

Planning for the Future Consultation
Ministry of Housing, Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
London, SW1P 4DF

By email to:
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21/10/2020

Dear MHCLG

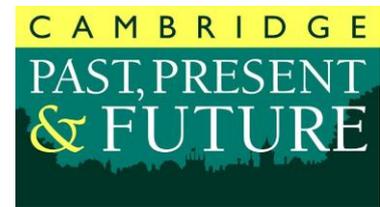
Response to Planning for the Future Consultation

Cambridge Past, Present & Future is Cambridge's largest civic society. We operate in the greater Cambridge area and working with our members, supporters and volunteers we:

- Care about Cambridge and are an independent voice for quality of life in the strategic planning of Greater Cambridge.
- Are dedicated to protecting and enhancing the green setting of Cambridge for people and nature.
- Are working to protect, celebrate and improve the important built heritage of the Cambridge area.
- Own and care for green spaces and historic buildings in and around the city for people and nature, including Wandlebury Country Park, Coton Countryside Reserve, Cambridge Leper Chapel & Barnwell Meadows, Bourn Windmill and Hinxton Watermill.

We have prepared a response to the questions set out in the White Paper consultation, and these are provided below. This is based on the extensive experience of our Planning Committee, who collectively have an excellent knowledge of the English planning system. In addition, we would like to highlight the following points to you:

- **The proposals in the White Paper will not accelerate the build-out rate and therefore will not enable the Government's target of 300,000 new homes per annum to be delivered.** So long as control over the build-out rate is retained by the commercial developers responding to market forces, the much-needed uplift in house completions cannot be achieved. The proposals in the White Paper may increase the already ample supply of approved building land by 'simplifying' the planning permission process but it will not result in more building. The solution must be to invest greater control and financial investment in Local Authorities, Housing Associations, Development Corporations and the like, backed with the power of compulsory land purchase. The shortage of housing, and the lack of affordability for many first-time buyers, is not caused by bureaucratic delays in granting planning permission but because the Local Planning Authorities are effectively powerless to over-ride the commercial interests of the house builders. The White Paper fails to address this fundamental problem.
- **The proposed simplification of the planning approval process will curtail the opportunities for local community engagement and are therefore undemocratic.** The current system may be cumbersome but it is at least comprehensive and democratic and does provide an opportunity for local people to



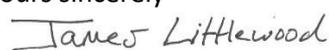
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become engaged at all stages. As a community organisation, we know that it can be difficult to get the public involved in planning at the conceptual or strategic level – and it is often not until detailed plans come forward with visualisations that people can really understand what is being proposed for their neighbourhood. Restricting the public consultation only to the preparation of the Local Plan is therefore likely to have the opposite effect to the Government’s stated intention of increasing public involvement. The amount of time and effort that would be asked of community representatives to engage in the revised Local Plan process would also be significant and probably beyond their capacity. Therefore, we conclude that the proposals in the White Paper are designed to limit and reduce community participation in the planning process in order to make it easier for developments to proceed. We object to this in the strongest terms.

- **The White Paper fails to address the fairer distribution of uplift in land values generated by planning approval, and the funding that this would provide to generate more benefits for communities.** The current system disproportionately benefits the landowner who may carry no responsibility for any financial contribution to the subsequent development. The document goes into some detail about the application of the CIL but assumes that this is the sole responsibility of the developer. In Western Europe the value uplift that the landowner receives is either capped or contributes through a variety of obligations to the costs of the infrastructure and community enhancements that are necessary to create an attractive place to live; so why is this fairer model not even being considered for England? If communities can more clearly see the benefits that new development might bring, they would be more likely to supportive.
- **The use of the term “Protected area” is misleading as the proposals in the White Paper do not provide any protection for it.** In fact, it is land that can be developed if the developer can show that the benefits of their scheme outweigh any harm that it might do. Therefore, we strongly object to the use of this terminology, which will lead communities to believe that places that they value are protected, when they are not. This will only add to the already high levels of public distrust in the planning system.
- **We are currently facing a climate and biodiversity crisis. We are pleased to read that sustainability is at the heart of the proposals but we would encourage you to go further and faster if you are to adequately address these issues before it is too late.**
- **Permitted development rights already approved by the government are resulting in sub-standard buildings and damage to undesignated heritage. They are providing gain for individuals and a loss for the community.** This is no way to create thriving communities or a lasting legacy for future generations. We ask that existing permitted development rights are reviewed and that no further rights allowed.

I trust that you will take our comments into consideration.

Yours sincerely



James Littlewood
Chief Executive

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

Democratic, Opaque and Under-staffed.

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

Yes

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

Online

Comment: It is important that online planning portals have the ability to carry out advanced search - for example specifying dates, developments of a particular size, height, location and also relevant constraints. For example, we are concerned to protect conservation areas, listed buildings and wildlife sites and so we would be interested in applications which would have an impact on these. At present we are unable to search on these criteria and we are therefore faced with a mass of planning applications, most of which are not relevant to us, which we have to sift through weekly.

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

The environment, biodiversity and action on climate change/ Protection of existing heritage buildings or areas / Protection of green spaces.

Comment: All of those in your list are important and ought to be a priority for any plan. It is the job of a good planning system to mediate between them in an imaginative and democratic manner.

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

No

Comment:

We agree that the Local Planning process should be simplified, but not in the way set out in the White Paper.

Simplification must not be at the expense of comprehensiveness or public engagement. We are concerned that simplification will mean that many of the social and environmental issues that provide the checks and balances for any development would be skimmed. The area-based approach proposed is too simplistic, and the proposed change from a 'discretionary' planning system to a more 'zonal' system is inappropriate for addressing England's complex planning challenges. It seems that a hybrid between the two systems is proposed which would lead to greater confusion rather than making the system simpler. It seems to us that the time and resources necessary to ensure that design guides and codes can be sufficiently comprehensive and enforceable has been underestimated – and is also likely to be beyond the capacity of local communities to contribute to.

However, the ambition to simplify the Local Plan process is welcome. But what seems to be proposed is likely to be as complicated and lengthy as the existing system, e.g. Detailed policies and explanatory material would be replaced by elaborate maps and design codes. We believe that simplification would be best achieved by setting local plans within a clear strategic context via regional or sub-regional strategic plans. This would free up Local Plans to focus on a design-led approach. Plans should certainly be shorter and easier to understand,

and this would be best achieved by removing the need for much of the explanatory text now inserted to justify plan policies. If a policy has been adopted it doesn't need further justification.

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

No

Comment: Local Plans must have the sensitivity to accommodate local demands and circumstances, and therefore do not lend themselves to national standardised frameworks. "Streamlining" in this way is likely to result in a more superficial type of Local Plan that will create ambiguity when considering individual planning applications. However, there is certainly scope for streamlining development management policies, and some standardisation through the NPPF could be helpful. But there should be discretion for local authorities to adapt policies to reflect local circumstances. Development management decisions will still need to reflect individual site complexities and constraints and mediate between different interests, and even where local design guidance is in place there will still be a need for flexibility, particularly on smaller sites in existing built-up areas.

It may be helpful to have a hierarchy of language in national planning policy (such as NPPF), as in the Highway Code, for example:

- a) 'must' indicates non-negotiable (e.g. sustainability standards, minimum living space, daylight, access to open/recreational/natural space).
- b) 'should' indicates default policy that may be overridden by local policy (appropriately justified).
- c) 'recommend' indicates policies that should be considered for inclusion in local policy, and which may become national policy at a later date (e.g. more stringent sustainability standards).

Q7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

No

Comment: Replacing the current Strategic Environmental Assessment and Sustainability Appraisal with a consolidated test of "sustainable development" is likely to result in the loss of the detail that is so crucial for local application. This approach to encourage standardisation fails to recognise that local planning is diverse and varied, as between urban and rural, rich and poor regions, under-populated and over-populated, etc. A lot will depend on how the proposed test is designed. Some simplification of the existing plethora of assessments and tests would certainly be welcome, especially when dealing with proposals for smaller developments.

We note that most Local Plans that are being signed off as "sustainable" are in fact nowhere close to being environmentally sustainable, which makes a mockery of the system.

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

If the Duty to Co-operate is dropped without regional strategies in place it is difficult to see how cross-boundary issues can be resolved except by ad hoc arrangements possibly, in appropriate cases, by the intervention of a combined authority (if any). If the Duty to Cooperate is to go it should be replaced by some

form of sub-regional planning forum to ensure full integration of neighbouring Local Plans. Strategic issues, on the other hand are best dealt with by strategic plans. These should ideally be at regional level, although they would need to have a democratic mandate. To some extent the answer to this question depends on the Government's intentions surrounding devolution. Perhaps the most politically deliverable approach at the moment would be to re-constitute regional planning Standing Conferences (such as SERPLAN or SCEALA).

Locally controlled Development Corporations could also overcome some of the problems encountered when dealing with large development sites which straddle or are close to local authority boundaries.

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

No

Comment: The introduction of a standard method would save argument over the different methodologies for determining Objectively Assessed Housing Needs as witnessed at Examinations of draft Local Plans. However, a standard method must have the sensitivity and flexibility to be able to accommodate local circumstances – for example, local employment hotspots generating high demand for housing and areas of low economic growth that may also have a growing demand for more housing. The sub-regional planning forum proposed in Q8(a) should play a role in determining the allocations of OAHNs amongst the participating authorities. In addition, Government guidance at a national level should be limited to the furtherance of its aspiration for 'levelling up' the economies of the English regions. It should be the job of a strategic regional or sub-regional Plan to interpret this guidance to provide a context for Local Plans.

Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

Comment: These two factors are important but they should not be the sole indicators; other key factors such as employment growth must be included. There is a need to acknowledge the role of local economic/industrial policies in driving housing demand as a signal to businesses for where to invest and create employment. The Government's reliance on its algorithm on house prices has produced some bizarre outcomes with housing growth to be concentrated in the South-East whilst the proposed building rates for the Midlands and North are actually to be reduced. Presumably this is in the misguided belief that increasing supply in the South-East will reduce prices and encourage a levelling off between different parts of the country. So long as commercial builders control the supply of housing they have a vested interest in keeping prices as high as possible. The algorithm is clearly seriously flawed and must be revised. The proposed method could exacerbate the North/South divide.

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

No

Comment: The designation of a Growth Area through the Local Plan process would generate a presumption in favour of development. This would be the equivalent of automatically granting outline planning permission for all proposals for development in such an area which accords to the form and type of development specified for that area. In the current regime Outline Planning Permission for major developments is the crucial legal document that defines and secures all the key requirements and attributes of the proposed development. It defines the amount and type of development permitted, defines the form and layout of the

development through parameter plans and secures the necessary infrastructure to make the development acceptable via a S106 Agreement. There is no way that this can be done through a Local Plan site allocation process, particularly given the tight timescale for adoption of draft Local Plans proposed by the White Paper. A better approach would be to seek a greater amount of high-level site-specific design guidance through the Local Plan, similar in detail to an Area Action Plan or Supplementary Planning Guidance, followed by the normal outline planning approval process. But even this would require additional time and resources. There are many unanswered questions in this proposal. For instance, would site promoters have to provide information equivalent to an outline application to enable their sites to be considered for inclusion in a 'growth' zone? In any growth zone there may still be environmental features or historic buildings which require protection or creation. It is unclear how the zonal approach would ensure that these are adequately protected or created.

In a small number of exceptional instances, the identification of growth areas with looser planning requirements may be appropriate. However, the criteria applied in identifying such areas must take into account the same issues as are addressed through regular planning procedures.

There is a big challenge in making major planning decisions democratically at a stage where policy is communicated in mostly abstract and often technical terms. The general public cannot easily engage with this. They would be more motivated if they understood the significance, and if it were communicated in more accessible ways (e.g. using more visual tools).

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

No

Comment:

The use of the term "Protected area" is misleading as the proposals in the White Paper do not provide any protection. In fact, it is land that can be developed if the developer can show that the benefits of their scheme outweigh any harm that it might do. Therefore, we strongly object to the use of this terminology, which will lead communities to believe that places that they value are protected, when they are not. This will only add to the already high levels of public distrust in the planning system.

At the moment, the definition of these zones is too loose and open-ended. By definition proposals for development concerning "Renewal" and "Protected" areas need to be carefully considered on a case by case basis, as now. We are concerned at the possibility of the abuse of the permitted development rights. If the widespread use of Permissions in Principle is envisaged it should be noted that they have not so far been effective or particularly useful in the limited extent to which they have been introduced into the English planning system in recent years, and it is unrealistic to expect local design guides or codes to be robust enough to facilitate this level of deregulation with any confidence. Much better to encourage far wider use of locally supported area-wide design guides and site-specific design briefs and ensure that they are adhered to, retaining the need for the normal planning permission. If the guides and briefs are clear and are seen to be supported by Planning Committees and Inspectors, they would reduce uncertainty and speed up the planning process.

Public credibility of the process depends on properly-resourced monitoring of completed projects, to ensure that claimed quality is delivered.

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

No

Comment: The NSIP is not appropriate for determining and delivering local settlements; it would be too remote from local agencies and communities. This is much better done by Local Authorities who have the sensitivity to appreciate local circumstances and who are accountable to the communities they serve. But a strong case could be made for establishing locally controlled Development Corporations, particularly if they can make use of enhanced compulsory purchase powers and be given borrowing powers. We would envisage such Corporations including democratically elected representatives.

Locally controlled Development Corporations could also overcome some of the problems encountered when dealing with large development sites which straddle or are close to local authority boundaries.

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

No

Comment:

The process can be speeded up only by either reducing the level of detail that is currently involved in the decision-making and/or by precluding public participation. Both of these options should be rejected. Even using standardised Design Codes, it is difficult to see how the process can be significantly accelerated. In any case speeding up the treatment of applications for planning permission will not speed up the delivery of more housing. So long as housing supply remains under the control of commercial house-builders whose activities are determined entirely by market forces. Increasing the supply of building land with planning permission will make little difference to the rate of supply. There is already several years supply of approved land that remains undeveloped so just adding to this resource is immaterial. The proposals in the White Paper also risk reducing the involvement of local people, and especially neighbours, in the planning and development of their locality. In the White Paper proposals, public consultation is to be restricted just to the preparation of the Local Plan and once an area has been designated as a Growth Area there is no further opportunity for them to comment or object. "Streamlining" by reducing the ability of the public to engage is a backward step based on the misunderstanding that public engagement delays decision-making. What the paper fails to recognise is that public engagement is a key element in local democracy and very often results in better plans and better schemes being built – that is certainly our experience in Cambridge.

The increased use of digital technology is supported, but there is an over-optimistic view about the extent that this could speed up the decision-making process on its own. Computerised presentations can be useful but are not always adequate substitutes for paper. We find that detailed designs can be difficult to view on screen due to the requirement to zoom in to a small area, thus losing the overall context. Especially as many people use small screens such as a laptop, tablet or smartphone. The ability to attend consultation events where large-scale drawings (or better still 3-D models) are available is important and should be retained.

Digital modelling of individual applications in isolation does not allow impacts on context to be adequately shown or assessed: so-called "verified views" do not give a full or adequate picture of the impacts of proposed developments. Consideration should be given, particularly for historic towns and cities such as Cambridge, to large-scale settlement-wide digital models into which individual proposals should be required to be set

More human resources will also be required to interpret the data. Current delays in the system are often just a result of the budget cuts over the last decade, so the adequate funding of planning departments should be an urgent priority whatever changes are introduced.

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

Not sure

Comment: We support the move to digital over the long term but at the present time not everyone has access to good internet (including those living in rural areas) or the ability to use it for complicated purposes, such as assessing technical plans. Computerised plans are not always adequate substitutes for paper. We find that detailed designs can be difficult to view on screen due to the requirement to zoom in to a small area, thus losing the overall context. Especially as many people use small screens such as a laptop, tablet or smartphone and do not have access to a printer which can print large-scale plans. The ability for the public to view/access large-scale plans should be retained.

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

No

Comment:

30 months is over-ambitious. The current system can take far too long leaving Local Authorities vulnerable with no approved Local Plan, but aiming for 30 months goes from one extreme to the other. Local Authorities simply do not have the capacity to take this on and it is questionable whether sufficient evidence can be gathered in time to support any plan. If such a time scale is to be introduced, then the Government must provide sufficient additional resources to build the capacity of local planning departments.

A speeded-up Local Plan preparation process is desirable, but this should be achieved firstly by providing a regional or sub-regional strategic plan that gives a clear context for the Local Plan, and secondly by not including the deregulatory measures in the White Paper which will load an unrealistic amount of detailed design guides and codes into the Plan that will be impossible for local communities to influence and scrutinise within such a tight timescale. The local Plan should certainly be design-led, but this timescale would only allow for relatively high-level strategies. The detail should follow in well-resourced and locally supported design guidance, site planning briefs and Neighbourhood Plans.

Attempting to work to such a short timescale would inevitably reduce the opportunities for public consultation, which would be undemocratic.

A 30-month timetable would be so tight to deliver that it could not accommodate unforeseen delays that were beyond the control of the local planning authority, for example caused by local electoral changes or a global pandemic. If such a timetable were introduced then it would need to include the ability for it to be extended in such circumstances.

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

Yes

Comment: Neighbourhood Plans are an important means of involving the local community in the planning of their locality and a way that they can be fitted into the proposed new system should be worked out. At present they are primarily limited to rural parishes, or groups of parishes, so we would welcome a scheme to expand their coverage into urban neighbourhoods.

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

The Neighbourhood Planning process has struggled because of the lack of resources, so additional funding should be the first priority. The limiting factor is often the lack of training and support. Communities start with the best of intentions but enthusiasm quickly wanes faced with the complexity of the process and the time commitment. Local Authorities should be empowered to provide more hands-on support, included finance, which has implications for Local Authority funding. Digital tools are useful in appropriate circumstances but should not be a substitute for traditional methods of presentation and recording. Neighbourhood Plans should certainly be design-led, but as a result will be resource-hungry if they are to be effective.

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

Yes

Comment:

The proposals in the White Paper will not accelerate the build-out rate. So long as control over the build-out rate is retained by the commercial developers responding to market forces, the much-needed uplift in house completions cannot be achieved. The solution must be to invest greater control and financial investment in bodies such as Homes England, Local Authorities, Housing Associations, Development Corporations and the like, backed with the power of compulsory land purchase. The shortage of housing, and the lack of affordability for many first-time buyers, is not caused by bureaucratic delays in granting planning permission because the Local Planning Authorities are effectively powerless to over-ride the commercial interests of the house builders. The White Paper fails to address this fundamental problem.

Compulsory buy back of land where schemes are not being built out at the rate stipulated in the planning permission, for example by Homes England, who could then bring in other developers to complete the scheme.

Outline planning permissions should identify how a variety of housing providers, including self-builders, are to be brought into the development, and this should be secured through the S106 Agreement.

Implement the recommendations of the Letwin Review.

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

Other – Mixed.

Comment. Some excellent, others poor or indifferent. The Cambridge area is fortunate to have had development schemes that are not the national house-builders standard design, and we would say that generally the standard of design is above the national average and certainly a lot better than in the surrounding districts, where there are a lot of unimaginative national house builder boxes located on the edge-of-settlement and car oriented. We would highlight the Eddington development in Cambridge as one of the better examples of new development.

We would stress the value of Design Panels in helping and Cambridge is fortunate to have one. We would also highlight that Cambridgeshire has a Quality Charter for new development and a quality panel. Perhaps it is not a coincidence that Cambridge has design quality that is better than average?

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

All future development should place less reliance on movement, especially by private car and with the need for denser development there should be more accessible green and open space for recreation and amenity. Sustainability, especially environmental sustainability, should be the basis of all future development, given the need to move to a zero carbon and halt the loss in biodiversity.

The government has the ability to ensure that any new public building is genuinely sustainable and this can help to educate, inspire and set the standards for private schemes. Due to the state of local government finance, sometimes this is not a sufficient priority for local government. We would like to see higher standards set for public building and for these to be exemplars = Green Recovery.

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

Yes

Comment.

Design codes can be useful for enhancing the quality of developments provided that they are produced with the full involvement of the local communities that the codes and guides are supposed to benefit - and that they are rigorously enforced by the Local Authority. Design guides and codes should not try to impose a particular architectural style on new developments. They should focus on broader characteristics of what makes good design and how local character should be reflected and enhanced by new development. They should also ensure that all new housing provides adequate standards of light, living and storage space – including where this is achieved through permitted development rights.

We have serious concerns about the capacity of local authorities and local communities to undertake the task without significant capacity building resources being made available by central government.

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

Yes

Comment. The new national body should work through regional and local agencies and not be too London-centric. Standardisation is obviously inappropriate to cover the great variation in local requirements unless it is so generalised as to be meaningless. Design codes should therefore be developed at the local level by Local Authorities with the active participation of the communities who are the intended beneficiaries. It is agreed that Local Authorities should have a senior officer designated to ensure high standards of design and place-making, but this will have resource implications for cash-strapped local authorities.

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

Yes

Comment: All new homes should also provide adequate space for both living and storage. Space standards need to be re-introduced and be mandatory, including for permitted development schemes.

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

Not sure

Comment:

This should be tested through pilots as suggested in the White Paper – only once we have the results from these will it be clear whether the proposals are deliverable.

A structure needs to be sympathetic with its surroundings and conform to widely accepted principles of good proportion. Beauty is not a commodity that can be fast-tracked – it should be inherent in every development. How is 'beauty' to be categorised? Which developments would be eligible for fast-tracking and which not? Would those not fast-tracked be denied planning permission as being 'ugly'? Should there be a slow-track for ugliness?

NPPF does not give Local Planning Authorities a sufficiently robust policy basis for refusing planning applications that are ugly or indifferent. Consequently, few are willing to refuse them and that is why we have too many ugly and indifferent developments. If you give LPA's a strong policy basis for refusing poor or ugly design we will soon see an improvement in standards.

Public credibility of the process depends on properly-resourced monitoring of completed projects, to ensure that claimed beauty/quality is delivered.

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

Other - Strategic green space.

Comment: In our area there is a historic lack of very large areas of green space. Cambridgeshire does not have the coast, downlands, moorlands or woodlands of other counties – it has intensive agriculture and inaccessible wetlands. A rapidly growing population means that the current green spaces are being over-used and damaged. There is no ability for new developments to contribute towards creating more large areas (either new ones or expanding existing ones in size) and therefore the situation continues to get worse (ie is not sustainable).

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

No

Comment:

The White Paper raises far more questions in this area than providing answers. The proposed Infrastructure Levy can't entirely replace S106 Agreements because a S106 Agreement does not impose a tax. It is a legally binding mechanism for ensuring that infrastructure and other matters that are necessary to make the development to which it relates acceptable in planning terms is delivered to an agreed programme. The Infrastructure Levy as proposed is really a Development Land Tax, and could certainly be part of a new process for simplifying the S106 negotiations, but there would need to be a clear definition of what infrastructure is physically necessary, such as roads, drainage landscaping, environmental mitigation etc. and what is more policy-related such as the provision of affordable housing and contributions to local social

infrastructure such as new schools. It is often the policy-related requirements that hold up S106 negotiations, so if these are separated out and covered by the Infrastructure Levy it would certainly make life simpler. But the S106 Agreement would still need to secure any land necessary to accommodate the policy-related facilities, even if the Levy covered the actual cost of delivering them.

Need to acknowledge the problem of sequencing: land purchase options are typically negotiated several years before S106 agreements are finalised. That means the land price is determined by policies of the day. Future uncertainties about policy, the economy and site constraints tend to be underestimated in a competitive bidding scenario, in the knowledge that some of that risk can be transferred to the local authority at a later date, through a viability assessment. That will typically reduce the developer's ultimate expenditure on affordable housing, community amenities and landscaping. To address this issue, one solution might be to make planning obligations non-transferable. So, if a landowner secures outline planning permission, they can sell the land with planning consent, but they will retain responsibility to deliver all planning obligations. They can contract these to the land purchaser or a third party, but the financial liability is separate from the permitted development. This way, the cost of meeting planning obligations is additional to the land purchase price, and not part of the developer's assessed costs.

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

Locally

Comment: In order to reflect regional variations in cost.

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

Not sure

Comment: Increasing the Levy is likely to lead to increased house prices and is thus self-defeating. The problem is not so much the amount of the Levy as the ability of Local authorities to get developers to stick with the commitments to which they have agreed. All too often viability analysis, often with dubious expenditure items, is used to reduce these commitments, particularly the proportion of affordable homes. Local Authorities need stronger legislation to enable them to enforce IL commitments.

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

Yes

Comment:

There is a pressing need for the Government to make available substantial soft loans to Local Authorities to ensure adequate affordable housing and other essential infrastructure including green spaces.

Local Authorities should be empowered to purchase the affordable housing element of a development, if necessary, using Compulsory Purchase Orders, which they can either sell on at affordable prices or use for social renting. To undertake this on the scale necessary will require a major review of the funding available to Local Authorities. The authorities would need to act prudently as it would not be possible to calculate accurately the net outturn from the proposed new levy in advance.

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

Yes

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

Yes

Comment:

There seems to be an assumption that the levy is to be deployed just for affordable housing when in fact it has a role in providing a wide range of social and environmental elements that make for a high-quality development. Planning permissions should, however, still require a minimum percentage of on-site affordable housing as at present.

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

Not sure

Comment: The 'right to purchase' is attractive provided sufficient funding is made available to the Local Authority for it to benefit – see Q22(d) The method for funding and delivering affordable housing on major sites should be agreed at outline permission stage, ideally involving a nominated Registered Provider, but could include other options as suggested. This is a complex area that will need further detailed consultation if the Infrastructure Levy concept is to be pursued.

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

Not sure

Comment: It is unclear how this might work – what would be the mitigation measures? Would these place the Local Authority in a financial straight-jacket? This needs further thought.

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

Yes

Comment: The quality standards would need to be acceptable to the Registered Provider, particularly in relation to ongoing management costs. It is important that the rush to create more affordable housing does not result in housing that is sub-standard. Some of us remember the state housing constructed in the 1960s and 1970s.

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

Yes

Comment: This could encourage greater flexibility and imagination in the creation of quality places – green spaces, enhanced biodiversity, allotments, climate mitigation, etc

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

Yes

Comment: A sensible measure to prevent the levy disappearing into the Local Authority exchequer. Might such 'ring-fencing' form part of the 'mitigation' proposed in Q24(c)? The provision of the agreed level of on-site affordable housing (or payment in lieu on small sites where appropriate) should be guaranteed in any new system.

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

No

ADDITIONAL COMMENTS

In areas with a tiered system of local government there is a need to better integrate development planning with transport planning because the current system does not work. Transport should not be regarded like a utility that can be plumbed in at any point. Transport-oriented development is essential to meet sustainability targets. We note that the government is considering the roll-out of Unitary local authorities and this would be one solution to the problem.