

White Paper: Planning for the Future

Response by Leeds Civic Trust

The aims of Leeds Civic Trust are to:

- Stimulate interest in and care for the history and character of the city.
- Encourage high standards of design, architecture and town planning.
- Encourage the improvement of features of public amenity.
- Promote co-operation in the achievement of these objectives

The responses below include the white paper's proposals on a white background and its questions on a grey background with the Trust's answers and comments in **bold type**, below each question.

Pillar One – Planning for development

Questions

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

Opaque/exclusive/underfunded

Exclusive: The primary aim of the planning system should be to provide sustainable, safe, well-designed, and well-functioning places to live and thrive. At present, it is perceived mainly as a tool to provide sites for anticipated additional housing units, without sufficient consideration of creating quality places and often exacerbating rather than addressing local concerns (see answer to Q5).

Those concerns and the opportunities for their expression by those affected by development are seen as a lower priority than the needs of applicants, particularly where they are large organisations. This exclusivity is seen in: the imbalance in influence at Local Plan stage and planning appeals between voluntary community groups and well-funded private developers and their professional teams; the exclusion of others in pre-application discussions between developers and the local planning authority which can often pre-determine the direction of significant applications; and the lack of third-party appeal procedures.

Opaque: Planning uses opaque language which acts to exclude those not well-versed in the jargon. Policies and guidance can be spread through a myriad of documents making it difficult to determine exactly what the requirements are, both for applicants and those affected by the development. Community engagement in the management of change is essential if that change is to be fully beneficial to those communities and thus the processes involved need to be transparent and fully understandable by everybody.

Underfunded: For communities to take a more active role in the planning of their areas, resources are needed to: develop community-building; assist with professional expertise where required; carry out meaningful community engagement. Planning outcomes might be very different if local communities had access to the same resources that large developers have.

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

[Yes / No]

Leeds Civic Trust has an active Planning Committee which considers and comments on planning policy issues, monitors all planning applications in the city and carries out design reviews on most major and some important minor applications. The Committee regularly receives presentations from applicants on major developments, often prior to application, on which it provides constructive comments.

2(a). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

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?

[Social media / **Online news** / Newspaper / By post / **Other** – please specify] **email as statutory local consultee**

4. 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]

A NEW APPROACH TO PLAN-MAKING

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

Question

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

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

The proposals prioritise growth over place-making. The zoning system still relies on a call-for-sites to identify housing land as a starting point (Proposal 8) and local planning will therefore remain a reactive, rather than a proactive process. Of course, Local Plans must provide for anticipated change, and if necessary growth (on the basis of a regional strategy, see response to Q7b), but within the primary context of improving the quality of life and well-being of the individual communities in their area. Thus, the preparation of Local Plans should follow a logical sequence:

- 1: Establish the distinctive qualities of each locality in their area, in partnership with local communities and stakeholders, by an appraisal of its development patterns, its scale, density and design characteristics, its current land uses, its connections and transport infrastructure, its social amenities, its green spaces;
- 2: Using that appraisal, determine if and how that local area could grow in a sustainable way that will build on and improve those characteristics and provide for the holistic needs of the existing and any future communities, taking into account a preference for using previously-developed land;
- 3; Only then can decisions be made on if and where any new development should be located and whether it is a sustainable proposal for that community. Place-making should be the primary consideration, not a secondary one after housing land has been allocated.
4. Thus, rather than housing sites being allocated on a “least-worst of what’s available” method, as at present, local planning authorities would work in partnership with the landowners of the suitable sites identified in 3 to determine allocations.

The Growth and Renewal Zones proposed are not clearly defined in the White Paper. Effectively, if the procedure above were adopted, the allocated sites would become the growth zones. But they could only benefit from an absence of planning control if they are subject to design codes and/or masterplans prepared in partnership with the LPA and the local community on the basis of the appraisals set out in 1 above (which, incidentally, would make their preparation much easier). Further consideration is given to the Zoning proposals in response to Q9 below.

Conservation Areas are rightly included in the Protected Areas category. Proposals for new conservation areas or extensions/changes to boundaries can come at any time in the life of a Local Plan and as this might also alter the extent of Renewal or Growth areas, there must be an allowance for this in the legislation. It would be unrealistic to expect Local Authorities either to bring forward all anticipated additions/changes to their conservation areas in the short time scale available for creating the initial Local Plan, or to have to delay them pending a later full review.

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

Question

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

There is no doubt that the present system can be unwieldy, and we recognise that some local requirements and planning conditions can be expensive and onerous for developers. Including centrally placed policies on these matters may help to improve that. But there are many aspects of a development which will impact uniquely on the local area and cannot be dealt with by one-size-fits-all policies and automated tick-box algorithms. Checking the adequacy of a development proposal against a list of criteria will, in many cases, be dependent on subjective judgement, often only possible if there is local knowledge available to make that judgement. For example, Leeds has a policy relating to the over-concentration of student accommodation in residential areas: determining what that means in terms of local amenity and well-being in any particular case is a matter of judgement which can only be assessed with knowledge of the local situation. Therefore, we prefer the alternative suggested: allowing local authorities and neighbourhood plans a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.

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

Questions

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.]

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

This is a particularly important consideration for Leeds in view of the forthcoming devolution with a West Yorkshire Mayor. The Mayor’s planning responsibility should include the creation of a West

Yorkshire Spatial Planning Strategy, which can be used to ensure that housing, employment and transport infrastructure is distributed across the county in a way which does not become detrimental to the future prosperity and well-being of all its urban and rural areas.

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

Questions

8(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.]

We welcome this approach which will avoid the requirement for LAs to demonstrate a five-year supply. This has resulted in many inappropriate greenfield sites in this area being granted planning permission in flagrant disregard of local conditions. However, we have some caveats. See answer to 8(b) below for some. Another is that the requirement for affordable housing will need to be related to local housing needs assessments.

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 / No / **Not sure**. Please provide supporting statement.]

There is a possibility that if these are the only indicators then development will only be directed at the popular areas, contradicting the aims of the levelling-up agenda. Whilst this might have the effect of making housing in those popular areas more affordable (less unaffordable?), it doesn't allow for the effect of increased investment in the regions (particularly the north) which the levelling-up agenda is supposed to achieve, and the effect of that on growth.

We certainly agree that environmental constraints such as green belt also need to be taken into account, so that in calculating the extent of Leeds, for example, the surrounding Green Belt, valued countryside and rural landscape is not included.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING

PERMISSION FOR SCHEMES IN LINE WITH PLANS

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

Questions

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

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

Assuming that Local Authorities, with suitable public engagement, will retain full control over the locations of growth areas, there is some merit in the allocation of such land being the equivalent of an outline planning permission or permission in principle. However, LAs must have the ability to control the type and the extent of the various uses included as being permissible in principle, so that, for example, an area earmarked for housing is not taken over by an out-of-town retail park or industrial complex. Thus, the proposed requirement for a masterplan for growth areas is absolutely necessary (along with design codes) and moreover, must be prepared with the full engagement of the local population and not just the landowner/developer.

With respect to faster routes for detailed consent, it is not clear what these might be, but we would strongly oppose the idea that public consultation is excluded from the detailed design process. Design codes will never be able to be 100% prescriptive and there will always be room for interpretation of intentions at detailed design stage which must remain open to challenge.

In fact, at present, the public is often excluded both at the start of and during the application process: pre-application discussions tend to set parameters which both applicants and LAs are reluctant to move away from (even when presented later with good reasons to do so); and toward the end of the process, if detailed changes which are considered too minor to re-advertise nevertheless actually have a critical effect. So rather than reducing the opportunities for public engagement, these reforms should be increasing them.

9(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.]

The first method suggested for granting consent – pre-specified forms of development – are effectively the same as the recent permitted development rights (PDR) amendments, brought in without proper consultation. Changes to PDR to allow conversions from B1 use to dwellings have proved detrimental to quality and their likely effect on health and well-being. Certainly, they undermine the professed commitment to “beautiful” design and government space standards. This would only be acceptable if the pre-specification included extensive requirements to ensure they meet certain standards and allowed scrutiny by LAs and were subject to public consultation. See also above (Q8) for our response to the proposal for faster routes to permission.

9(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.]

New settlements will clearly have a profound effect on the locality in which they are proposed and any consideration of them must be carried out at a local level and include local public engagement. Where there are combined authorities and/or a Mayor, as in West Yorkshire, their consideration would also be at that level. Proposals such as this highlight the fact that the planning reforms do not include the concept of regional spatial strategies, which would be the most effective framework for consideration of new settlements.

The suggestion here also highlights the dichotomy between the proposals for increasing the depth of public engagement in planning their areas, and the lack of adequate public engagement in national infrastructure projects.

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

Question

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

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

On the face of it the aim here is a good one. Using better data and technology to provide information as part of planning applications is sensible, providing it works. We have two caveats: Firstly, only providing digital access to planning information or notification to the public will disenfranchise many who may be affected by it.

Secondly, there should not be any heavy reliance on technology and algorithms to help decide whether a planning proposal meets the requirements of a design code. This is likely to result in a

uniformity of development which would not meet the aims of building beautiful. Quality will only be achieved through the appropriate interpretation of design codes, subject to independent scrutiny by LAs and the local community.

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

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

Question

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

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

Provided the pilot studies proposed are carried out not just with LAs and the tech companies, but also with the public to properly assess their effectiveness, we would support this proposal. However, account needs to be taken of those without digital skills.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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

Question

12. 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.]

Whether the time is sufficient will only be seen when it is tried. However even though the paper suggests (under Proposal 11) that design codes and masterplans may be prepared after the Local Plan has been examined and found to be sustainable, there will be instances where these would need to be embedded in the designated growth/renewal areas in order for them to be sustainable. Since these are subject to state-of-art public engagement processes (as yet undefined), that would all have to take place in the first 6 months at the same time as the zones were being agreed. Proper public engagement (i.e. involving the community as a whole, even difficult-to-reach groups, and not just paid advisors to landowners/developers) takes time and effort and 6 months is too short a period. In the year following that, the LA has to put the plan together, but that becomes a

comparatively straightforward process if the zones and any relevant codes have been agreed through public engagement and the development management policies are centrally imposed. In our view there should be at least a long overlap in that first 18 months so that the preparation of the plan becomes more transparent and accessible.

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

Questions

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

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

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?

The potential of Neighbourhood Plans has not been fully appreciated in the White Paper. They should have an important part to play in the initial stages of a Local Plan, when (as we suggest in response to Q5) an appraisal of an area's characteristics and needs is carried out in order to determine what and where development should take place.

On the face of it, the White Paper implies that Neighbourhood Plans will have a diminished role in the system. If development management policies are centralised, all they will have to do is prepare design codes and design guidance. But Neighbourhood Plans should also be able to direct particular uses to particular areas to better meet the needs of the community, determine the mix of housing sizes to meet neighbourhood housing needs assessments, include policies to promote employment uses where necessary, identify Local Green Spaces as they do now, etc.

We support proposals which will provide local communities with the tools to engage better with process, both digital and non-digital.

SPEEDING UP THE DELIVERY OF DEVELOPMENT

- Proposal 10: A stronger emphasis on build out through planning

Question

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?

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

The need for this emphasis suggests that the problem of delivery is not simply the planning process but also the failure of house builders to deliver on existing permissions. Clearly higher rates of delivery will reduce house prices, which is not the interests of volume house builders. Therefore, an emphasis on enabling smaller house builders to develop is welcome. More often than not, they are ones producing innovative and distinctive schemes which are a refreshing improvement on the off-the-shelf housing seen up and down the country on large housing developments.

Another change that could assist delivery is either a requirement for completion dates on planning permissions rather than start dates, or at least a more substantial commencement test than merely digging a trench, with forfeiture of the planning approval for non-compliance.

Pillar Two – Planning for beautiful and sustainable places

Questions

15. 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]

Variable. Leeds Civic Trust monitors all planning applications in Leeds and carries out appraisals on most major applications and important minor ones. Since quality of design is to some extent a matter of judgement, nothing in the current proposals suggests that quality will be any less variable in the future (see also our response to Q17).

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]

All of the above, but they are only the superficial aspects of sustainability. Fundamentally, in addition to the vital role of minimising climate change, it is providing the basis for long-term mixed, healthy and socially cohesive communities. Additionally, it includes: creating walkable neighbourhoods; enhancing well-being; minimising the loss of embodied carbon resulting from redevelopment; improving biodiversity;

CREATING FRAMEWORKS FOR QUALITY

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

Question

17. 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.]

Leeds has a number of such documents currently and we are able, in our design reviews, to point out schemes that do not, in our opinion, meet their requirements. However, it is a matter of judgement and frequently the LA's judgement differs from ours. It is difficult to see how the design codes in the proposed system will change that. Whilst we welcome the opportunity to help prepare such design codes (though whether the proposed process will differ from the current process of simply submitting comments on a draft remains to be seen), if we are unable to comment at detailed design stage on how a scheme has interpreted those codes, we would consider ourselves disenfranchised, as would most of those directly affected by development.

There needs to be much more detail on how communities will be able to contribute to the preparation of design guides and codes. As with all public engagement, the lay population needs much more support and encouragement to participate in order to counter the vested interests of the professional class and their clients.

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

Question

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?

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

These are both very welcome proposals. A body such as CABE, which should never have been disbanded, would be the right approach. Enhancing the role of architecture centres would also be good way of creating a network of design review panels.

Leeds is fortunate in having urban designers within their planning department who are proactive in preparing guidance, often in association with private sector contributors through the Property Forum, of which Leeds Civic Trust is a part. However, many authorities have no urban design (or conservation) expertise and embodying design and place-making in a chief officer level is a positive proposal. It will be important for the role to be occupied by somebody who actually has design qualifications and experience and that should be a requirement of the legislation.

- Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Question

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

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

It is important for the Government to be setting the standard for good design and place-making and this should extend across all government procurement of development and not just Homes England. All analysis of costs and benefits should include the benefits of good design.

A FAST-TRACK FOR BEAUTY

- Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

Question

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

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

While the first way of doing this – the compliance with design codes - seems, at first sight, to be promoting and encouraging good design, it raises fundamental questions:

- the criterion for fast-tracking appears to be compliance with design codes. But surely all schemes should comply with design codes? If not, they do not come up to scratch and should be refused.
- who decides that schemes comply well enough with design codes to be fast-tracked? An algorithm? And does that have to be 100% compliance or 99% or over 50%? The way the

proposals are framed, local planning committees and the local community can neither decide this, nor object if they disagree with the decision.

- overly prescriptive design codes which don't require a judgement to be made as to a scheme's compliance, are likely to result in dull uniformity.
- how can innovative proposals be accommodated? Innovative schemes may include variations from the codes which on balance create a better development. As things are proposed this would not be fast tracked and would have to go through the "normal" planning application process. This will stifle innovation and variety by dissuading developers from taking the longer route.

The second method - the requirement for masterplans to be prepared for growth areas - we agree with in principle. It is important that the timescale for producing these prior to detailed proposals coming forward includes ample opportunity for proper and full community engagement in their production.

The third method – expanding the use of permitted development rights – we have profound reservations about. Again, the aim might be laudable, but the outcome depends on the extent of any requirements set out revised General Permitted Development Orders. The recent track record of GPDO amendments suggests they fall well short of achieving good quality, well-designed and beautiful development and also fall well short of fully engaging communities in their creation.

Converting offices to residential; demolishing and rebuilding; adding two storeys to random houses on an estate; all with very limited controls (none of which include a basic requirement of meeting the Government's own space standards), are all examples which do not instil confidence in this approach. If permitted development rights is seen as a means of speeding the application process, it must not be at the expense of quality: in addition to any new rights, we expect there to be reform of all existing rights, such reform to contain a requirement that those rights must include compliance with the same design quality standards that schemes needing planning permission have to achieve.

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

- Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

- Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.
- Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century
- Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Pillar Three – Planning for infrastructure and connected places

Question

22. 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]

We would also wish to see the development well-designed but presume this would be a basic requirement and not something to which the infrastructure levy should contribute.

A CONSOLIDATED INFRASTRUCTURE LEVY

- 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.

Questions

23(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.]

This seems to be a sensible approach (though it could still be called a Community Infrastructure Levy). What is important is that there is transparency in the decisions made about how and where it is spent. At present it seems that this levy will disappear into a Council's general fund, but it must

be seen to be spent on necessary infrastructure that benefits the community and the development itself.

However, there are certain issues related to specific developments that will require an agreement with the Local Authority but do not necessarily involve separate funding. For example, a development scheme including work to a heritage asset will often require an agreement that the heritage work is carried out by the time a certain stage is reached in the remainder of the development. In fact we would welcome a legal requirement that binds such work with the development (even where it is not strictly speaking “enabling development”), so that the less profitable heritage work cannot be sold off in order to break its planning relationship with the remaining more profitable development. We have experienced numerous examples of heritage buildings being left to rot while the development around it, and intended to fund it, continues unscathed.

The Infrastructure Levy should also be set at a proportionate level which encourages the development of brownfield sites over greenfield sites. Ideally the higher levy on a greenfield development should include an additional amount at least equivalent to the higher restoration costs of a brownfield site.

23(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**]

Each LA area will have different requirements, e.g. some will have less local green space or poorer transport systems compared to others and will require more investment in the infrastructure needed by the development. Even though set locally, it would need to be arrived at in a democratic and transparent manner with adequate community engagement, and it is accepted that it might need to be included in the examination of a Local Plan to ensure it is fairly set.

Identifying the infrastructure needs of a local area at the start of the Local Plan process (as we suggest in answer to Q5) will enable the IL to be set at a level which meets those identified needs.

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

[Same amount overall / More value / Less value / **Not sure**. Please provide supporting

statement.]

The value will depend on the level of infrastructure needed locally.

23(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.]

Since the infrastructure Levy is to be charged on occupation, there may be up-front infrastructure costs that need to be funded from elsewhere. It would be more equitable for the developer to borrow the required money than for the local authority to borrow it. Allowing the developer to delay payment until occupation does not incentivise speedy completion of development, unless planning permissions also include completion dates in their conditions, allied to increased payments if delayed.

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

Question

24. 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.]

We would like to see early reform of all permitted development rights to include quality controls so that PDR schemes meet the same standards as those requiring permission. They should also be subject to the same infrastructure levy, as they will create a similar burden on community infrastructure.

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

Questions

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

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

The IL should include an amount for affordable housing which is aligned with the relevant housing needs assessment for each local authority, though the total IL should be adjusted to suit so that other infrastructure projects are not underfunded as a result.

25(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.]

We are not able to comment on this

25(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.]

We are not able to comment on this

25(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.]

We are not able to comment on this

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

Question

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

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

There do need to be restrictions to ensure the levy is actually spent on infrastructure and not, for example, council tax reduction.

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

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

This should not be the primary source of affordable housing provision, which Councils and Housing Associations should also be providing. But it will, no doubt, remain an important source and should therefore be ring-fenced to ensure it the money is actually spent on affordable housing.

Delivering change

- Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:
 - The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers [through a portion of Infrastructure Levy with initial transition funding from government]– rather than the national or local taxpayer. Some planning activities still to be funded through general taxation.
 - Planning fees (including pre-app fees) set on a national basis to cover full cost of processing
 - Deep dive regulatory review to reduce extent of current planning regulations
 - Local planning authorities should be subject to a new performance framework
 - The Planning Inspectorate and statutory consultees should become more self-financing through new charging mechanisms and be subject to new performance targets to improve their performance
 - a significant enhancement in digital and geospatial capability of LPAs
 - Government to enable a thriving PropTech sector

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

Question

27. 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?