

White Paper: Planning for the Future

Pillar One – Planning for Development

1. *What three words do you associate most with the planning system in England?*
2. *Do you get involved with planning decisions in your local area?*
 - (a). *If no, why not?*
3. *Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?*
4. *What are your top three priorities for planning in your local area?*

Proposal 1 – A new approach to plan making

5. Do you agree that Local Plans should be simplified in line with our proposals?
[No. Please provide supporting statement.]

The objective of simplifying Local Plans is supported.

The objective for Local Plans to clearly identify those areas which are suitable for development, those that are not and what can and cannot be built in each area is supported.

The identification of all land within one or other of the three categories (of Growth, Renewal or Protection) is likely to be challenging, particularly within the proposed statutory timescales and particularly given the proposed consequences of those designations.

At a very broad-brush level, designating all land within those three categories may not be too problematic. However, given that designating land for Growth would effectively confer an outline approval (subject to details of the proposal meeting certain parameters), identifying land in this way would need to be done very carefully. It would require careful assessment of all the land in the relevant area at a granular level to ensure that all the land was suitable for substantial development.

Identifying an area for Growth or Renewal would require that the constraints on the sites are fully understood. This includes contaminated land, nuisance, air quality, flooding and important biodiversity. This would imply that the designations would need to be well mapped and audited prior to designation in a Local Plan. This would potentially be a costly and time-consuming process. This would place a significant burden on the Local Planning authority and may lead to a transfer of liability, particularly in the case of contaminated land, where it would not be possible to fully assess the impact without detailed surveys. It is unclear at present how this detailed site assessment work could be completed within the statutory Local Plan preparation timescales envisaged, particularly within the 12 months proposed for the assessment of potential development areas. At present, sufficient constraints information is considered at Local Plan stage to identify the deliverability and capacity of strategic sites. Much further detailed survey work is then undertaken at outline stage. Front-loading this process to fall entirely within the Local Plan preparation stage would appear to be challenging in terms of time scales and also in terms of the degree to which site proposers are able to expose themselves to significant risk involved in investing in expensive detailed survey work prior to confirmation of the allocation / identification of the site within the Local Plan.

If this risk could be accepted and the burden of work were to be put upon the site promoters to carry out the investigation work, there will still be a financial burden on the LPA to ensure that this work is adequately assessed, and this is all expected to be carried out without the benefit of an application fee. One solution could be to require site promoters to enter into a Planning Performance Agreement (or similar agreement) which requires the payment of an agreed hourly rate to cover work carried out on the assessment by the LPA. However, this would require a commitment from LPAs to have someone in post prior to the Local Plan process to carry out the work which would be a risk as the level of interest in sites would be unclear at that stage.

As such, it is unlikely that sufficient work would have been completed at the Local Plan stage to understand whether, for example, flood risk could be fully mitigated in order to conclude whether areas of flood risk should be excluded from the growth category. Without very full surveys of the potential designated sites, there could be major roadblocks once more detailed technical planning applications were submitted. In addition, it is not clear that statutory nuisance and air quality considerations could be properly assessed at this stage prior to details of the specific schemes being submitted, which could cause issues later in the process.

It is assumed that the definition of 'substantial development' would be done at local level within the Local plan. This is likely to be different in different Growth Areas according to the suitability of the site for differing scales of growth.

In relation to Protection Areas, it is important that these be defined locally on the basis of national and local designations. Green Wedges and Areas of Separation are examples of important well supported local designations, which should continue to inform the identification of Protected Areas. Whilst Leicester does not have a green belt, Green Wedges have formed part of planning policy for the Leicester urban areas for almost 30 years. They are areas of largely undeveloped open land between the urban area and the surrounding countryside. Green wedges provide access to the countryside, leisure and recreation opportunities, direct development and prevent the coalescence of settlements, providing a 'green lung' into urban areas.

Concerns are raised about the alternative binary model proposal to combine Growth and Renewal areas to extend permission in principle over both areas. This proposal may work better in larger towns and cities rather than rural districts such as Harborough which has small towns and villages, which require a far greater level of scrutiny of development proposals than would be afforded under such an approach.

The proposed interactive web-based style of Local Plans is supported. This is similar to the interactive web-based Policies Maps used for some current Local Plans – eg Harborough Local Plan Policies Map:

https://www.harborough.gov.uk/directory_record/3493/harborough_local_plan_2011-2031_proposals_maps

This allows users to zoom in and out of the relevant area, pan around to identify areas of interest and to click on the annotation and be taken directly to the relevant policy text.

However, in order to ensure that all land identified for Growth is indeed suitable for substantial development, the map would need to go to a far greater level of detail than simply identifying 'areas' for Growth'. It is anticipated that the map would need to go down as far as the individual site level and potentially even more detailed, in order to exclude areas for Protection within a larger site identified for substantial Growth. Similarly, a very fine level of detail would be needed in order to identify Protection areas, based on detailed flood mapping and assessment and Conservation Area boundaries, and TPOs.

Proposal 2 – DM policies set nationally

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

[yes]

In principle yes. In practice it is a matter of detail taking care not to underestimate the importance of often specific circumstances.

There is often some repetition across Local Plans for broad policies and therefore there is some merit in this proposal. Any nationally set development management policies should be drafted in

consultation with development management planners from a wide variety of local planning authorities to ensure all scenarios are considered.

However, it is important that planning is not reduced to a series of blue-prints and a one size fits all approach. Planning is about context and judgement and there can be lots of local and area specific requirements that are important to consider for new development depending on the area and the constraints. There may still be a need for local development management policies in order to account for local circumstances, for example locally important landscapes, setting out a settlement hierarchy (for small village development), local flood risk, and policies relative to local issues such as lorry parking.

With regard to the practical implications of nationally set DM policies, we have concerns with the proposed digital system to automatically screen developments as it potentially takes away professional scrutiny. It could be the case that an application is screened as being valid, but it transpires when it is received by the LPA that it is not. For example, a technical report for ecology is required or the data inputted by an applicant is flawed. The risks to applicants would potentially increase costs and cause delays.

It is vital that development management policies clearly outline the requirements for climate mitigation and adaptation in new developments, with clear policy for ensuring zero carbon developments, treatment of water run-off via SuDs, approaches to maximise biodiversity benefits, as well as ensuring new developments are adaptable to future climate risks. If this is not clearly laid out at national level, then new development will not be sustainable. As a result, clear national DM policies for example will need to cover:

- street trees and the standards for planting,
- Local constraints such as areas of separation and green wedges.
- Local geology and ecology constraints
- provision of wildflower areas,
- trees in open green space,
- treatment of watercourses,
- Drainage including design of SuDS,
- Maintenance of open space
- zero carbon design,
- design to reduce the risk of overheating in homes

Proposal 3 – Local Plans subject to single statutory test

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

[Yes / No / Not sure. Please provide supporting statement.]

We are interested to see the alternative to a Sustainability Appraisal. It is important that this covers all 3 pillars of sustainability. In order to project plan and budget effectively, it is important that the proposals for the alternative are published as soon as possible. This could be a self-assessment which would ensure it is a genuine tool to support plan making rather than local authorities feeling

that they have to use external consultants at huge costs to prevent this work being used as a weapon by land promoters at examination.

The testing of deliverability is vital for ensuring the plan will be effective and meet housing delivery requirements. The test should not be slimmed down as this could lead to development in the 'wrong' locations. Reserve sites should not be relied upon as there will always be pressure from landowners for these sites to come forward earlier. There is a reason these sites are not selected as the first-choice location – they are less sustainable. Allocation of reserve sites is often a disincentive for developers to deliver the primary allocated sites in the short term as it results in them having more sites with planning permission in the long term. This does not support delivery.

If one test for sustainable development is to be used as the statutory test, then the requirements to meet this test need to be very carefully thought through. Development is a highly complex business and balancing the need for social, economic and environmental good is extremely difficult and requires experienced professional judgement. It is vital that important constraints are identified to ensure that environmental impacts are properly considered, and this requires a clear understanding of the areas that are for development and detailed assessments of sites. Nationally much more detailed datasets of biodiversity, flood risk heritage assets and many other factors would be required to ensure an adequate sustainable development test.

Climate Change and positive biodiversity gain would need to be at the heart of the test to ensure that the development does not inflict additional harm. From this baseline clear social and economic benefits can be identified. It is vital that sustainable principles are embedded within the test process. A weak test will deliver poor development.

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

The duty to cooperate test is important for ensuring all cross-boundary issues have been properly considered and is key to deliverability of a plan, for example delivering cross boundary allocations. A particular strategic issue, relevant to Harborough District which is located within the so-called golden triangle, that requires higher level oversight is storage and distribution operations. Due to the nature of this issue it needs to be planned at a wider scale than a single local authority level. This would need to be at a HMA, regional or national level and a number of alternative mechanisms would need to be fully considered including partnership working and potentially more formalised arrangements including future consideration of combined authorities.

Proposal 4 – Standard method for housing requirement

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

[No . Please provide supporting statement.]

The use of a standard method for identifying housing need is supported. This is similar to the current system.

However, the introduction of land constraints into the establishment of a binding nationally prescribed housing land requirement is considered to be problematic. This would require consideration of the wider strategic planning context. A planning judgement would need to be made about where housing can best be delivered in circumstances where housing cannot be delivered in the authority in which the need arises due to land constraints. Given the inherent challenges around

the availability and comparability of constraints data, it is difficult to see how this could be achieved in a fast, efficient, transparent, fair and unchallengeable way at national level.

Providing a mechanism by which housing needs are met within a Housing Market Area (HMA), allowing for partnership working between authorities within the HMA would seem to better allow for the factoring in of land constraints and other local circumstances. Leicester and Leicestershire have a long history of effective partnership working between the local authorities on strategic planning matters. At present, the authorities are working together to accommodate a potential unmet need for housing and employment land identified in the Leicester City Draft Local Plan Consultation (Sept 2020). It is envisaged a Statement of Common Ground will be completed in 2021, setting out how any unmet need from Leicester will be redistributed amongst the other authorities in Leicester and Leicestershire.

It is unclear how the proposed binding nature of the housing requirement accords with the objective of improving public engagement in the plan-making process given that the public will not have a say on housing numbers, which is often a significant and locally controversial issue.

It is not considered necessary to make the housing requirement binding in order to drive greater housing land release. Harborough District has a proven track-record of housing delivery in excess of local housing need. This has been done by providing sufficient land in the recently adopted Local Plan to deliver in excess of 12,800 homes, more than providing for the locally-set housing requirement of 11,140 dwellings, against an objectively assessed housing need of 10,640 dwellings (all figures 2011-2031).

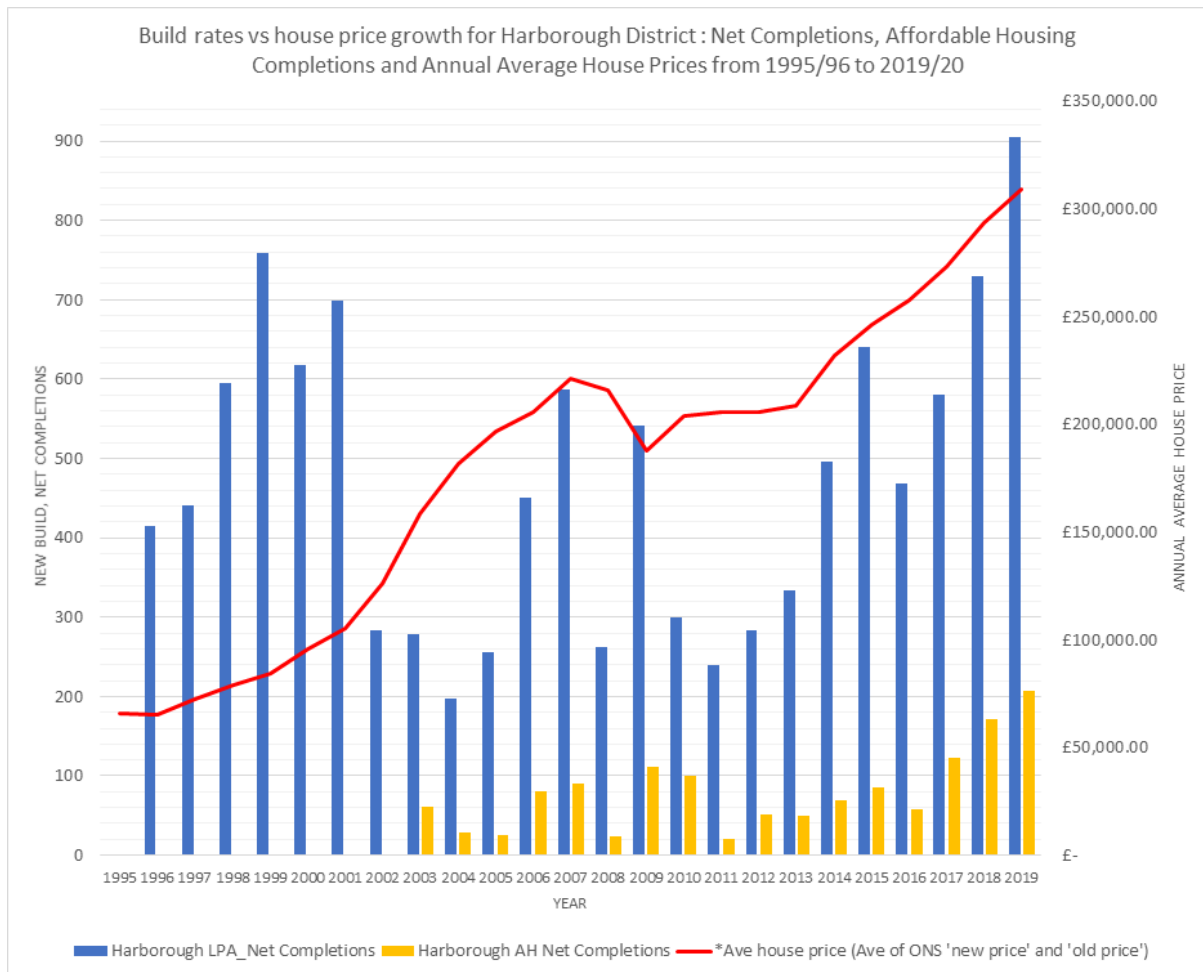
8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

[Yes. Please provide supporting statement.]

The size of urban settlements is an important identifier of those areas that are able to absorb future growth. Rural Districts such as Harborough are unlikely to be able to accommodate significant growth without considerable public investment in necessary infrastructure (particularly transport, education and healthcare). Significant growth in rural areas is unlikely to be achievable on brownfield land due to its very limited availability, resulting in environmentally detrimental loss of greenfield land.

Affordability is an important consideration. However, areas such as Harborough with a high affordability ratio is not necessarily indicative of historic under-supply. Harborough has a 5-year average housing completions rate of 664 dpa (against a Local Plan housing requirement of 557dpa from 2011 onwards). The District also has a worsening affordability ratio (currently at 10.81) resulting from high house prices compared to median workplace-based incomes in common with most local authority areas.

The table below shows continued house price rises in Harborough despite increased housing delivery of both market and affordable housing.



The worsening affordability ratio nationally is a product of many complex interrelated socio-economic factors, and not simply the product of the number of houses being planned. There are important equality issues around access to housing and home ownership since certain groups within are community are more likely to struggle to access decent homes. Such issues need to be identified and tackled through targeted policy interventions to seek to address them, rather than simply higher housing numbers. Developers are unlikely to allow market flood resulting in decreased prices; they will simply hold back development to retain house prices if the planning system seeks to deliver more than the market will bear. The type and affordability of homes delivered are also important, including providing a range of affordable housing products, adaptive bungalows etc. Simply providing greater numbers of houses will not in itself, without other policy interventions around affordable housing provision, result in improved affordability.

Household projections are also a vital indicator of future growth levels and should form an important part of any future methodology.

Proposal 5 – Growth areas granted outline planning permission

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (areas) with faster routes for detailed consent?

No

Firstly we need to understand what is the definition of substantial development? Secondly, will “Growth Areas” be defined in a similar way to current allocations, if not then there is a concern this could lead to competing proposals which are all “acceptable in principle”?

There is a concern that this proposal potentially may shift the burden of assessment work, and its associated risk with cost, to the Local Plan and local authority. The Local Plan may need to set Parameter Plans for example. If so, this will be challenging within a short completion period (e.g. 30 months). Similarly, public engagement on any Growth Areas must be captured at Local Plan stage to maintain credibility and local support. We are mindful that public engagement at the Local Plan stage is sometimes difficult to achieve despite great effort, but when a planning application is submitted (including PIP) it often generates interest and comment. There is sometimes not a complete understanding that a Local Plan may have ‘allocated land for development and it is then difficult to manage people’s expectations as to how they can influence any subsequent planning application. There is also a danger that local decision making is disenfranchised with the move towards automatic consents as that will invariably reduce the role of the local planning committee. The planning committee is often a front facing public service of interest to residents and any diminution of its role must be very carefully considered.

The process suggested would make it difficult to assess the impact of statutory nuisance, air quality and contaminated land issues on new development, without detailed information about sites prior to designation. New development could either impact on previous development or be affected by near neighbours. This information is very difficult to assess without detailed site plans. A development offered automatic outline permission, may at a later stage be found to be highly constrained by statutory nuisance, air quality or contaminated land issues, which could lead to severe impacts on the site development and may impose significant delays or even bring development to a halt. In addition, the new development may have severe impacts on near neighbours, which could again delay or block development. These issues need to be carefully thought through at as early a stage as possible. In particular remediation of contaminated land would need to be delivered prior to any “planning in principle” and would need to be properly verified. Front-loading this process to fall entirely within the Local Plan preparation stage would appear to be challenging in terms of time scales and also in terms of the degree to which site proposers are able to expose themselves to significant risk involved in investing in expensive detailed survey work prior to confirmation of the allocation / identification of the site within the Local Plan.

9(b). Do you agree with our proposals above for the consent arrangements for renewal and protected areas?

The proposal removes planning committee decisions in renewal and growth areas and will disenfranchise residents, leading to further disillusion with the planning system and the Government. Again, the assessment of statutory nuisance, air quality and contaminated land issues must be carefully thought out. It is difficult to fully assess issues such as noise and nuisance from odours and air quality without an understanding of site layout. Local topography and site constraints can alter statutory nuisance issues significantly. Careful assessment of nuisance, both by the site and to the eventual occupiers of the site, is required. Contaminated land would need to be fully assessed before the principle of consent is awarded. In addition, any costs for assessment would need to be covered by the site proposer and not the LPA.

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

[No]

Significant house-building required to achieve 300,000 dwellings per year will require delivery of new settlements. The previous Commission for New Towns was previously successful in bringing forward new towns and could be considered for future delivery.

There is a danger that local decision making is disenfranchised under the Nationally Significant Infrastructure Projects regime as it will invariably reduce role of the local planning authority. The LPA and its planning committee is often a front facing public service of interest to residents and any diminution of its role must be very carefully considered.

Proposal 6 – Decision making should be faster and more certain

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

We agree with this proposal in principle, however, more detail about how this would work is required.

Standardised technical reports would help to navigate through often complex reports such as Environmental Statements, Landscape and Visual Impact Assessments, Transport Assessment etc. There needs to be a balance to ensure the information provided and available to people is inclusive to all.

An automatic fee refund if not determined within 8 weeks will reduce scope for negotiation which, in turn, could lead to a longer process with resubmissions or appeals, even if applicants engage at pre-application stage. Few local authorities are one stop shops for advice. Some technical advice often requires the involvement of other stakeholders such as highways, drainage, ecology, heritage etc.

Extension of Times are more often than not enabling development to happen. It provides flexibility to negotiate with agents and applicants, particularly when the delay is caused by them. Extension of Times have to be agreed by both parties. Applicants and LPAs would prefer a positive outcome rather than a decision, potentially a refusal, because it has reached the 8- or 13-week deadline.

There is also a conflict here with the intention to reduce the amount of information required by applicants at validation stage and to automate this process because, if essential information is missing or inaccurate, this will inevitably prejudice the LPA's ability to meet the deadlines. There is also a risk of unscrupulous applicants deliberately frustrating the process to create delays which would result in their fee being refunded.

If these dates are a firm deadline, how does that work in practice with having to take a report to planning committee, which are on a fixed date for example? In turn this may be addressed by increased delegation but also, arguably, less transparent public scrutiny. It is already common for more than 90% of decisions to be delegated. The positive aspect of increased delegated decisions where the principle has been established reads well, but this is likely to have wider implications democratically.

Proposal 7 – Local Plans should be visual, map based and use a standardised template

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

[Yes / No / Not sure. Please provide supporting statement.]

The need for the planning system to engage with the digital revolution is acknowledged. However, this would appear to require additional resources from LPAs and a time when income from planning applications may fall under proposals elsewhere within the White Paper.

The increased use of web-based resources and smart-phone friendly content has real potential to improve engagement allowing people who cannot attend meetings in person or who are unavailable during office hours the opportunity to engage with planning at a time and via a method that suits them. The desire for accessible web-based plans is supported. However, online only engagement risks disenfranchising those who prefer other methods. In a rural area like Harborough, the existence of a fast and reliable internet connection of sufficient bandwidth is not a given. Participants will need both sufficient computer hardware and software to enable them to fully engage digitally. Care will be needed to ensure those who struggle with the cost and/or availability of technology, the skills required to use it, or access to the internet are not excluded from online processes. Particular care will be needed to ensure no direct or indirect discrimination if the system moves to online only, or online first. Increased use of visual data has the potential to engage with those who struggle with written words.

LPAs may need to upskill existing staff and/or recruit new staff if they are to provide live data online in a searchable way. They may also need to ensure their own IT hosting platforms are robust and reliable and can cope with significantly increased traffic. Additional GIS capability is also likely to be needed.

Whilst the standardisation of templates should enable data to be provided in a consistent way, there may be a need for some contextual information to be provided to stop data being taken out of context.

In terms of improving efficiency of the plan-making system there would seem to be potential in streamlining back office functions. For example, the national standardised report template for Local Plan examination used in Scotland improves efficiency as information is only entered once, and the template forms the basis of the Inspector's report. The resulting reports also have the same format and structure which assists with understanding and is particularly helpful for those working in more than one local authority area. Improvements to the back-office functions and efficiency around data entry, transferability and transparency would aid the Local Plan, and result in time saving on repeat data entry and rechecking migrated data.

The end of requirements for paper copies of everything can deliver sustainability benefits, but it must still be possible for those who have a need to access paper copies to be able to do so. There needs to be a level playing field between those who are technologically competent and those for whom this may be a barrier to engagement. It must be remembered that planning is undertaken by professional staff who make recommendations to elected members. This democratic element and the need to consider wider public interest, differentiates it from a legal process with professionally represented clients and a judge. This raises particular issues for digital planning and, whilst criticism of the depth and breadth of reach of current engagement methods are noted, planning and planners have a long history of using innovative engagement methods to reach hard to reach groups. It will be essential these efforts are built-on and not undermined by a tech-led reform to the system.

There are also potentially significant equality implications of moving the system completely online. Whilst it is very important that information should be provided digitally and in ways that are very easy to access on various platforms, it is vital to recognise that there are groups of people who will not be able to access information in this format. It is vital that alternative ways of accessing the information around local planning are provided to ensure that there is equality of access and opportunity to engage with this vital local democratic process. Even in an increasingly digital world, there will still be some groups of people who are unable to engage fully with digital information. This could be due to cost, access to equipment or broadband, or due to an incapacity such as visual impairment. It is vital that Local Plans and the consultation process are fully accessible. Putting everything exclusively online

is not accessible for everyone. There will always be people who are unable to access digital content due to ability or costs. Whilst more and more people are digitally capable there will always be those whose abilities may deteriorate for example they may develop dementia and are therefore unable to access information in a way that they may have done or they may have a learning disability and not be able to understand digital formats. It is important that everyone is given an opportunity to consider community development in a way that they can access and understand, if everything is done solely online these people will be excluded and their views left unconsidered. Rural areas still also have difficulties with network coverage so downloading maps and large documents can also be very time consuming even for those who have the means of accessing digital data.

Environmental data is not always as fully available as other types of data, so the provision of mapped data would need to include much improved GIS level data on environmental constraints. This could have a significant cost impact.

Proposal 8 – Statutory timetable for plan making

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

It is agreed that Local Plans need to be prepared more efficiently and over a shorter timescale. 30 months is an ambitious timeframe and may be challenging, particularly given that full details of the new planning system are yet to be developed and the implications fully understood. However, we welcome the extra 12 months for those local authorities with a recently adopted Local Plan. Whilst supporting a more streamlined Local Plan preparation process, we do have some more detailed points to raise.

At Stage 1 there would need to be a recognition from the development industry that sites put forward for development need to be accompanied by a full assessment of the constraints, opportunities, viability, and delivery timescales. Too often in the past sites have been submitted without robust supporting evidence, leading to delays while clarification and further information is sought. A statutory timetable as suggested would rely on good quality supporting information being submitted from the outset. National guidance would be helpful in this respect so that the those submitting sites are aware of their responsibilities to provide up to date, comprehensive site information. Significant investment in resources, expertise and site survey work will be required from site proposers. This will be particularly important for a plan making system that in effect confers outline planning permission/PIP for substantial development, seeing the burden of assessment shifting from Development Management to the Local Plan process. The proposed statutory timescales may need to be adjusted to allow for this significant change. It is unclear from the proposals to date how issues that occur later on in the process (for example at reserved matters stage) will be resolved if they are fundamental to the principle of development of a Growth area.

Related to this issue, consideration should also be given to allowing local planning authorities to charge a fee for the submission of sites at the 'call for sites' stage. This would allow Councils to resource the assessment of site submissions (and accompanying evidence) and go some way towards making up for the loss of planning application fees for outline planning permissions which is likely to result from the proposed system. It would also help to demonstrate the intention of the landowner/promoter that submitted sites are available for development.

We do have concerns that 12 months to prepare the Local Plan (Stage 2) will not allow adequate time for the involvement and buy-in of proposals by locally elected Councillors. In the past this has

been considered fundamentally important as Councillors often act as advocates in promoting a wider understanding of proposals among local community. Similarly, 12 months would be challenging in enabling on-going, meaningful engagement and input of local communities, particularly those affected by growth areas and renewal areas. Whilst the draft plan would be consulted on at the point of submission, prior engagement needs to have been undertaken with local communities so that they understand the new system and the implications of growth areas/renewal areas. Time may also be needed to help upskill potential participants in the new on-line tools used.

This stage also includes the production of any evidence needed to inform and justify the plan. Whilst it is appreciated that the aim is to reduce the amount of evidence supporting Local Plan preparation, we do have concerns that 12 months may not be sufficient to prepare the necessary robust environmental, transport and viability assessments to support proposals. As referred to earlier, the quality and reliability of information submitted at Stage 1 will be vital to achieving tight timescales as will the number of sites submitted and how many of them are taken forward.

A statutory timetable cannot account for unforeseen circumstances (i.e. as a result of consultation with statutory consultees, additional constraints identified impacting on a site). It would be helpful to have some flexibility built into the timetable to allow for contingencies. There also needs to be some protection for local authorities from those submitting sites late in the process and a recognition that such submissions cannot hold up Local Plan preparation when tight deadlines are in place. Similarly, a statutory timetable does not allow local authorities the flexibility to take on board newly issued evidence or guidance at short notice.

The move to writing a brief, easy to read technical, focused Local Plan will itself require additional time and thought. Professional support for planners will be needed, particularly in the first iteration of new style Local Plans, so that the new system is negotiated successfully. This would indicate the need for additional time and resources at Stage 2.

The commitment at Stage 3 to ensuring 'best in class' ways of public involvement is welcomed, and we look forward to further guidance, resourcing, and best practice advice in achieving this.

Stage 4 allows 9 months for the Examination and this seem appropriate although further details would be welcome as to the 'sustainable development' test against which Local Plans will be assessed and whether there is a need or requirement for consultation on any amendments the Inspector finds necessary.

At Stage 5, 6 weeks are set out for finalising the Local Plan map, key and text and adoption of the final version. As well as the technical side of finalising the Local Plan, it is important that this final stage allows sufficient time for the final plan to be fully considered and adopted by the Council as part of the democratic process.

It will undoubtedly take some time for change on this scale to bed down and, until the effect of these proposals along with established plan making best practice and the new technology for consultation and plan production is understood, we suggest that a longer timescale for the preparation of Local Plans should be considered. Given that the proposed system sees key decisions for the approval of substantial new development shifted to the plan making stage, it is vital that elected representatives, local communities and planners are given a realistic timescale and appropriate resources to prepare workable, fit for purpose, succinct Local Plans, that reflect the stated new emphasis on engagement at the plan-making stage.

Proposal 9 – Neighbourhood Plans

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

In summary Harborough District Council

1. Supports neighbourhood plans becoming more focussed and containing policies that add local detail and relevance.
2. Encourages Government to reconsider allowing neighbourhood plans to allocate sites for development at a local level.
3. Encourages Government to reconsider allowing neighbourhood plans to contain development management policies where it can be demonstrated they add local value and context for decision maker.
4. Supports the use of neighbourhood plans at an urban level and use of very small areas such as streets
5. Supports the reduced requirements for a Neighbourhood Forum (Panel?) where very small areas such as streets are to be designated (Neighbourhood Zones?)
6. Supports the use of digital technology to allow neighbourhood plan groups to better access map-based systems for delivery of their plans and to upload spatial data to a centrally hosted portal

Neighbourhood Plans have played an important part in local communities becoming more engaged in the planning system and are providing a pool of knowledge and experience within communities about how planning works and how to influence decisions for the benefit of their communities.

It is important that this foundation of planning knowledge is consolidated as part of any planning reforms that are implemented and the local control and influence of communities is allowed to develop.

It is likely that some people involved in Neighbourhood Planning in Harborough District would agree that the planning system is 'outdated and ineffective'. Many of our communities would benefit from the clarity and certainty for development of their own neighbourhood plans. A process for streamlining Local Plans will give Neighbourhood Plans more chance from the outset of being in conformity with new Local Plan policies.

The benefits of a planning system that gives communities a 'greater say over what gets built in your community' is one of the real drivers for Parishes deciding to undertake a neighbourhood plan.

We therefore agree with the aspiration of the White Paper to address the unpredictability of current planning decisions and deliver a 'simpler, faster and more predictable system'.

Feedback from communities in Harborough District has demonstrated that whilst communities are not against new development per se, they are adamant that it should be in the right place and should be in keeping with the local area. We therefore believe that the emphasis that has been placed on design in the White Paper Planning for the Future will be welcomed by our communities that are engaged in Neighbourhood Planning.

The areas of proposed change for Neighbourhood Planning appear to be as follows:

- Neighbourhood plans to focus largely on design with the scope of what they can do potentially being reduced.

- Neighbourhood plans may no longer be able to allocate sites for development (including housing) or have the opportunity to shape development and growth in the local area.
- Neighbourhood plans may largely no longer be able to include development management policies.

We invite further clarification as the proposals are finalised.

We support the proposal for neighbourhood plans to become more focussed and deal with planning issues that are local and unique to their Neighbourhood Area. It has been our experience that neighbourhood plans can fall into the trap of trying to become ‘mini Local Plans’. We hope that the proposed changes to focus Neighbourhood Plans will encourage groups to have more innovative and locally focussed policies.

One area of concern for Neighbourhood Planning is the apparent proposal to only permit planning zones for ‘growth’, ‘renewal’ or ‘protection’ to be designated in Local Plans. We would encourage Government to reconsider this proposal and allow Neighbourhood Plans to not only have more say over the design and character of new development, but also where that development should be built. A compromise might be to allow Local Plans to designate the broad areas for development at a settlement or neighbourhood area level for ‘growth’ or ‘renewal’; but on a site specific level to allow Neighbourhood Plans to identify specific sites for development in accordance with locally defined design codes.

Additionally, those aspirational communities that want to identify additional sites should also be able to allocate sites for housing even if the settlement or neighbourhood area has not been identified for growth. This approach would continue to allow communities to retain control over planning that has been such a success of Neighbourhood Planning and provide ‘the homes we need, in the places we want to live at prices we can afford’.

Similarly, at a local level, it is important for communities to protect certain sites for their environmental or historical importance. This can be successfully undertaken in a Neighbourhood Plan by communities that intimately know the places where they live.

We encourage the use of neighbourhood plans to deal with issues where they can add value to the community and provide a local community benefit or change. We believe that by setting general development management policies nationally, it should leave Neighbourhood Plans to concentrate on what they can do best – adding local detail.

However, this detail can only be added if neighbourhood plans are permitted to continue to use development management policies where they can be demonstrated to add local value and deal with local issues. Locally determined development management policies are the policies that planning officers normally take into account when deciding on planning applications and would continue to allow decision makers the ability to make relevant decisions that take account of the local context.

Communities can currently use Neighbourhood plans to help shape places at the local level and bring forward development that the local community want to see. By restricting the palette of policies that is permissible in Neighbourhood Plans the Government risks communities being less engaged in the planning system because the control and influence by communities that has been achieved through neighbourhood planning has been lost.

We encourage the Government to reconsider this proposal and to allow neighbourhood plans to add local relevance to the proposed national general development management policies.

We support the use of Neighbourhood Planning to make a difference in urban areas, and the proposal to adapt the concept for very small areas such as streets – Neighbourhood Zones? We are not concerned that this will lead to a proliferation of complexity in a planning system that the Government wishes to simplify; rather it will provide local communities the opportunity to influence what the development at the end of the street might look like, to provide for renovation of a building of historical interest or a site of environmental importance.

We recommend that such small areas e.g. below Parish level or unparished areas do not have the same requirements for the setting up of a Neighbourhood Forum. One of the issues we have encountered with our communities is that it is sometimes difficult for communities to get 21 names of people that live or work in a neighbourhood area to set up a Neighbourhood Forum. It may be worthwhile considering that where 'Neighbourhood Zones' are to be set up that 11 people that live or work in the zone can set up a 'Neighbourhood Panel'

An alternative might be, of course, that Borough or District Councils can be part of the Qualifying Body for a 'Neighbourhood Zone' in an unparished area.

It will be important for Planning Authorities either at Borough, District or County level to be able to digitally host these new 'zone based' planning policies in a consistent manner across authorities. This will require map-based technology available to all local authorities to allow easy interrogation of planning policies by developers, residents, planners and others. Such a portal may be best hosted by central government with the ability of local authorities to upload spatial data and policy text to their own dataset.

We encourage Government to conduct the changes in a transparent and timely manner and to provide further detail on the proposals for the new planning system as quickly as possible. The current White Paper, as might be expected at this stage, is short on detail which leads to uncertainty and speculation.

Neighbourhood Plans have been an excellent tool to engage communities proactively with planning and have been very successful in Harborough District. However, there is a risk that some neighbourhoods will be left behind, if they feel they do not have the skills or time to engage. It is vital that Neighbourhood Planning is well supported to ensure that all communities can engage and have the opportunity to shape their own neighbourhoods.

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

Many communities struggle to engage properly with new technology and the opportunity for Planning Authorities to provide to Neighbourhood Plan groups an easily accessible consultation platform that is customisable for each community's needs should be welcomed. Such technology may not entirely replace the requirement of Neighbourhood Plans to engage in a traditional way with communities, but it may enable the engagement of tech savvy groups that do not currently contribute towards a Neighbourhood Plan.

We encourage use of an interactive map-based comments platform where residents can leave direct comments and feedback on single issues to be developed either in a Neighbourhood Plan or by other Planning Authority.

The use of social media in planning offers both opportunities and potential challenges for planning. There is potential to engage people who have previously not been involved in planning, but there are also challenges around the need to ensure comments are moderated. Further advice and guidance on the effective use of social media in planning would be welcomed.

Once again, digitalisation is an important way to spread the opportunity to engage but should not be exclusive. There must be opportunities for all groups to engage meaningfully in this important local democratic process. Putting everything exclusively online is not accessible for everyone. There will always be people who are unable to access digital content due to ability or costs. Whilst more and more people are digitally capable there will always be those whose abilities may deteriorate for example they may develop dementia and are therefore unable to access information in a way that they may have done or they may have a learning disability and not be able to understand digital formats. It is important that everyone is given an opportunity to consider community development in a way that they can access and understand, if everything is done solely online these people will be excluded and their views left unconsidered. Rural areas still also have difficulties with network coverage so downloading maps and large documents can also be very time consuming even for those who have the means of accessing digital data.

Proposal 10 – Stronger emphasis on build out

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Faster build out is welcomed. However, the proposed one size fits all proposal may not be appropriate and should be focussed in areas where this is an issue – i.e. if an LPA consistently fails in its Housing Delivery Test, then it becomes subject to these measures, where an LPA consistently delivers on its requirements, no intervention should be required.

The White Paper emphasis on design codes and planning enforcement is welcomed and this should help with meeting this objective. However local authorities will likely require additional funding to produce a design code with expert advice.

Achieving strong build rates is welcomed. Harborough District has a track record of large sites being developed by a variety of developers; evidence that in areas where the market can absorb supply, this approach can be successful (see Proposal 10, Table 1).

Site Ref	Settlement	1st year of completions	Last year of completions	Net supply	Builder parcels
Old/MH1	Market Harborough	1997/98	2001/02	376	David Wilson Homes, Taylor Wimpey, Barratt, Bloor Homes, Millers Homes
BA1	Broughton Astley	1997/98	2006/07	444	David Wilson Homes, Jelson.
Old/MH2	Market Harborough	1998/99	2002/03	365	McCleans, Henry Boot, JS Bloor, Beazer & MacAlpine
GG1	Great Glen	1999/00	2004/05	101	David Wilson Homes
Old/KB1	The Kibworths	2008/09	2017/18	549	David Wilson Homes, Barratt Homes
Old/MH3	Market Harborough	2011/12	2023/24	619	Ben Bailey / Gladedale, Avant Homes, David Wilson, Barratt, Redrow
GG3	Great Glen	2014/15	2017/18	281	Millers Homes
BA2	Broughton Astley	2016/17	2024/25	311	Jelson
BA3	Broughton Astley	2016/17	2019/20	199	William Davis Ltd
MHSDA	Market Harborough	2017/18	2030/31	1493	Linden Homes, William Davis, Davidsons, Taylor Wimpey
MH3	Market Harborough	2019/20	2024/25	128	David Wilson Homes
F1	Fleckney	2021/22	2025/26	150	Gladman Developments
L1	Lutterworth	2022/23	2036/37	2750	<i>tbc</i>
MH1	Market Harborough	2022/23	2031/32	600	Davidsons Homes
MH2	Market Harborough	2022/23	2028/29	350	Persimmon Homes
SC1	Scraftoft	2023/24	2032/33	1200	<i>tbc</i>

Proposal 10, Table 1: staggered housing supply from allocated sites across Harborough District, 1997 onwards.

However, the issue of build out rates extends beyond the planning system. Housing delivery across the Harborough district is driven by a combination of factors. It is a popular place to live with strong developer interest and within easy reach of several centres of employment. Area appeal combined with effective local plan making, regular monitoring, proactive Development Management and market confidence has produced a strong build rate for the district (see 'Proposal 10, Table 2').

		2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
A	Annual Requirement	350	350	350	350	350	557	557	557	557	557	557	557	557	557
D	Total Completions	447	586	261	542	298	240	284	334	496	640	468	580	729	905

Proposal 10, Table 2: Build rate history across Harborough District from 2006.

The marked downturn in housing completions following the 2008/9 'credit crash' and subsequent downturn in the housing market are clear. As this table clearly demonstrates, national economic circumstances and the availability of employment opportunities and mortgage credit are the key determinants of numbers of houses being delivered, rather than issues relating to the planning system.

The local influences upon build rates highlights that any emphasis on faster build out should be supported by:

- A) Effective monitoring requirements and
- B) Realistic quality control assurances.

Proposal 10, Explanatory text

Monitoring: how are build rates to be monitored, particularly as Proposal 4 could remove the need for 5 Year Housing Land Supply monitoring? Sustaining planned growth requires careful monitoring due to the wide-ranging influences upon build rates which, extend beyond the planning system.

- Regular monitoring of site delivery (past and future projection) is driven by the 5 Year Housing Land Supply requirement and local plan monitoring.
- Housing trajectories also support other essential planning functions including strategic scale planning with neighbouring authorities, MHCLG data collections, infrastructure planning, Section 106 trigger points, and Local plan reviews and the preparation of future development plan options and should therefore be viewed as essential planning tool.
- Therefore, forward planning needs more emphasis in the planning review, particularly as housing supply problems will only become apparent AFTER the event, if HDT is the sole measurement of build rate. Currently, LPAs can foresee housing supply issues and proactively work to resolve these with developers, Registered Providers and/or Homes England, etc.

Quality: the build rate ambition ought to be managed sensitively to avoid negatively impacting upon build quality and the aspirations set out in ‘Pillar Two’.

Pillar 2 – Planning for beautiful and sustainable places

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

Other – please specify

Some excellent development has come forward within Harborough District. Most recently, for example, Nevill Holt Opera was the RIBA Stirling Prize Peoples Vote winner 2019. Other commercial and smaller residential development has been innovative and well suited to its setting. However, some medium to large residential development, whilst pleasant and making no doubt popular homes, sometimes seems repetitive and not always raising the bar. For example, standard house types, prevalent across the country, and layouts seem common. An increased use of design codes must guard against exacerbating this sense of repetition, otherwise it will continue to stifle innovation thereby running counter to the objective of improving design.

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

For a long-time sustainability was considered in terms of locational sustainability (i.e. is the development site within a ‘sustainable location’). The Council has declared a Climate Change emergency and therefore would like to see more green and open spaces, more trees and energy efficient buildings. However all too often we find when we request sustainability measures, we come across the following barriers:

- More open and green spaces within a development: Developers argue it reduces the number of dwellings and is not efficient use of land;

- Less reliance on cars: In a rural District this is problematic as alternative modes of transport, such as buses, are not frequent enough and in decline;
- Provision for sport, leisure, recreation is not always valued.
- Transport and access including by non car modes is critical.
- Small scale development may lack the critical mass needed to generate community cohesion and integration.
- More trees: Raises concerns over who maintains in the long term. Where developers elect a management company, this is not in perpetuity as landscaping conditions can only be imposed for 5 years. If trees are placed in or near the highway e.g. grass verge, the Highway Authority will not adopt and/or request a commuted sum so the developer removes them from the scheme.
- Energy efficiency: Developers do the minimum as per building regulations; viability concerns often raised.

Sustainability is a wide-ranging concept, and it is difficult to just focus on specific issues. It is vital that a well-rounded evidential approach is taken, with Local Planning Authorities having access to good social, environmental and economic data, so that the areas chosen for development avoid the worst environmental impacts, improve the adaptability of development to the impacts of climate change, provide healthy spaces and promote economic wellbeing. The approach will vary depending upon the area where development takes place as urban solutions and different approaches are needed in rural areas.

Embedding sustainability properly will be a significant task and may be supported by tools such as the Doughnut Economics approach or similar tools that have been developed by various studies. It is vital that Local Planning Authorities are able to access good tools and data that give them a clear background to ensure the best outcomes for development.

Proposal 11 – Design guidance and codes

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

Yes.

Locally produced design codes / guides should be seen as a positive, but it is vital that the Local Planning Authority gets support, and their preparation right. Expert and financial resource support is likely to be needed. If introduced great care should be given to make sure capacity exists to provide necessary skills and support so as not to undermine this ambition.

It needs to be made clearer how Design Codes will be transparently provided and democratically agreed. For example within some form of planning guidance or Neighbourhood Plan where available.

We should be careful not to conflate ‘beautiful design’ with ‘popular design’. Design Codes should not result in repetition as is the problem today for larger housing sites. Larger house builders have their own standard house type and just ‘tweak’ the design / materials depending on the vernacular. When LPA’s seek different designs, they may be told by the developer they design houses people want to buy and are reluctant to alter their designs, and to do so would, we are told, increase cost. The Design Code should also not stifle innovation and prevent good chartered architects from designing bespoke high-quality schemes which reflect the immediate context and create a beautiful place.

Design codes offer a good way of ensuring that development meets good standards of design. It is vital that the design codes are not only about aesthetics but also include strong guidance on zero carbon buildings, adaptable buildings both to climate change and to changing lifestyles, development layouts that promote biodiversity, good run-off water treatment and sustainable travel. The importance of place for human health must be fully emphasised. It is vital that the design codes give strong enough policy guidance to ensure good places, but also allow for the local vernacular to be appreciated, but not to become a constraint to modern design. Design codes should also address housing mix and recognise the importance of adaptable homes for an aging population. Good place making requires careful consideration of not only the design of buildings, but how they will be used in practice. It is important not only to consider the design of the buildings but also the design of the spaces between the buildings.

Proposal 12 – Each authority have a chief officer for design

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Not sure.

As mentioned in the previous answer a support body of sufficient capacity is needed.

In term of a chief officer is it intended this becomes a statutory post similar to Head of Paid Service or s151 Officer?

If introduced this has to be someone experienced in design if it is to be effective, and this will potentially increase costs for the Council even if the expertise can be derived in house through training. Also, will this design ‘champion’ be scrutinising every scheme as this would be likely to increase delays in the process. Arguably it would be better to ensure all planning officers have appropriate design training. Having said that, there is already a wealth of design expertise embedded in experienced planning officers and, therefore, to impose a chief officer for design on every LPA is unnecessary. A few years ago LPAs were encouraged to have Building for Life champions who had undertaken appropriate training. It may be better to go down this route than create an additional post/role.

The Design Council already work on promoting excellent design in planning and it would seem that their role could be strengthened to assist LPAs.

Proposal 13 – Homes England Strategic objectives

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

[Yes]

HDC agree that it is important for Homes England to lead the way in terms of design. Their schemes should be exemplar projects of how you can deliver great development. Good design is but one of many policy requirements Homes England schemes need to comply with.

Whilst we support an increased emphasis on Design Quality, this must not be at the expenses of meeting all the other planning policy requirements. We would not wish to see exemplary design seen as a way to overcome policies on sustainable locations, suitable development types etc. in the same way we have seen some other applicants try to use self-build as way to get around all the other policies in the Local Plan.

Leicester and Leicestershire have a long history and working together. Under the auspices of the Strategic Growth Plan, the local planning authorities are working together with Sport England and Leicestershire and Rutland Sport (LRS) on an interactive design web-based resource. This is seeking to move discussion about design beyond merely considering the design of buildings, to considering how different groups of people will use the spaces. Good design requires considering not just the buildings but the layout of spaces between them and the interrelationships between form/function with user experience. This work is adopting a life-course approach for considering the needs of different users- young children, families, teenagers, working age adults, active retired, frail elderly can lead to better design that also promotes inclusively. Considering the end users when design buildings and infrastructure that promote and enable active and healthy lifestyles for everyone. We would happily share more detailed of this project with you if that would be useful. Homes England could serve as a champion for this approach and adopt it for its own developments.

Proposal 14 – Fast track for beauty

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

No

As with other answers given this risks over simplification and disenfranchisement with local decision making, from which such decision may be removed. An unintended consequence may be to stifle local innovation in design by being overly prescriptive.

The Masterplan and site specific Design Code to be secured through Permission In Principle (PIP) process is vital to allow consideration of more detailed “Technical Details Consent”, but 5 weeks to determine a PIP is not long enough to agree the Masterplan and Design Code, as such it could lead to a lot of PIP refusals on basis that the Masterplan and DC could not be agreed.

The Council is concerned around the idea of “pre-approval of popular and replicable designs through permitted development”. This will not foster innovation and will run entirely contrary to the BBBB Commission propositions for Beauty. It will stifle high quality design, put good architects out of business, and lead to all Renewal areas across the Country looking very similar. There may also be an unforeseen knock on impact of unaffordable dwellings for those less affluent in society. Prior notifications must consider neighbour impact, and this hasn’t been listed. Trying to achieve beautiful development on any site in the country by way of a tick-box exercise against a set of pre-determined rules seems counter-intuitive and wholly misunderstanding the meaning of beauty per se.

Homes England should be an important champion of great design and lead on designing excellent sustainable places. They can be a testing ground for new design and technology, to prove concept for commercial builders.

Proposal 15 – Adapt to climate change

It is vital that new development is designed to meet the challenges of the Climate Change Act and national budgets, but also that development is adaptable to future climate change. It is essential that this is properly embedded within building regulations and design codes and is not left as an item for negotiation. It is vital that developers are able to deliver zero carbon, climate adaptive homes on a level playing field. It is also vital that this aim is central to all development and not left to chance. We have few years to change the emissions from the built environment and if we are not careful those emissions will be planned into our built environment for many decades and will be costly to change.

Proposal 16 – Quicker framework for assessing environmental impacts

We agree Environmental Statements can be cumbersome, repetitive and off putting for the lay person. They can also be a potential source of challenge and complaint. If they can become simplified whilst still ensuring that they remain robust and meet their objectives, this would be welcomed.

Early consideration of environmental aspects, the duality of the purpose to protect and improve, and reduced duplication (including through the availability of national and local data in digital form) are supported. We look forward to the separate and detailed consultation on this issue in the Autumn.

Proposal 17 – Conserving historic buildings and areas into 21st century

We agree that the existing system has largely worked well when it comes to heritage protection both in terms of legislative controls but also in capturing the public imagination – most property owners understand the concept of a listed building, whether they like it or not, and there is a general recognition that development within Conservation Areas should preserve or enhance the area.

We support references to designated and non-designated assets in Local Plans and the recognition of locally important features such as views. Such features are the constituent parts of cherished local scenes. Heritage, like beauty, can be subjective and change over time (the paper contains images of nationally listed assets including Victorian architecture, industrial heritage and Sheffield's Park Hill flats, the heritage value of all these was not always recognised), so the local context is vitally important.

Whilst we recognise the role of historic buildings in the renewal of areas and support their re-use and re-purposing, without more detail, we would remain cautious about the potential risk that energy efficiency measures to support zero carbon objectives could pose to the historic fabric.

We are concerned about the suggestion that suitably experienced architectural specialists will have autonomy from Listed Building Consent applications. We question how this will be enforced/monitored? What is suitable experience for example (IHBC, RIBA, RICS, RTPI), and in any event if capacity exists to deliver such an ambition?

Proposal 18 – Energy efficiency standards – net zero by 2050

We welcome proposals to increase energy efficiency standards. It is most cost effective to include such measures at the build stage.

(Proposals 15-18 have no questions associated with them)

Pillar Three – Planning for Infrastructure and connected places

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

Harborough Local Plan policy IN2: Infrastructure Provision requires development to meet the infrastructure requirements arising from it. The Infrastructure Development Plan (IDP) was prepared alongside the Local Plan and identifies the need for infrastructure to support new development. It covers a range of infrastructure needs including: utilities; transport; education; health; open space; sports; cemeteries and burial grounds; community village hall proposals; waste; flood; drainage; and library facilities. In particular it:

- Establishes the capacity of existing infrastructure to meet the needs of existing residents and businesses;
- Identifies where capacity is insufficient or absent to meet the needs of new planned developments; and
- Sets out broad costs and responsibilities for providing new infrastructure required to deliver the key economic and housing development planned for.

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.

22(a) Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure levy, which is charged as a fixed proportion of development value above a set threshold

Whilst in principle the idea of a simplified planning obligations process may be desirable (it has been mooted for several years – attempts to reform it include the aborted Planning Gain Supplement (PGS)) any replacement of the CIL and S106 planning obligations consolidated to form a single Infrastructure Levy would need to be considered carefully.

Some people consider the Infrastructure Levy (IL) in reality as a development land tax. Essentially the IL is being required to provide funds for a broad range of obligations namely affordable housing and other infrastructure, (including 25% of levy in Neighbourhood Plan areas), other policy priorities and reduction in Council tax (where possible).

It is important therefore that any such proposal for an IL ensures there is a proper balance between providing affordable homes and other core infrastructure. It will need to be worked through to ensure that charging a high levy does not rule out affordable homes on viability grounds.

The level of levy would need to be very carefully considered so as to ensure it does not put off landowners, developers and strategic land promoters from bringing land and new development forward in locations by being set at unviable levels or failing to allow sufficient flexibility to reflect local circumstances. Furthermore and conversely the fixed proportion of development would need to be considered carefully to ensure developers are able to provide sufficient funds to local authorities in order for councils to resource fully site specific local services and infrastructure needed to mitigate the impacts of new development.

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

In theory a flat-rate infrastructure levy should make the process easier to navigate and the outcomes much more predictable. However, to achieve this, the Infrastructure levy would need to be implemented properly in order for it to address many of the challenges S106 agreements and CIL currently face. It is important that the IL is able to consider often complex matters which would sometimes require negotiation, with the key players/parties in the planning process, to achieve proper outcomes.

Whilst a flat (nationally determined) rate may be seen as a way to streamline the process, it nevertheless would be problematic because different areas require different things, costs across the country are different and the development value can vary according to area.

If an IL was to be implemented across the country then it would be preferable to be set at an area specific rate and if it was to be set locally, government should provide details of how they consider local authorities would set the rate e.g. would it be through a similar process to setting a CIL? What additional resources would Government make available to local authorities for them to be able to set an Infrastructure Levy?

Careful consideration needs to be given as to how tranches of IL payments would be paid to Councils as there could be a significant (perhaps even fatal) delay in Councils receiving payments particularly when they are achieved through several developments/phased developments where infrastructure is being provided to “unlock” such sites and the “up-front” costs are borne by the Council. This could leave Councils exposed to severe financial risk with very little ability to manage/mitigate such risk and this could seriously jeopardise the delivery of infrastructure in the future.

Further, developers will always seek to maintain their cash-flow whilst local authorities will want contributions early on in a development to fund key infrastructure and s.106 agreements allow a compromise to be struck. If IL is paid later on in the development the Council will be exposed to financial risk in forward-funding infrastructure and where would IL payments then rank to a Council on a developer’s insolvency or would they be held in an escrow account? S.106 obligations are registered against the land and afford a great deal of protection to Councils whereas IL payments may well not.

22(c) Should the Infrastructure Levy aim to capture the same amount of value overall or more value to support greater investment in infrastructure affordable housing and local communities?

The Government proposal is to replace the CIL and S106 planning agreements with a new consolidated infrastructure levy. At the very least the consolidated IL should aim to capture the same amount of value overall.

However with anticipated growth and development as evidenced in the local plan, it is imperative that the overall infrastructure funding is increased to support the greater investment in infrastructure,

affordable housing and local communities, required to support anticipated future growth and development and it is properly realised.

The proposed IL would need to be set at a rate which can achieve those increased levels required to meet the demand and pressures places on local services and infrastructure which would be required to mitigate the negative impacts of new development.

Although HDC is not a CIL charging authority we are aware that elsewhere in the country the increased CIL funding passed onto local communities who have a made Neighbourhood Plan, has served as an incentive for them to get involved in planning, and produced funds to address locally identified needs. How would this matter be addressed under the new system?

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

Infrastructure levy could place the main burden of delivery of all new infrastructure on the shoulders of local authorities, particularly if the rate of the IL is insufficient to support the greater investment in infrastructure, affordable housing and local communities. The rate would have to be set realistically balanced between the delivery of infrastructure and viability.

If the development value were to be insufficient to support the costs of all infrastructure, due to low development value in an area and/or development thresholds for exemption of IL being too high, then despite the Government proposal to abolish viability assessments (presumably this would be tested at the local plan making stage), rather than the developer funding all infrastructure, then the local authorities could be placed in a situation where they might need to borrow to fund the infrastructure delivery.

Any proposal whereby local councils could borrow to fund infrastructure would need to be considered carefully and on a case by case basis. Prescribed or limited circumstances might be applied, for example, in situations where a major development such as a Sustainable Development Area (SDA) requires forward funding to support the delivery of key infrastructure e.g. highways works and /or unlock a site to bring forward development.

It would need to have safeguards and guarantees by the developer/s that the levy would be paid including any interest or other costs incurred by the local authority associated in arranging the loan facility. A bond could be obtained to mitigate the risk of defaults on the fulfilment of the obligations under the levy based on a case by case basis. However, given paucity of bondsmen willing to underwrite planning obligations other than for the largest developers then this could create a problem in itself whereby the smaller developers may struggle to obtain a bond and the risk would then pass to the Council if payments are not made by smaller developers whilst larger developers may challenge

the need for a bond given the apparent strength of their balance sheets and this would leave the Council exposed.

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

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

Yes, particularly with the Permitted Development Rights which allows for office and other uses to residential. Currently they “fall through the net” and avoid infrastructure payment.

We do not agree that all self-builds and custom builds should be exempt from the levy. The impact of the development is still the same on local infrastructure.

The Government propose to reform the developer contributions process/approach to allow the levy to be extended to capture changes of use which require planning permission (even when there is no additional floorspace) and some permitted development rights including office to residential conversion and new demolition and rebuild permitted development rights. In principle the idea of the levy capturing changes of use which require planning permission (despite no increase in additional floorspace) may be agreeable, subject to careful detailed consideration, it would require:

- a) research to establish whether a levy would generate substantive amounts from those applications for changes of use which require planning permission;
- b) knowledge of the cost of setting up an Infrastructure Levy outweigh the amount of Levy paid to the local council for those particular developments;
- c) a measurement or metric needed to be applied to each type of change of use to capture an appropriate proportionate amount of levy in relation to the development and its impacts;
- d) The inclusion of some proposal for permitted development (pd) is less clear and is ambiguous – there is potential for confusion of the status of a ‘development’ and what would be considered pd or development in relation to the payment of the levy.

This part of the proposal could lead to inconsistency and potential challenges. Clarification of the proposal would be required about how that aspect of the proposal would be operated and what precisely would be included in the charge and what would be exempt. Current proposals indicate the exemption of self- build and custom-built development would be maintained. It is important the Government works through the details of the changes of use which presently are considered to be permitted development and the proposes to capture the levy

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

24. (a) Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

Section 106 delivery has made an important contribution to supply of affordable housing in recent years. More clarity and stability are required if we are to successfully balance numbers and affordability. For that reason, The White Paper must aim to secure at the very least the same amount of affordable housing under IL and as much on-site provision as at present.

However, the lifting of contributions for smaller sites will mitigate against this critical aim. If threshold for smaller sites are raised (as currently indicated) below which on-site delivery would not be required then cash payment on smaller sites should be made in lieu for affordable housing which would allow local authorities to enable affordable housing development working with e.g RP partners.

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

On site in-kind provision must count as an offset against the levy. This should be made mandatory where an authority has a requirement, capability and wishes to do so. Local Authorities must have the means to specify unit types and tenures for on-site provision and have the ability to work with preferred RP partners. RP partners would buy units at a discount against market rates and this would constitute the in kind off set against IL. If no RP wants the units due to poor quality, or too high a price, Local Authorities should have the option to revert back to cash contributions as local authorities will otherwise be left sorting out the problems created by an errant developer.

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

LAs and RPs could be allowed to “flip” a proportion of affordable units back to market units where the affordable housing in-kind offset has become greater than the levy itself. The developer should have no rights to reclaim overpayments.

Key Comments/Concerns for Affordable Housing

The current proposals to include measures to exempt developers of smaller sites from S106 payments to local infrastructure such as affordable housing. The proposals envisage temporarily lifting a “small sites threshold”, below which developers will not need to contribute to affordable housing, to up to 40 or 50 units.

These changes are potentially disastrous and could reduce the amount of affordable housing built and lower-quality homes. After decades of undersupply, we must not sacrifice the quality and affordability of homes, or the infrastructure needed to support them.

Councils need flexibility to plan and invest according to local priorities. Local planning policies need to be strong enough to affect landowner expectations, so that affordable housing policies can be delivered without triggering viability problems.

The government should relax restrictions on the types of affordable housing required, allowing councils local discretion to respond to local needs in balancing numbers of units, affordability and quality.

The current system of securing Affordable Housing via s.106 agreements encourages stakeholders to liaise at the outset of matters to enable an appropriate mix of affordable housing to be provided and a developer has the knowledge that those units provided they are built to a suitable standard will be bought by a Registered Provider and ensures supply meets demand and units are not left empty/unoccupied in such circumstances whilst providing a near guaranteed sale to a developer. This process works and penalises developers who build poor quality units/not in accordance with local needs and “polices” itself against errant developers.

Summary

HDC support a levy that is worked out for each LA area, not nationally to take account of local markets / conditions

We would request that levy can to be spent on AH & focus on the detail of in-kind on-site AH provision & offset

We would not support the abolition of S106 legal agreements as they perform other important roles and will be needed in some elements of AH agreements with RP’s and LA’s

24(d) If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Developers must be incentivised to deliver good build and design standards for ‘in kind’ affordable homes. Under the current S106 route if sufficient quality and design specification is not achieved then RP’s will not buy them. Any new approach must ensure developers are not rewarded for poor quality designed homes. LA’s must have an option to revert to cash contributions if providers are not willing to purchase them due to poor quality and design, or excessive purchase price. It is very important to ensure good quality and design of affordable homes is maintained and cash contribution option will encourage developers to engage in early consultation / dialogue with LA’s and RP’s.

Local authorities should also have the option to accept Infrastructure Levy payments in the form of land within or near to a site. In partnership with affordable housing providers, they could then build affordable homes, enabling delivery of quality affordable homes

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

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

Generally, section 106 agreements go beyond financial contributions – they set out for example how children’s play areas should be maintained, and that open spaces and highways should be provided. Without this there is not another mechanism to secure them, unless other legal provisions, such as section 111 of the Local Government Act are used which might mean that ‘planning obligations’ reappear as S111 agreements.

A lot of detail needs to be worked through, in principle the government has an ambition to streamline the process and to guarantee a more binary relationship between development and the infrastructure it delivers.

In seeking to replace the existing planning obligations regime, a strong mechanism would be required to make sure that core infrastructure to support growth and new development and affordable housing are to be delivered.

The existing S106 agreements play a useful role in providing site-specific and other direct mitigations that might not fit comfortably with a straight levy-based approach. Shortfalls in the proposed levy in relation to site specific measures should be considered and addressed fully.

Whilst consideration of local communities is in principle desirable, the proposal does include payment of 25% of the infrastructure levy to those areas with an adopted Neighbourhood Plan.

It appears that there is a lot being placed on the proposed infrastructure levy, therefore the Government may wish to consider what the precise role of the Levy would be in relation to the precise provision of infrastructure? An approach is needed to ensure affordable housing and key infrastructure to support new growth and its site- specific impacts might be given priority. Otherwise the measures to mitigate the impacts of new development may be deficient.

Relaxation of the restrictions on spending the infrastructure levy on for example local communities, other policy priorities and reduced council tax would need to be considered carefully and balanced between development and viability. However, more flexibility would be appreciated in the use of funding to help to maintain local government funding levels. Local government is under significant pressure to balance budgets with reduced government funding to it is unlikely to realistically be able to reduce the levels of council tax. Council tax is calculated on a “by parish” basis, it would be time consuming and costly to administer if we were tasked with splitting out council tax reductions to smaller developments within a parish.

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

The existing S106 agreements play a useful role in providing site-specific and other direct mitigations that might not fit comfortably with a straight levy-based approach. Shortfalls in the proposed levy in relation to site specific measures should be considered and addressed fully.

Whilst consideration of local communities is in principle desirable, the proposal does include payment of 25% of the infrastructure levy to those areas with an adopted Neighbourhood Plan.

It appears that there is a lot being placed on the proposed infrastructure levy, therefore the Government may wish to consider what the precise role of the Levy would be in relation to the precise provision of infrastructure?

Relaxation of the restrictions on spending the infrastructure levy on for example local communities, other policy priorities and reduced council tax would need to be considered carefully and balanced between development and viability.

An approach is needed to ensure affordable housing and key infrastructure to support new growth and its site- specific impacts might be given priority. Otherwise the measures to mitigate the impacts of new development may be deficient.

Additional Comments & Questions

- Consideration needs to be given to where for example, doctors surgeries, schools, highways, open space and parks will be delivered if they are not being provided through section 106 planning agreements.
- How would the levy deliver the land also needed to be provided, for schools, surgeries and open space and parks, particularly for major strategic sites and development?
- Major development proposals require substantive on site affordable housing provision and infrastructure provision to support their growth and sustainable development.
- How would the Infrastructure levy ensure that strategic developments are properly supported to deliver local services and facilities?
- Major development proposals tend to require significant negotiation to achieve the right infrastructure, its delivery at the right time (trigger point/stage of development).
- How would the proposal enable the levy is used to secure spend on infrastructure appropriately?
- Would there be a replacement legal agreement to the S106 agreement to ensure there is an appropriate accountable, transparent and legal mechanism to ensure delivery of affordable housing and infrastructure?
- The White Paper appears to focus on housing developments and whilst it is predominant, there are other forms of development for example commercial, employment and retail.
- Little if any reference in Pillar Three of the White Paper is provided about non- residential development.
- Clarification would be welcomed about how the levy would apply to non-residential development?
- How would non-residential development be charged a levy? Would, it be based on floorspace or specific use?

We are also concerned that as a non-stock owning authority we would have to increase capacity and upskill or recruit staff if we were required to play a role in the direct provision and management of Affordable Housing.

Delivering Change

Proposal 23 – Resource and skills strategy

Proposal 24 – Strengthen enforcement powers

(There are no questions specific to these sections)

Equalities

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

Section 149 of the Equality Act requires public bodies or representatives of those bodies to eliminate discrimination, harassment, victimisation and advance equality of opportunity.

The planning system has historically been jargon based and in providing a wide opportunity for legal challenge has been channelled into legalistic terminology.

Equality of accessibility to the planning system, and understanding of the policies that underpin it, matter and should be fundamental to any changes made to the current system.

We anticipate that the revised national planning policy and guidance will provide an unambiguous and consistent approach across England for users of the planning system. We believe that Local Plans should be simplified and made more accessible, dealing with those issues that are important to the communities they represent in a clear and concise manner. The streamlined process of Local Plan examinations will, we believe, provide an open and transparent process that is more accessible to a wide spectrum of communities, including those with priority characteristics.

However, having equality in mind at a general or policy level is not enough, and 'Regard' must still be had to particular 'needs' when planning functions are exercised. The responsibility to identify whether there is an issue and discharge the duty when there is, remains that of the decision maker. Local Planning Authorities must therefore continue to be diligent in their due regard towards equalities in all areas of the planning system.

The duties to have regard to equalities arise before a decision is made or a proposal is adopted. The development of planning policy at a local level must therefore have due regard to those that feel excluded from the planning system as a fundamental pillar of engagement at all stages of planning.

Simplification of the planning system will make it more accessible to users. Reducing jargon and legalistic nonsense will help engage those people that are most affected by planning policies and planning decisions. Meaningful consultation with communities when setting local policy will be key in ensuring that communities feel engaged in the planning process.

Local Planning Authorities should consider whether a representative citizen's panel should be used to lead the development of a local plan. Panel representatives should be from business, residents,

landowners, users of facilities and amenities such as those representing minority groups, health groups, schools, arts as well as planning professionals and local councillors.

Finding out what people think and building on the knowledge of their community will be important in developing understanding for producing a local plan in the new planning system.

It appears that planning decisions by Local Planning Authorities do not routinely consider the impacts of decisions made on those with priority characteristics or consider how planning decisions might affect communities with complex demographics and unique issues. The making of planning decisions should be underpinned by due regard to those with priority characteristics.

Local Plans take too long to deliver and reducing the time taken and length of the Plan itself is a good aspiration. However, a quickly delivered and shortened Local Plan without meaningful community engagement is as unhelpful as an over-complex plan that has engaged properly.

Local Plans should have a clear purpose which is set by scoping of the issues relevant to communities. The process of producing a Local Plan should be open and transparent with early and accessible engagement and opportunities to hear people's views. It should avoid tokenism in consultation and make good and effective use of technology to engage a wider audience. That said, being reliant upon a web-based local plan will immediately exclude some members of the community where they don't have the equipment or skills to access a computer or where broadband, for example in rural areas is just not good enough to view detailed maps online.

By ensuring that the planning system, from policy setting to implementation of policies and decision making, actually considers people's views and where appropriate uses those views to inform decisions then public trust should be improved in the planning system.

It is important that Local Planning Authorities take time to manage expectations and explain the limitations and scope of the planning system to avoid disappointment and further cynicism.

Good design can make communities feel engaged with their environment. Well designed and beautiful buildings with sufficient and good quality green space can help ensure good mental health and better outcomes for children and young people. Ensuring that communities have their views heard when considering design codes will help ensure that not only those with priority characteristics influence decisions, but the development works and is valued by the entire community.

In terms of accessibility, putting everything exclusively online is not accessible for everyone. There will always be people who are unable to access digital content due to ability or costs. Whilst more and more people are digitally capable there will always be those whose abilities may deteriorate for example they may develop dementia and are therefore unable to access information in a way that they may have done or they may have a learning disability and not be able to understand digital formats. It is important that everyone is given an opportunity to consider community development in a way that they can access and understand, if everything is done solely online these people will be excluded and their views left unconsidered. Rural areas still also have difficulties with network coverage so downloading maps and large documents can also be very time consuming even for those who have the means of accessing digital data.

In relation to the affordability of housing - any changes that risk the building and accessibility of affordable homes will negatively impact young people (lower wages, savings etc), people with disabilities (lower employment levels and incomes), single parent families (statistically more likely to be female) and BAME communities (statistically lower employment/income levels) etc. There will

also be equalities implications from the types of housing developed, any changes that mean that different forms of housing such as bungalows and adapted homes do not need to be considered will negatively impact older people and those with disabilities