures to encourage walking and cycling, and local parking standards. Such matters require the development of solutions which reflect the local circumstances and are generally not capable of being dealt with by national development management policies.

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

- 3.1 One of the reasons many local plans are so lengthy is that they commonly contain large numbers of relatively detailed development management policies, which are repeated in different forms from plan to plan. So, the proposition that there should be no repetition of national policy within local plans is fully supported. So too is principle in the proposal that the NPPF should be developed to include a suite of standardised development management policies. In addition, it is considered that there is a good case for a national set of conditions to run alongside this.
- 3.2 The White Paper effectively assumes that all the LPA will need to be able to deal with planning applications will be the assignment of sites to the three categories, master plans

and design codes, and the NPPF development management policies. LPAs should have the discretion to add development and location specific conditions.

- 3.3 Many of the matters which the NPPF requires local plans to address are plan making matters, not development management policy. Suitable policies (or rules) will continue to be needed to deal properly with such matters and be taken into account in decision making on planning applications.
- 3.4 Moreover, there are some types of development management policy which are not suitable for national policy. These include: policies which quantify requirements, such as the percentage of affordable housing, density levels, and parking standards; policies which delineate the area over which a policy or requirement will apply (examples are the definition of the extent of town centres and primary shopping areas, the areas where different density levels will be expected, and areas where tall buildings are appropriate) and policies to address particular circumstances which are specific to the particular area. One example for Rutland County Council would be the Rutland Water policy area.
- 3.5 It is also questioned whether all matters which are in the nature of development management policies can be dealt with through single national development management policies, to apply everywhere in the country. There are rich differences in character between different areas which require approaches which respond to the local circumstances **especially between urban and rural areas**. The danger is that national policies will have to be so generalised that they will have limited practical use in dealing with actual proposals; or that inadvertently they will steer development in ways which are simply wrong when applied to specific local circumstances, **resulting in unintended consequences**. The better solution is to accept that there should remain some flexibility to ensure that development management policies suit the local situation.

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

- 4.1 At this time there is little detail of what the proposed sustainable development test would involve. Further information from the Government is appreciated; accordingly, some questions are posed to assist the development of the proposals:
- Given the expressed intention to replace sustainability appraisal by a simplified environmental impact assessment, how can a plan be tested for the economic and social pillars of sustainability if there is no appraisal process for them?
 - It is proposed that the testing of sustainable development should be against the policies of the NPPF. But the NPPF does not address all the aspects of sustainability, so how can this work **unless it is planned to expand the NPPF or guidance in this area?** As an example, reducing the need to travel is a familiar sustainability objective, but it is not mentioned in the NPPF.
 - If the present “positively prepared” test is to be abolished, will there be no testing of whether the plan meets the mandatory housing requirement?
 - Will the demise of the “justified” test mean there will be no consideration of whether the plan represents a suitable strategy that it is supported by evidence, and that reasonable alternatives have been considered?
 - How will the deliverability aspect of the “effective” test be incorporated into the new sustainable development test? This is an essential element of ensuring that not only is sufficient land identified to meet development need but that it will actually be delivered.
 - Is it really intended that **by** abolishing the “national policy” test, the Inspector will be precluded from considering whether the plan conforms with national policy?

- What will happen if the Inspector concludes that additional housing sites are needed to fully meet the mandatory housing requirement, or that a proposed site should be removed from the plan and replaced? How will the additional site(s) be identified if there is no testing of how the plan has considered alternative sites (the “justified” test)

- 4.2 Questions such as these will need to be fully resolved before making any significant change to the examination process.
- 4.3 An alternative approach to the soundness test is mooted in the White Paper, which is to include reserve sites in plans. It is not clear how this could work with the three categories. They could not be growth areas with outline planning permission, nor could they be subject to a presumption in favour of development as renewal areas, and they would certainly not be protected areas.

5 Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

- 5.1 The White Paper says that plans should be for a minimum period of 10 years. It is not clear whether this would be from the time of preparation of the plan or the anticipated date of adoption.
- 5.2 No reason is given for departing from the current requirement that plans should be prepared for a minimum period of 15 years. If the Government is minded to bring this change forward, it is urged to set out clearly its reasons for the proposed change, so that interested parties can respond. At this time the point needs to be made that a risk with a shorter plan period is that plans could become less strategic in nature, and more likely to be based on incrementalism. There is also a significant risk that a 10 year horizon does not provide sufficient time for major development proposals, particularly those which require additional infrastructure to be planned and delivered, reducing the effectiveness of the “growth area” designation in delivering new homes and jobs.

Binding housing requirements

- 5.3 It has been suggested that binding requirements would be set through the use of an algorithm, which would factor in considerations such as the extent of land constraints, the scope to use brownfield land, and the needs for other types of development.
- 5.4 Further work and consultation with LPAs would be appreciated to determine how local circumstances could be taken into account within any proposed algorithm. A whole series of questions arise, which would need to be resolved in designing an algorithm, or any other methodology for that matter:
- How would the land requirement for types of development other than housing be quantified, without substantial evidence and work to assess targets or needs?
 - How would LPAs with very tight boundaries be dealt with, such as Birmingham, Bristol, Liverpool and Newcastle? Such LPAs have very little opportunity land to meet housing and other needs.
 - What would happen where the consideration of identified local constraints led to the requirement being set substantially below the “raw” standard method need figure? Would that element of the national requirement be simply lost, or would it need to be transferred to adjoining authorities with more land potential? If the latter, what would be the mechanism and local justification to deal with this?

- Where an LPA believed it had strong reasons to be able to set a higher requirement figure, would they be prevented from doing so? If it would be allowed, how would this work?
- How would the potential from brownfield development and densification be addressed without consideration of the particular local circumstances? As an example, in some areas, the increased construction costs of higher densities would make development less viable and therefore less likely to be delivered
- Since the Green Belt is listed as one of the constraints to be taken into account, is there a presumption that there would be no release of land from the Green Belt? Or, since the White Paper says that Green Belt policy will continue unchanged, will there still be the potential for Green Belt boundaries to be changed where exceptional circumstances are demonstrated? Will the government decide where there should be Green Belt releases?
- Why is flood risk treated as if it is an absolute constraint? In areas with no or very limited alternatives, suitable measures can be taken to prevent or mitigate the risk of flooding, as provided for in the NPPF sequential approach
- Where an authority produced robust evidence that a binding target could not be met, and the local plan Inspector concluded this was valid, what would happen?
- If binding targets are to be set, what testing will there be of the methodology and its application to individual LPA areas? Would there not be the prospect of LPAs or others resorting to legal challenge where they considered the basis on which the requirement was set was flawed?
- Given the proposal that the 5-year land supply requirement would be discontinued, how could it be assessed whether a draft plan would deliver sufficient housing in the short term **as well as monitoring the potential delivery of the new plan?**

5.5 It is contended that to be able to set binding targets which would stand up to scrutiny, the Government could not safely seek to depend on an algorithm – there are too many factors where locally specific assumptions would need to be made. Rather, it would need to commission a series of sub-regional studies to assess the requirements and potential capacity for all kinds of development for LPAs or groups of LPAs. These would have to deliver their outputs before material progress could be made on the local plans for those areas.

5.6 Leaving the calculation of how much development land to provide to local decision is preferable to a centralised formula which is already proving to be unrealistic when tested on local authorities, especially in the case of Rutland. Lichfield consultants have calculated new housing targets using the new method. To demonstrate the point, the table below (Table 1) indicates how unrealistic and potentially harmful the new figures are.

Table 1: Comparison of selected LPA Local Housing Need Figure changes in ascending order

LPA	Average delivery (3 years)	Current Standard Method	Proposed new Standard Method	% age increase
Newark and Sherwood	572	494	764	55%
Fenland	418	538	844	57%
Corby	535	506	799	58%

Breckland	692	661	1,070	62%
Brighton and Hove	392	924	1,520	65%
Tonbridge and Malling	806	843	1,440	71%
East Devon	842	928	1,614	74%
Boston	391	249	443	78%
East Northamptonshire	462	457	821	80%
Chiltern	291	343	619	80%
Havant	402	504	963	91%
Dover	435	596	1,279	115%
South Derbyshire	986	548	1,209	121%
North East Lincolnshire	257	211	470	123%
Harborough	592	550	1,238	125%
Cotswold	824	487	1,209	148%
Rutland	240	122	307	152%
Hillingdon	854	783	2,026	159%
Hackney	1,328	1,862	5,031	170%
Bromley	707	897	2,487	177%
North West Leicestershire	845	359	1,153	221%
Kensington and Chelsea	268	998	3,285	229%
Camden	993	1,568	5,604	257%
Westminster	1,096	1,495	5,750	285%
Richmond upon Thames	423	441	2,247	410%

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

Growth areas

- 6.1 The White Paper proposals for zoning have some merit and may be appropriate in some limited areas, but it is difficult to see how these will work in practice. Zoning is not considered flexible enough to apply across the board. It is considered that a finer grained approach with detailed arrangements between zones together with an overlay of other criteria would be likely to work better.
- 6.2 The White Paper proposes that on adoption of a local plan, growth areas would automatically receive outline planning permission. It does not address the fact that when dealing with an outline planning application, the LPA has to address all considerations which have a bearing on whether the principle of the development should be accepted, as part of their duty to consider the public interest in decision making.
- 6.3 The particular considerations will depend upon the circumstances of the site and the proposals. They may include matters such as the proportion of affordable housing, infrastructure requirements, greenspace requirements, **highways matters**, the need to protect features on the site, measures needed to avoid adverse environmental impacts, measures to protect the amenity of adjoining properties, matters requiring prior site investigation (such as land contamination or stability). Statutory consultees play an important role in identifying measures required to be able to safely issue outline permission. A further practical question is how issues such as ground conditions or unknown infrastructure might be considered at the plan making stage. There is a risk that sites zoned for growth may later transpire to be undeliverable. It is stressed that these are not matters of detail which can be dealt with as

reserved matters but need to be resolved upfront in making the decision of principle whether to grant outline permission.

- 6.4 The same would have to apply to the decision to grant outline permission through the local plan. The same kinds of matters would need to be investigated and resolved to properly address the public interest. Effectively, matters presently dealt with at outline planning application stage would be brought forward to be addressed at plan making stage.
- 6.5 The amount of work required by both the LPA and landowners or developers is likely to be considerable. As with an outline planning permission there will need to be cooperation and negotiation between them, to establish the form the outline permission should take to meet both their needs. Moreover, elected members and community groups, aware that there will be no further opportunity to address matters of principle at the time of a planning application, will be concerned to ensure that nothing of relevance is missed or inadequately addressed. There is little information on how the community will be able to engage with this part of the process once the plan has gone beyond the early engagement stage. This will increase the scrutiny which emerging proposals for growth areas will receive.
- 6.6 It follows that where a local plan puts forward substantial growth areas, considerably more work will be required than is currently the case in deciding whether to allocate land. That will impact significantly upon the resources and time needed to prepare the local plan.
- 6.7 The Government therefore needs to take account of the fact that proposals for growth areas are likely to entail substantial additional work, cost and time in preparing local plans – this will be exacerbated where there are significant changes to the calculation of the Local Housing Need which may well trigger significantly differing impacts on infrastructure. That investment may be returned in time by reductions in work dealing with planning applications. But it will still bear upon the workload involved in preparing plans, and the time they take to prepare.
- 6.8 It is possible that developers will be willing to invest the necessary resources to provide evidence to the LPA to demonstrate that their site is suitable for the effective grant of outline planning permission. However, for a large site which raises a lot of issues, there could be very considerable cost involved. The question therefore arises of whether they will feel able to make such an investment, before they know that the LPA has made a firm decision that it wishes to make the site a growth area. That position would only be reached when the plan had reached quite an advanced stage.
- 6.9 Outline planning permissions commonly include significant numbers of planning conditions which are necessary to set out how significant considerations need to be dealt with or resolved, and without which permission could not be safely granted. A mechanism will be required to bring the matters currently dealt with by conditions into the local plan. These could take the form of site-specific standards or requirements, or “rules” to use the language of the White Paper; and their scope will necessarily go further than the matters cited in paragraph 1.20 of the White Paper.
- 6.10 The White Paper appears to assume that Section 106 agreements deal only with provision of infrastructure and can therefore be replaced by the proposed consolidated CIL. However, Section 106 agreements are often used to deal with other matters where it is not appropriate to use a planning condition to mitigate an impact of the proposal and enable planning permission to be granted. In addition, Section 106 agreements are used to cover important issues such as affordable housing and minerals restoration. Since a Section 106 agreement relates to the principle of development, it has to be entered into at the time the decision in principle is made. So, for an outline application it must be resolved at that time and cannot be left for the reserved matters stage. The planning permission is only issued when the signed Section 106 agreement is in place.

- 6.11 Since the identification of growth areas in local plans is likely to require the preparation of Section 106 agreements, in further developing its proposals the government will need to address how this can be dealt with. If the matter is not resolved, it would appear that any site for which it was established that a Section 106 agreement would be needed, could not be identified as a growth area.
- 6.12 In addition to the matters raised above, the further development of the proposals for growth areas will need to consider a number of practical questions which arise, including how biodiversity net gain will be addressed. Because a developers' overall scheme will be required to be able to demonstrate that there are the means of securing net gain on site before outline permission is created.

Renewal areas

- 6.13 The White Paper proposes that renewal areas should be subject to "a general presumption in favour of development". It is not clear what is meant by this. Is it intended to apply to *any* form of development? Because that could include development which could have a harmful impact in the area, e.g. a hot food take-away next to a school; or development which planning policy seeks to steer such uses towards particular areas, e.g. retail development. Or will it apply more narrowly, in the way that current local plans commonly contain a policy supporting residential development within existing settlement areas?
- 6.14 The discussion of renewal areas does not go into much detail about what they might cover. It is assumed that to give developers and communities reasonable certainty about what might be permissible in a particular area, different types of renewal area will be identified for, by way of example, residential areas, town centres, and employment areas. The presumption would then apply only to conforming development.
- 6.15 Taking this further, rather than designate large parts of urban areas uniformly as residential renewal areas, with the same policy principles applying, it would seem desirable for LPAs to be able to have different types of residential renewal areas. This would enable plans to differentiate between the kind of approaches required for areas of very different built form and character. The ability to differentiate renewal areas would also enable particular areas of opportunity to be highlighted, as well as areas where there are distinctive local issues which need to be dealt with. The same would apply to employment areas, where it would be desirable to indicate particular areas of opportunity. It would certainly appear to be necessary within town centres, which commonly contain areas where redevelopment is desired alongside areas which are more stable and have high conservation value.
- 6.16 Looking beyond residential and employment areas within cities and towns, issues arise about other types of development. A range of questions and comments come to mind which would need to be resolved in further developing the proposals, including:
- How would the sites of community facilities such as hospitals, clinics, doctor's surgeries, community centres, leisure facilities, and local shopping centres (as against town centres) be dealt with?
 - What about infrastructure such as depots, pumping stations, gasholders?
 - Would they have to be individually delineated as renewal areas in their own right, or would they be washed over by the surrounding renewal areas, and dealt with as necessary by policy?
 - Would all villages where some redevelopment or infilling is deemed appropriate have to be delineated as renewal areas? Some current plans do not define boundaries for smaller villages but rely on criteria-based policies. To have to delineate a large number of new boundaries could lead to a lot of representations about where lines should be drawn, which could add considerably to the scale of plan examinations

- On the other hand, to put a village in open countryside in a protection area, but have policy which allowed for limited development, would send mixed messages and potentially cause confusion

- 6.17 The White Paper (at paragraph 2.33) refers to pre-specified forms of development being subject to a new decision route which gives automatic consent if the scheme meets design and other prior approval requirements. This takes no account of the fact the local plans will continue to need to contain policy or rules for matters which are not capable of being dealt with by national development management policies.
- 6.18 Moreover, within established urban areas the determination of planning applications often requires the consideration of matters other than design principles, normally referred to as material considerations. Some examples are the impact upon a conservation area or listed building, significant matters of amenity for neighbours such as over-shadowing, loss of community facilities, localised flooding issues, possible land contamination. Such matters cannot be left to be dealt with as reserved matters but need to be considered at the time of the decision on the principle of the development.
- 6.19 Given the fact that relevant policies will still be required, and material considerations will still arise, they will still need to be taken into account in decision making, so the proposal appears to be unworkable.
- 6.20 The point is made above that in dealing with biodiversity net gain, the LPA will need to see the developer's proposals before the creation of outline planning permission, to be able to confirm that **the on-site** provision to achieve net gain is achievable. The same issue will arise in relation to any mechanism intended to create a planning permission in a renewal area. This needs to be resolved before any legislation is brought forward.

Protected areas

- 6.21 The White Paper says that development proposals in protected areas would be assessed against policies in the NPPF. But the NPPF identifies a wide range of matters which can only be addressed by the development of local policies to reflect the particular local circumstances. Where such a plan policy was relevant to a particular proposal in a protected area, it would still need to be taken into account. This would be particularly relevant in the case of a larger proposal in a protected area which offered benefits which could lead to the grant of approval.
- 6.22 The areas to be treated as protected areas are described as areas where their particular environmental characteristics would justify more stringent controls. Apart from designated areas, there is reference to areas of open countryside outside of growth or renewal areas. This needs to be explored further, because urban areas are often fringed by uses such as sports grounds, golf courses, and other activities which do not have the character of open countryside. However, given the intention of the White Paper to give further emphasis to development being plan led, it would appear necessary to include such land within protected areas, on the basis that it is not identified for growth or renewal.
- 6.23 An alternative would be to reserve protected area status for areas where there really is something which needs to be protected, and for plans to also be able to identify areas of land which is not assigned to either of the three categories in the White Paper. In such areas there would be no presumption in favour of development, but neither would they be presented as being protected.
- 6.24 Issues also arise about parks, playing fields, amenity greenspace, school grounds and other greenspace within towns. Such areas are very important to community life and well-being and will need to be retained. However, they are not covered by any of the designations listed in the White Paper. The implication is that they would be included within renewal areas, but

in such areas, there will be a presumption in favour of development. This cannot be right and would send the opposite message to what is intended.

6.25 The implication the points made here is that it would not actually be possible or sensible to try to force every scrap of land into one of the three categories. The logical solution would be to have an additional designation which does not carry a presumption either in favour of or against development, with some such areas being subject to appropriate policies specific to them.

6.26 Finally in relation to Proposal 5, the White Paper suggests that Conservation Areas would be included as protected areas. However, large parts of many town centres are covered by Conservation Areas, and these areas are considered suitable for minor development and redevelopment so could be considered suitable for a “renewal” area designation, so key growth areas would be protected areas, which would be confusing and misleading. This needs further consideration.

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

7.1 We welcome the intention and proposals to harness modern technology to speed the validation of applications, improve case management software, move to shorter and more standardised applications, improve planning registers, standardise planning decisions and some elements of developer contributions, improve planning notices, standardise technical supporting information and introduce national standard planning conditions. Provided such changes are well-designed in liaison with prospective users, there is considerable scope to both speed and simplify processes and make planning information more readily accessible to the full range of potential users. Whilst speedier decisions and certainty is important, but most would agree that the most important thing is getting the right decision.

7.2 There are concerns that inflexible deadlines may result in perverse consequences such as more refusals because all issues have not yet been resolved. This is particularly the case when specialist advisers are relied on e.g. Environment Agency, Environmental Health, Fire Safety. There may be merit in creating a single planning application system for use in England, provided it is fit for purpose, to avoid duplication of effort and procurement. A practical concern is how LPAs would manage their budgets if fees are to be refunded with a time lag across different financial years. Would LPAs be inclined to approve marginal schemes to avoid a risk of refunding fees, thereby incentivising speed over good design? Perhaps the reverse should also apply, that LPA’s costs should be refunded in full if developer loses their appeal. Digitisation should be 100% - all applicants should be required to submit electronic applications. Perhaps the Planning Portal should have a scanning service where people can send hard copy applications to them to be scanned and sent, through the portal, to the LPA? If we have one planning system, it needs to be a good one.

7.3 In developing the ideas, it will be important to ensure that the full range of potential material planning considerations, reflected by but not restricted by the range of content of the NPPF, can continue to be addressed. Where a proposal raises a valid material consideration, the form of the local plan or the consent process should not prevent it being given proper attention.

7.4 There has been speculation that these proposals might be developed in such a way that they would enable artificial intelligence to read development proposals, assess whether they conform with plans, codes, and the NPPF, and determine the application. It is considered that in the case of minor and straightforward applications there is substantial scope for artificial intelligence to carry out much of the appraisal process and point toward the likely decision.

- 7.5 However, more complex applications commonly comply with some policies and conflict with others and raise issues which are particular to the specific proposal, so that a balancing exercise is required to come to a judgement on the merits of the application. It should be clearly recognised that artificial intelligence can assist in the processing of such applications, but not replace that exercise of judgement.
- 7.6 The White Paper proposes the delegation of decisions to planning officers where the principle of development has been established. The implication is that there will be a national scheme of delegation. The effects of this could be that elected members and people averse to development, knowing they will have little say at the planning application stage, will scrutinise local plan proposals more extensively to try to ensure that any possible adverse implications are resolved in the local plan. This will add time to plan preparation.
- 7.7 At the application stage, there is likely to be forensic examination of compliance with master plans and design codes, accompanied by representations to officers that proposals do not comply and should be refused. This in itself means that design codes, masterplans etc must all be adopted at the same time as the local plan to ensure that the detail is available to use to determine whether an application complies with it. Those will have to be worked through and properly responded to. So, it cannot be assumed that the work involved in dealing with applications, particularly where they are contentious, will necessarily be reduced.
- 7.8 The possibility is mooted that where a planning authority does not determine an application within the time limit, the application fee should be automatically be refunded. This assumes that all the information needed to determine the application will be provided at the time of application. The reality is that in many cases the LPA has to request information, which was not included, that the observations of consultees require further information or changes to the proposals, and that the LPA needs to negotiate changes to an application to make it good enough to be approved. In all those matters much depends on how quickly the applicant responds. LPAs should not be punished for the tardiness of applicants.
- 7.9 The White Paper also proposes that where a decision is overturned at appeal, the application fee should be rebated. However, often the reason for refusal is that the application has not provided information needed to be able to properly determine the application. In such cases, applicants commonly provide the missing information to the Inspector, or proposes changes to resolve concerns by the LPA, which then allows the grant of approval. It would be unfair where the failing was with the applicant, for the LPA to be penalised.
- 7.10 As a final comment on this proposal, there is unfavourable comment in the introduction to the White Paper about notices on lamp posts. Whilst supporting the intention to enable people a range of means of finding out about planning proposals, for many in the community the most reliable and straightforward way of becoming aware of an application will be to spot such a notice. Then, with that awareness, they can be enabled to more readily access the details and comment upon them.

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

- 8.1 The principle that plans should become much easier to read and use, and harness new and emerging technology to do so, is supported in principle. What needs to be fully appreciated is that a considerable amount of development work will be required to produce workable systems which meet all the functions of local plans and their scope.
- 8.2 That development activity would take place alongside the preparation of plans and demand extensive input by the same planning staff whose role it is to prepare the plan. This will require a specific programme of up-skilling planners to ensure the technology and skill base is available – otherwise it will become a very costly and time consuming approach follows

that whilst in the longer term the innovations should help speed up plan preparation; in the shorter term the overall work involved in preparing plans would be significantly increased.

- 8.3 It will also be important to ensure that the new models for plans will be accessible to all in the community, and not exclude people who do not have a computer or mobile phone, for instance. Guidance will be required through templates or examples of how this might work, or it might even be appropriate to consider the development of a national software to support us. This might help to achieve a common style and approach across the country for the benefit of communities and developers. **It is interesting to note that this is not even at the pilot stage, yet it is the basis of this proposal. Is this not premature?**

9 Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

- 9.1 The ambition for shorter plans, which can be produced more quickly, is welcomed as a principle, as is the concept of focusing community engagement on the plan making stage, rather than when planning applications are made.

Community engagement

- 9.2 However, the proposals for community engagement within the proposed statutory process will not enhance community engagement but drastically restrict it.
- 9.3 The proposal seeks to increase engagement at the formulation stage of the local plan, and specifically in the first stage of calling for suggestions for sites and areas under the three categories. That will enable people who have an interest, and representative bodies such as Parish councils, to make representations on things they would like to see in the plan. In principle this is desirable.
- 9.4 However, the great majority of the population and representative bodies such as parish councils will not be seeking to promote development. Rather their interest in the plan will be to understand how it may affect them, and in particular how it may affect the area where they live. So, the appropriate time for them to get involved is when there are actual proposals by the LPA to respond to.
- 9.5 Under the current plan making process the normal opportunity to see and comment on the emerging plan proposals is the draft plan stage. People can examine the proposals of the draft plan, to consider whether they may affect them, whether favourably or in a manner which they feel will harm their interests. They can submit their comments on the proposals, and have these considered by their elected members, who will decide whether to make changes to the plan before moving towards its submission. This gives ordinary citizens a genuine opportunity to influence the plan, and elected members the occasion to consider the effect upon the people they represent.
- 9.6 Under the White Paper proposals there would be no draft plan stage. Rather, having formulated the plan the LPA would submit it for examination, and at the same time publicise it for people and organisations to comment. Given that the period proposed from submission to the Inspector's decision on the plan is only six months that would give the LPA, as the democratic body charged with preparing the plan, no practical opportunity to consider the comments received, and decide whether it wished to make changes in the light of those comments.
- 9.7 There would be no opportunity for elected members to represent the interests of their electors by considering comments they make on the plan to decide whether they can improve it before submission. That function would be taken away from the LPA and passed to the Inspector, whose function would not be to consider the particular concerns of members of the public and communities, but to assess in a much more limited way whether the plan met the

sustainability test. Whilst they would have the right to have their comments considered by the Inspector, ordinary people would not have the expertise to argue their position at examination hearings. There is also an absence of detail as to whether examinations would take place in public, given that "hearings" could be by phone or in writing.

- 9.8 Thus, whereas the White Paper has a stated aim to improve the opportunity for people to genuinely influence the plans for their areas, the proposed process would actually substantially reduce the scope for them to do so. Instead, the main opportunity to influence the content of plans would reside with landowners and developers, who would be able to use their resources to promote sites for inclusion in the plan; together with some interest groups, which would have the capacity to engage effectively in the examination.
- 9.9 What must be considered likely is that without the opportunity to comment on a draft plan, people and groups will take up the only opportunity available to them, which would be to make representations on the plan and have them considered by the Inspector. If large numbers of people did this that would greatly extend the work of the Inspector, because with no stage for the LPA to consider and respond to such representations, the Inspector would have the full responsibility for doing so. This could impact significantly on the length of the examination process.
- 9.10 Having had limited opportunity to influence the local plan, people who were unhappy about particular proposals would hope to have their concerns heard at planning application stage. However, the White Paper proposals taken together seek to shift decision making from the planning application stage to the plan making stage and reduce the scope of what can be considered where planning applications are required. So, people seeking to engage at that stage would find that they had little real opportunity to influence proposals which gave them concern.

The timetable

- 9.11 These observations have made several points about the amount of work which will be involved in preparing plans. The White Paper says that proposals will be brought forward for how the evidence requirements for plans will be reduced. This is certainly welcomed, and practitioners will look forward to seeing the Government's proposals. However, there is some justified scepticism, because as these observations have pointed out, most of the matters covered by current local plans are likely to still need to be addressed, either in making decisions about what land should be identified as growth areas, renewal areas or protection areas; or as necessary supporting policy tailored to the circumstances of the area especially if related parties still have the opportunity to challenge the process or decisions through the courts.
- 9.12 Moreover, where land is being considered for identification as growth areas, there will be substantial additional work to address all the considerations which need to be resolved before outline planning permission can be created. There will also be considerable additional work in preparing masterplans and design codes.
- 9.13 At the same time as dealing with these matters, LPAs will have to develop and adapt to the use of new and emerging technology, to change the way plans and evidence are presented and made accessible – desirable but with a resource and time cost.
- 9.14 The view is therefore taken that unless the Government is able to come forward with radical proposals for the simplification of evidence requirements which will work and genuinely reduce the work involved, the reality may be that the new regime will involve as much or more work overall, not less.
- 9.15 It is also likely that despite change to the tests of soundness, local plan examinations would actually take longer, because the Inspector would have to deal with representations on

matters which under the present system, the LPA would deal with as comments on the draft plan.

- 9.16 It follows that the timetable as set out is most unlikely to be achievable, however motivated the LPA. It further follows that the government should not contemplate the introduction of a statutory duty to adopt a plan by a specified date or within a specific timescale, unless it has demonstrated conclusively the actual **process, measures and evidence required which will make this achievable.**

10 Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

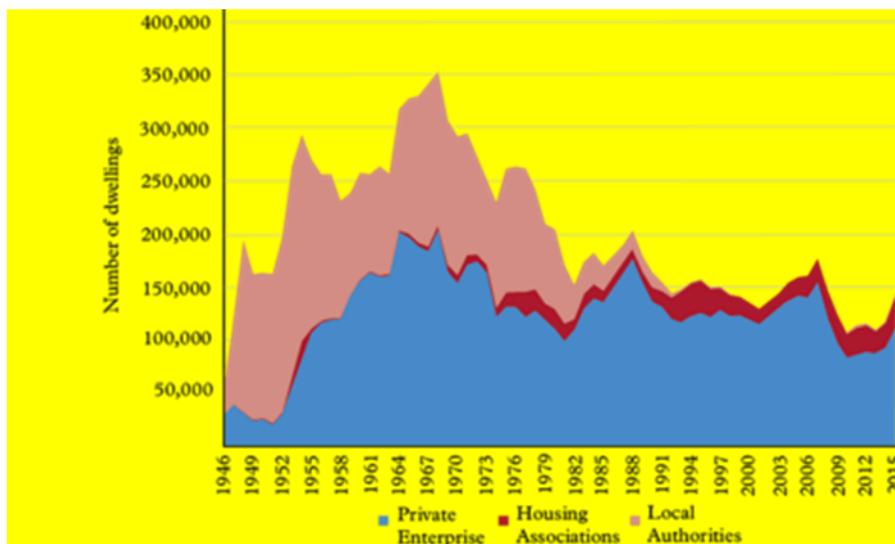
- 10.1 The intention to encourage the preparation of more neighbourhood plans in smaller areas of towns is welcomed, but further guidance is likely to be required as to how this could be achieved.
- 10.2 The White Paper says the Government will want to consider whether their content should become more focused to reflect the proposals for local plans. This can be read as an intention to narrow their scope, which would act as a disincentive to prepare them.
- 10.3 It is challenging to see how Neighbourhood Plans will fit in with this new style of Local Plan and it is recommended that the Government will need to provide detailed guidance on this matter. There is potentially a greater role for NPs in developing local design codes and pattern books; however, as always this raises issues of skill set and the level of support required for **such** groups.

11 Proposal 10: Stronger emphasis on build out through planning

- 11.1 The intention to develop further options to support faster build out on large sites is welcomed, and we look forward to seeing proposed measures. Such proposals must however become an important part of the new process in recognition that build out rates are affected by external influences beyond the control of the Local Plan.
- 11.2 The proposal needs to pay attention to the spatial and sequential elements in the physical development of sites, such as access, security, construction management issues and absorption rates which affects the completion rate on large sites.
- 11.3 **Given that there is over a million homes which already have permission what are the government's plans to speed up their delivery since if the planning process can be reduced in complexity and therefore timescales it is essential that these homes are built at the earliest opportunity. Consideration might be given to the idea of Council tax being charged on undeveloped or underdeveloped land which has permission.**
- 11.4 **The recent report by former Conservative Minister, Oliver Letwin MP reaffirmed the findings of other surveys to show that housebuilders limit the number of homes built each year. In Letwin's letter to the Chancellor of 9 March 2018, he had already formulated an explanation for slow build out rates which amounts to too low an "absorption rate" i.e. the rate at which newly constructed homes can be sold into the local market without materially disturbing the market price. This last statement alludes to the fundamental raison d'etre of corporate house builders, which is to convert land and buildings into shareholder value. There is no legal or moral obligation for them to meet local and national housing targets.**
- 11.5 **In her government-commissioned review of housing supply, economist Kate Barker argued that reform of the planning system would not be enough to increase the number of homes built. What was needed was a huge increase in productivity by the housebuilding industry. No such increase in production has been forthcoming.**
More useful areas of reform would include:
- **Reducing the concentration of oligopolistic power in housing supply;**

- The shifting of revenue spending on benefits to a new capital programme of bricks and mortar;
- promotion of modern methods of construction as a means of accelerated delivery;
- a public inquiry into the current pandemic of poor quality newbuild homes; and,
- fiscal disincentives for land banking and slow build out rates.

11.6 There is no avoiding the fact that the only time housebuilding rates exceeded 250,000 per annum in England since WW2 was in the period 1955 – 1975 when local authorities invested in substantial amounts of housing (see below). This was an era of political consensus regarding housing policy in which the value of broad based sectoral provision was acknowledged. The annual completion rate from 2014/15 – 2018/19 has varied between 124,000 and 169,000 (ONS) compared to the current government target of 300,000 pa.



12 Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

12.1 The objective in the White Paper of improving the quality of development is strongly welcomed. As a general observation, since until recently securing good design did not figure in the planning system, there is a shortage of skills and confidence to address design. It must be anticipated that it will take some time for this situation to be rectified, so design codes and the like may not be able to come forward at the pace one would hope. This is particularly important as it is difficult to see how decision making can be undertaken without the design codes being in place at the outset of the either the area designations or at the time public consultation takes place on the local plan during the first 6 months of preparation. More needs to be done to ensure that local planning authorities have the staff resource with the appropriate skills to develop and interpret codes. There is also a potential danger that innovation in design will be stifled, and a 'sameness', particularly in housing developments is created.

12.2 These points made; the proposals are generally supported.

13 Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making

- 13.1 The intended creation of a successor body of the Centre for the Built Environment is welcomed but not based in Homes England which would stifle the process and make it bureaucratic.
- 13.2 The proposal that each LPA should have a chief officer for design and place-making would assist in the delivery of improved design in new development.
- 13.3 We look forward to the proposals to better fund planning departments more broadly.
- 14 Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.**
- 14.1 This is supported, and we look forward to seeing the developed proposals but this needs to be on a light touch non bureaucratic way There is already a contradiction within the existing objectives of Homes England to deliver homes at pace while protecting the proper use of government funding and adding beautiful design might just be a step to far. A rationalised Homes England with simpler clearer and less bureaucratic objectives would be a good start.
- 15 Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.**
- 15.1 The proposal that master plans should be prepared for substantial areas of development, which will include design coding is warmly welcomed. These work best where they are prepared through collaboration between the LPA and the developer, in dialogue with the local community, so that their interests and concerns are addressed through the development process.
- 15.2 The White Paper promotes the concept of pattern books for particular areas which will reflect the local character. As a concept this is supported, because much of the dissatisfaction with new housing is that developers' standard house types are used with no regard to the local vernacular or the forms and styles of housing in the area. However, this needs to be balanced against considerations that "pattern books" may stifle design innovation and thereby create uniform environments. How do you codify beauty? There will undoubtedly be challenges of securing community agreement on good design, with a difficulty for most people in separating good design from personal taste. Who arbitrates? How do you apply a design code(s) where there is a rich tapestry of building types, styles and ages within single streets? There is a risk of pastiche/ bland areas/ standard house types.
- 15.3 The proposal for pre-approval of designs through permitted development misses the crucial point, that development within an existing urban area commonly raises material considerations other than appearance. Considerable care needs to be taken to ensure that proposals for permitted development do not remove the means for material considerations which relate to existing residents' quality of life to be addressed.
- 15.4 This will also require a programme of up-skilling planners as well as address capacity within LPAs.
- 15.5 Is there a risk that these masterplans could be in conflict with the local design codes proposed in Proposal 11?
- 16 Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

This section is very light on detail about how the planning system will assist to deliver net zero by 2050. There is reference to environmental impact being considered during the planning process but at which stage and in how much detail. Clearly this needs a lot more consideration as it appears to be a “Mum and apple pie” approach.

16.1 The intention to make tackling climate change a prominent factor in revisions to the NPPF to reflect the new system is welcomed.

16.2 The need for such policies on climate is welcomed. It should also be recognised that there will be an ongoing need for local policy solutions which address other matters to reflect the particular circumstances of the area. However, it is not clear how such measures can be effectively encompassed within the three designations proposed.

17 Proposal 16: A simplified process for assessing environmental impacts We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

17.1 It is agreed that the present regimes for considering environmental assessment are complex and time consuming, and a simpler system which remains effective is very much to be welcomed. We shall await specific proposals and the opportunity to comment upon them.

17.2 However, there is cause for concern at the proposal to abolish sustainability appraisal, so that the only appraisal regime will be environmental appraisal. Whilst the environment is very important, it is a strength of sustainability appraisal that it also addresses economic and social impacts. The issue arises whether the loss of such appraisal would be to the detriment of good planning. Moreover, it is questioned how a local plan inspector can assess whether a plan represents sustainable development if there is no appraisal process to support this. The White Paper refers to the assessment being made against the policies of the NPPF, but the NPPF does not and cannot address every aspect of sustainability.

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

18.1 The intention to review the planning framework for Conservation Areas and listed buildings is noted. Further comment will be offered in response to the specific proposals. However, it is felt that the planning system has made a good job of conserving and enhancing our historic buildings and environments and it is unclear how a system could be devised that gave automatic approval to architectural practices: the activities, and personnel of which could change over time. How will they be vetted? Who adjudicates?

18.2 We fully support sympathetic enhancements to be allowed to Listed Buildings to reduce carbon emissions especially through the use of modern double and triple glazing where appropriate and internal wall insulation where it does not distract from listed features or character.

19 Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

19.1 The intentions set out here are strongly supported. Further comment will wait on sight of specific proposals as this proposal is again light in detail given the importance of the topic.

20 Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

20.1 The White Paper gives the impression that Section 106 agreements are used solely for securing infrastructure and can be abolished. However, they are also used to secure other

matters for which the use of planning conditions would not be suitable and would therefore need to continue especially the delivery of specific types of affordable homes.

- 20.2 The core proposal is for a mandatory nationally set rate or rates as a fixed proportion of the development value above a threshold.
- 20.3 The text reads as though the same rate would be levied for all development across the country. However, there are considerable differences in development viability between different uses, as demonstrated by CIL charging schedules where viability evidence has commonly led to substantial rates for retail and residential development, but low or zero rates for employment and other uses.
- 20.4 Moreover, there are considerable differences in viability between different local authority areas. These are not simply regional variations: there can be big differences in viability between near neighbours.
- 20.5 It follows that to apply a single national rate across the country it would have to be set very low, to avoid rendering particular types of development wholly unviable, or making development generally unviable in some parts of the country. This would certainly not meet the stated objective of increasing the overall yield nationally from a consolidated CIL compared to that from the present system. How are site specific issues to be dealt with? There needs to be mechanism to allow for specific mitigation measures. The emphasis on lower value avoiding higher contributions could impact on the quality of development. There is a risk that the proposal will result in significant challenges at local plan stage to make the levy as low as possible; this will not then capitalise on sites where e.g. there is a low land or financing cost or very low risk. How is the threshold calculated? How will non-financial elements on specific sites be secured? These are often the mitigation that make a proposal acceptable.
- 20.6 A more differentiated system would clearly be necessary, which would need to have different rates for different types of development, and for different areas. Assuming that viability evidence would still be required as part of plan making, the evidence would be available to support such an approach.
- 20.7 The White Paper proposes that the levy would be payable at the point of occupation, rather than up-front, as is the case with CIL. For larger developments this would mean that the revenue could come substantially later, which would have a significant impact upon the flow of funds for infrastructure in the shorter term. However, there could also be benefit because the LA would share in increased values.
- 20.8 There are also issues about how the collecting authority would know when a development or part of it (e.g. individual houses on an estate) would come into occupation. Prevention of occupation would not be an effective sanction for non-payment if the development could already be occupied before that became known to the authority.
- 20.9 The proposal that local authorities would be able to borrow against future revenue is welcomed, because under the present system an authority has to build up CIL funds over some years before there is sufficient to pay for or contribute to the cost of required infrastructure, leading to delays in its provision. There would also need to be a guarantee of some kind that the homes would be delivered and the CIL would in due course be payable otherwise the local authority could be left with no homes, new infrastructure e.g. roads and a large debt.
- 21 **Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.**

21.1 The principle of this proposal is supported, because if a development impacts on infrastructure requirements it is logical that there should be a contribution. There is a concern that this would be difficult to enforce as if there is no application required how would the Council know? This point would not apply where prior notification **of all permitted developments** to the local planning authority is required.

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

22.1 The requirement for and the provision of affordable housing through developments is a complex process. A key consideration here is that the Government should be able to demonstrate that the consolidated levy will generate the level of funds intended, i.e. more than currently brought in by CIL and **the value of S106** taken together. Whilst the principle of delivering affordable housing through a reformed national levy would provide more certainty to developers and investors, there is a real concern that this will be at the expense of local considerations of the nature, distribution and timing of affordable housing on site. Consideration also needs to be given to how Registered Providers will be involved. **It is important that affordable housing is delivered at the same rate as market homes on sites of more than 10 homes**

22.2 The White Paper makes the point that affordable housing should continue to be delivered on-site, and that this would be mandatory where the LPA wished to do so. Whilst there is discussion of how this would be achieved, it will be crucial that the mechanism to require on-site provision, funded as in-kind delivery of the levy, is effective, and does not create loopholes or recreate the need for case by case negotiation. **The question in the consultation seeks responses as to whether the same amount of affordable housing should be delivered through the reformed Infrastructure Levy – this approach seems to lack ambition given the huge shortfall in affordable housing supply, both nationally and locally. It is generally recognised that there are more than .15 million households currently waiting for a social home in England.**

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

23.1 The purpose of the levy is to provide funding towards important infrastructure. All authorities which currently operate the CIL are able to show that is an infrastructure funding deficit to which to which CIL will contribute. It is considered essential that use of levy funds is restricted to the purpose for which they are raised, and not made available as a general funding stream. The administration and management of a national levy will still create a burden on LPAs which will need to be funded by that levy. **CIL should only be used for capital projects.**

24 Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

24.1 The Government should be in no doubt that the proposals in the White Paper will create considerable additional work and cost for LPAs in developing masterplans, design codes, new data formats for plans and extensive changes to development management systems and practices. Nor, for the reasons set out in these observations, will the work of preparing plans be significantly reduced.

24.2 This means that increased resources for planning services will be essential, especially in the short term while innovations are being implemented. The ability and availability of digital solutions to mapping and consultation which will be fundamental to delivering the proposal to time The proposals for a proportion of the consolidated national levy to be directed towards

plan-making, together with time limited funding will therefore be essential if those innovations are to be effectively delivered. **There may be scope through Planning Performance Agreements to support skills development.**

- 24.3 Similarly, the need to develop new skills among practitioners should not be under-estimated. Without adequate funding, LPAs will not be able to enhance the capabilities of their staff to make the achievement of good design and beauty a reality and to ensure that new digital mapping and consultation techniques can be effectively incorporated across the country. It is important to note too that there will be a time lag for those currently training and newly qualified planners to begin to learn the new system which is of course not yet being taught in our planning schools. **Are there enough planners in the system and does the universities and FE colleges have the courses and capacity to deliver the new breed of planners?**

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

- 25.1 The principle here must be right. We shall be pleased to work with Government as it develops its proposals in order to provide clarity as to what the powers would be and how these would be supported. There are some reservations about criminalisation – as ideally it is best to negotiate solution and reserve criminalisation for prosecution stage. How will LPA's determine intent? Retrospective applications are more resource intensive – perhaps they should command a higher fee?

Speed is of the essence during enforcement and the current process allows developers to drag out the process for years – this needs to be rectified.