

Title of Report	MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT – CONSULTATION ON PLANNING FOR THE FUTURE WHITE PAPER	
Presented by	Ian Nelson Planning Policy Team Manager	
Background Papers	Planning for the Future – White Paper	Public Report: Yes
		Key Decision: Yes
Financial Implications	The proposed changes would have significant resource implications for the Council. The consultation recognises this and does refer to making additional resources available for local authorities. However, at this time the exact impact is unclear.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	<p>Although there are no legal implications with submitting comments to this consultation, the suggested changes if implemented by the Government will have legal implications.</p> <p>Under the current system, each local planning authority must engage with neighbouring local planning authorities under the duty to co-operate provisions set out in legislation. This places a legal duty to engage with one another in the context of strategic cross boundary development matters. In addition, local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plan. The proposals under the White Paper seeks to remove this duty, along with other legal tests such as the current test of soundness in preparing local plans.</p> <p>The proposed changes to national planning legislation will need to be examined carefully as the Council continues to prepare for the substantive review of its local plan pending these proposed changes, as well as future reviews, particularly because the NPPF would become the primary source of policies for development management in England. The suggested changes will also mean future local plans would need to be completed within 30 months.</p> <p>The role of planning committees would be reduced, as the proposals create a far more centralised planning system.</p> <p>The Council would be subject to a new performance framework which would enable earlier intervention/sanction if ‘problems’ emerge and deadlines set are not met.</p>	
Staffing and Corporate Implications	The suggested changes could have implication for how the Planning service is organised and resourced.	
	Signed off by the Deputy Head of Paid Service: Yes	
Purpose of Report	To consider the Government’s White Paper entitled ‘Planning for the future’	

Recommendations

THAT CABINET BE ADVISED THAT THIS COMMITTEE RECOMMENDS THAT CABINET RESPONDS TO THE CONSULTATION IN RESPECT OF THE PLANNING FOR THE FUTURE WHITE PAPER AS SET OUT IN SECTIONS 3 TO 5 OF THE REPORT

1. BACKGROUND

- 1.1 The Ministry of Housing, Communities and Local Government is seeking views on proposed changes to the planning system set out in a White Paper (Planning for the Future) which it has issued for consultation. The consultation document can be viewed [here](#). This consultation closes on 29 October 2020.
- 1.2 The consultation states that the government wishes to “undertake fundamental reform of the planning system to address its underlying weaknesses”.
- 1.3 To achieve this it sets out five overarching aims:
- To streamline the planning process with more democracy taking place more effectively at the plan-making stage, and will replace the entire corpus of plan-making law in England to achieve this;
 - To take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data;
 - To bring a new focus on design and sustainability;
 - To improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions; and
 - To ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres
- 1.4 These aims are then supported by three pillars with each pillar the subject of a number of proposals:
- Pillar One – Planning for development (Proposals 1 to 10)
 - Pillar Two – Planning for beautiful and sustainable places (Proposals 11 to 18)
 - Pillar Three – Planning for infrastructure and connected places (Proposals 19 to 24)
- 1.5 There are a series of questions throughout the consultation document which largely relate to the actual proposals, although some of the proposals are not subject to a specific question. A number of questions (for examples questions 1 to 4 – see Appendix A) appear to be aimed more at members of the public rather than local authorities or other institutions. Therefore, no response is proposed to these questions in this report. Should members want a reply to these questions be included then they should advise officers of the suggested response.
- 1.6 Section 2 provides an over view of why the government considers that reform is required.
- 1.7 Sections 3 to 5 this report provide an outline of the various proposals. The box after each proposal sets out the specific questions and the suggested response (in bold).
- 1.8 As this is a White Paper it is inevitable that there is a lack of detail. This does make responding quite difficult as ultimately it is the details which will determine whether the proposals are successful or not. For this reason, a number of the questions are responded to with a ‘not sure’.

2.0 WHY IS REFORM NEEDED

2.1 The consultation identifies that the government considers that reform of the planning system is needed because:

- It is too complex;
- Decisions are discretionary rather than rules based;
- It takes too long to adopt a Local Plan;
- Assessments of housing need, viability and environmental impacts are too complex and opaque;
- It has lost public trust;
- It is based on 20th-century technology;
- The process for negotiating developer contributions to affordable housing and infrastructure is complex;
- There is not enough focus on design, and little incentive for high quality new homes and places;
- It does not lead to enough homes being built.

3.0 PILLAR ONE – PLANNING FOR DEVELOPMENT

3.1 A new approach to plan making

3.1.1 Proposal 1: The role of land use plans should be simplified (question 5)

New local plans will be required to designate land into one of three categories:

- Growth, suitable for "substantial development" the meaning of which would be defined in policy "to remove any debate about this descriptor". It would include urban extensions, new settlements and areas for redevelopment. A site included in this category would have outline approval for development (further information on this is included under Proposal 5).
- Renewal, suitable for "development including gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not identified as Growth or Protected areas.
- Protected, this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability (e.g. Areas of Outstanding Natural Beauty, Conservation Areas, Local Wildlife Sites and important areas of green space). The text suggests that some development might still be 'permissible'.

The consultation suggests that an alternative approach would be to limit permission in principle to areas identified for substantial growth (i.e. growth areas).

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

No.

The proposed approach is too simplistic. Dividing all land into areas implies that impacts can be neatly contained in their respective areas. However, land types do not respect natural boundaries. For example, nature, and the wider environment are cross-boundary matters and do not sit neatly within such a rigid approach. How will wildlife and the natural environment be protected when it is located outside a 'protected' area? The approach potentially conflicts with the Environment Bill's proposals on biodiversity net gain and improvement plans.

Such an approach also does not provide sufficient flexibility to deal with changing circumstances. For example, if an area is identified as being Protected but a major proposal arises for the creation of a significant number of new and well paid jobs as a result of inwards investment, then such a proposal could not be supported,

unless the policy pertaining to the Protected area allowed for such circumstances in which case how is this different to the current approach?

It is not clear as to whether Protected Areas could include areas within an otherwise Growth Area. It is noted that some Protected Areas would be defined nationally and some locally, but there is a lack of clarity as to how such areas would be defined or what flexibility there would be for local authorities in defining such areas. The term 'Protected' could be misleading if some form of development is to be allowed and so an alternative form of wording might be appropriate.

In Growth Areas it would be necessary to try and envisage all the different types of development that would be appropriate and how they would need to look. This could lead to long and unwieldy Design Codes or Masterplans. It is difficult to see how such a level of detail could be achieved within the local plan process itself, given the proposed new time limit and the emphasis on front-end community engagement. To reconcile with the time limits suggested in the consultation it may be necessary to minimise the amount of detail that Design Codes or Masterplans contain such that they would be virtually meaningless and so result in very little control over subsequent development, to the detriment of local communities.

Furthermore, it is not clear as to what the expectations would be in terms of assessing the likely environmental implications arising from a Masterplan or Design Code for development in in Growth area.

3.1.2 Proposal 2: Development management policies established at national scale and an altered role for Local Plans (question 6)

It is proposed that development management policies contained in local plans would be restricted to those that are necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in Growth areas and Renewal areas, established through the accompanying text. The National Planning Policy Framework would become the primary source of policies for development management. Local Plans would be concerned with specific development standards.

It is proposed that the local plan would be supported by Design Guides and Codes, potentially twin tracked alongside the preparation of the local plan.

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.]

No

It is not considered that it would be possible to develop a set of national policies which would be sufficiently meaningful whilst also recognising the uniqueness of different areas. There is a risk that such policies would be so generic as to be meaningless. What is appropriate in one area of the country may not be appropriate in other areas. For example, within North West Leicestershire it would be appropriate to continue to include policies that relate to the National Forest and also the River Mease Special Area of Conservation, as these are important local considerations which could not be reflected in national policies.

3.1.3 Proposal 3: Local Plans should be subject to a single statutory "sustainable development" test, replacing the existing tests of soundness (question 7).

It is proposed:

- That this would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State.
- To remove the requirement for a Sustainability Appraisal and replace it with a simplified system for assessing environmental impacts and to also remove the Duty to Cooperate requirement (whilst also looking at how to ensure cross boundary strategic issues are planned for).

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.]

Not sure in the absence of details as to what the “Sustainable Development” would actually entail. The consultation document states “*The achievement of sustainable development is an existing and well-understood basis for the planning system*”. However, this is misleading as sustainable development can be interpreted in many different ways. Any test would need to be absolutely clear in terms of what it entails and how it is expected that it would be assessed through the Examination process. There is a need to avoid the mistakes of the past when the Local Development Framework system was introduced and the first plans failed the test of ‘Soundness’, so setting back plan making.

Any proposed test needs to be subject to extensive consultation with practitioners before it is formally introduced.

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

This would need to be included as part of the “sustainable development test” with authorities being required to demonstrate that account has been taken of any cross-boundary issues, using a mechanism along the lines of a Statement of Common Ground. There would be a need for some form of national guidance as to what constitutes a cross-boundary issue including a definition of strategic infrastructure.

- 3.1.4 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 (question 8)

This would represent a further change to the standard method used to identify the housing requirement in a local plan, from that proposed as part of the “Changes to the Current Planning system” consultation recently considered by members.

The consultation identifies that the requirement would build in a buffer” *to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market*”.

Local authorities would still have the responsibility to allocate land suitable for housing.

It is suggested that the proposed approach should ensure that enough land is planned for and with sufficient certainty as to its development and so it is proposed to remove the requirement for a demonstrating 5-year supply of housing land, but the housing delivery test and the presumption in favour of sustainable development would be retained.

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.]

No

It is not clear whether the outcome from the standard method would be updated annually or would it be for a set period of time. If the latter as the outcome from this would be binding, it offers no flexibility to take account of any changes in circumstances. Either way, it represents a top down approach to planning.

Again the lack of detail regarding any proposal makes it difficult to comment. A key consideration will be what constraints are to be considered as this will impact upon the final requirement figure, but also who will be the final decision maker as to what is a constraint? Will there be consultation with authorities and other stakeholders? Furthermore, it is not clear as to whether all constraints will be given equal weighting or will some carry more weight. Again who would determine such weighting and will there be any consultation prior to a decision being made? The process for making decisions needs to be totally transparent to ensure a consistent approach across the country.

It would appear that Green Belt is being considered as sacrosanct. It is not considered that this represents a sustainable approach and would penalise those areas without Green Belt, even though it may be Green Belt authorities that have been under delivering.

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.]

Not sure.

More clarity is required to be better able to understand how this proposal might operate. For example, what is meant by an urban area? There needs to be a clear definition.

Whilst it is reasonable to assume that larger urban areas will generate more need, this does not mean that such areas are capable of accommodating such development.

It is not clear from the consultation as to how the affordability element is to be defined. For example, is it to be as per the recent consultation on other changes to the standard method (Changes to the current planning system) or is it to be a different approach. If the former, the Council is of the view that this gives too much weight to affordability which in itself is an extremely complex issue, not all of which is related to the availability of housing.

3.2 **A streamlined development management process with automatic planning permission for schemes in line with plans**

3.2.1 **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 (question 9).**

In areas suitable for substantial development (Growth areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan. Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.

In areas suitable for development (Renewal areas), there would be a general presumption in favour of development. Consent for development would be granted in one of three ways:

- for pre-specified forms of development through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements
- a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description; or
- a Local or Neighbourhood Development Order.

Proposals in protected areas would continue to come forward as planning applications.

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.]

No

It is not clear as to what would constitute “Suitable for substantial development” and nor is it clear as to how any environmental impacts are expected to be taken in to account and assessed as part of the process of identifying Growth Areas in Local Plans, particularly as it is proposed to no longer require a Sustainability Appraisal. Would a developer still be required to undertake an Environmental Impact Assessment (EIA) at the full permission stage? If so, this just means that the EIA is being done later in the process, so not saving the developer time and money. However, of more concern is what then happens if such an assessment identifies an impact which cannot be resolved but there is permission in principle for the site?

The planning process should not be based on speed at the expense of unforeseen adverse impacts and the environment, these need to be considered as part of the plan making process.

Proposal 14 in respect of a fast track for beauty suggests that site-specific codes and masterplans could be developed "subsequent to" the local plan being approved. However, it also states that these documents "should be in place prior to detailed proposals coming forward" in the area. This is a contradiction which requires clarification. It is also suggested that that masterplans could in some cases be prepared by the site promoter rather than by the local authority. This passes control from the local authority to the site promoter, but what happens if the local authority have concerns about the masterplan. Would this then be an issue to be resolved at Examination? If so it would add more time to the Examination process.

North West Leicestershire already has a Good Design Guide in place which is resulting in higher quality of developments. There is a concern that this could be diluted if control is passed to the developer.

If there is an expectation that plans include some form of masterplan, and there is also a strict timetable for preparing local plans, then these need to avoid being too detailed whilst also giving a clear indication as to what is expected.

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.]

No

It is questioned as to whether it is possible to identify all the likely future uses that

could be acceptable in such areas. What might be appropriate in one area, might not be so in another area.

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.]

Not sure

It is assumed that this would require the government to issue a National Policy Statement before such an approach could be taken. It is not clear as to what such a statement would say. For example, would it identify the need for a new settlement of xxxxx homes in a specific region, county or local authority area and if so how would these areas be identified? Without some form of guidance as to the number required there could be a proliferation of proposals and potentially approvals.

A further concern is how such proposals would then interface with the preparation of local plans. For example, would local plans be expected to only make a certain level of provision on the basis that a new settlement would be forthcoming?

3.2.2 Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology (question 10)

The 8 and 13-week targets for determining planning applications would remain but would be a firm deadline. This would be achieved through a number of means including greater digitisation of the application process, shorter and more standardised applications, data rich planning application registers and the possible right for refund of the application fee where an application is not determined within the specified period.

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

Yes in principle. However, the desire to speed up the process for determining planning applications should not be at the expense of the quality of development that results. Therefore, it is considered that if the time limits for determining planning applications are to remain, the current system whereby both the local authority and the applicant agree extensions of time should be retained. Developers are happy with the current approach which gives flexibility and removing extension of time agreements would mean applications refused at 8 and 13 weeks just to meet a target.

If the time limits are to be firm deadlines then this needs to be balanced by the provision of powers for local authorities to be able to refuse to consider applications which are not supported by all of the necessary information. The clock should not start until all the necessary information is available to enable a decision to be fully informed.

There will also be a need to ensure that statutory consultees are sufficiently resourced and managed to ensure that they respond within any timeframes.

Consideration also needs to be given to those situations where an application has been submitted with all of the necessary supporting information, but a consultee then identifies a need for further evidence. This could potentially result in application's having to be refused merely to meet the decision deadline.

The use of more digital technology is welcomed but it should be appreciated that this will have resource implications for local authorities. Furthermore, it is important to not exclude those sections of the community who do not have access

to technology either because they cannot afford it or choose not to use it.

Simplification of the application process is in terms of shorter more standardised applications and greater standardisation of supporting information is welcomed along with setting out what the key information needs to be, but equally important is ensuring that national policy is made clear that failure to provide this information would make the application invalid.

A set of national standard conditions to cover common issues is to be encouraged providing that there is still scope for bespoke conditions to deal with site specific or locally occurring issues (such as the River Mease/National Forest in NWLDC).

The delegation of detailed planning decisions to planning officers would speed up decision making but would be at the detriment to local democracy as a local ward councillor /community would no longer be able to request that applications are heard at Planning Committee. Planning Committee members and the local community will almost certainly feel that their views are being marginalised. Therefore locally agreed call in procedures should continue to be supported.

3.3 **A new interactive, web-based standard for planning documents**

3.3.1 **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).**

Local plans would be web-based and interactive, supported by a more limited evidence base and there would be a model template for local plans. They should be accessible in different formats and on different devices. The consultation suggest that this could transform how communities engage with local plans, including making it more likely that younger people would engage.

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

Yes

The use of more digital technology is welcomed but it should be appreciated that this will have resource implications for local authorities. Furthermore, it is important to not exclude those sections of the community, including small Parish Councils/meetings who do not have access to technology either because they cannot afford it or choose not to use it.

On the basis of what is suggested in the consultation it would appear that the intention is to have greater standardisation between local authorities' local plans. It is not clear what room this would leave for local distinctiveness.

3.4 **A streamlined, more energising plan-making process**

3.4.1 **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).**

Local plans would be required to be produced in 30 months with 5 stages:

- Stage 1 – (6 months) local authority “calls for” suggestions for areas under the three categories of land for where development should go and what it should look like.

- Stage 2 – (12 months): The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.
- Stage 3 - (6 weeks): The local planning authority simultaneously
 - (i) submits the Plan for Examination; and
 - (ii) publicises the plan for the public to comment on.
- Stage 4 - (9 months): A planning inspector considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and makes binding changes which are necessary to satisfy the test
- Stage 5 - (6 weeks): Local Plan map and key are finalised and brought in to force.

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.]

No.

It must be recognised that in the real world there are many factors beyond the local authority’s control. For example, changes in government policy or new evidence which needs to be taken in to account. There may be instances when a statutory consultee fails to provide advice within a reasonable timescales. In such circumstances local authorities would be faced with a difficult choice – carry on and risk plan not being considered acceptable or delay and some form of unknown sanctions? Local authorities (and more importantly local communities) should not be punished for failing to keep to a timetable that has been imposed on them but over which they do not have complete control.

Binding Inspector’s Reports means that there is a lack of local control and power.

The proposed process only includes one opportunity for public consultation and this is at a stage where the local authority has set out what are, in effect, its final proposals for the future development of an area. This is too late in the process to shape the authority’s approach. Furthermore, it is likely that it will lead to the submission of a substantial number of comments which will then require more Examination time and put more pressure on the Planning Inspector.

The suggested timeframe for preparation of a Local Plan is unbalanced. For example, it is not considered proportionate to have half as much time at examination (9 months) as preparation (18 months – including call for sites). As with determining planning applications, speed should not be at the expense of quality.

3.4.2 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 (question 13)

Proposed that consideration be given to whether neighbourhood plan content should become more focused to reflect the proposals for Local Plans. Also proposed to consider whether there is scope to extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they are happy to see.

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?

Yes it is agreed that Neighbourhood Plans should continue to be retained and form part of the development plan for an area. However, many of the proposals set out in the consultation are at odds with localism and there are concerns that the proposal to introduce national policies in respect of design and development management will remove much of the scope for encouraging a truly local approach to design issues and so undermine neighbourhood plans.

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?

There is no doubt that digital tools have the potential to assist neighbourhood plan groups, but only if they are made available to all at no cost and able to be used on home computers without expensive software packages. There will also need to be support available to deal with any queries or problems. To ensure that design is addressed in neighbourhood plans there would be merit in publishing guidance to help groups, such as that which was published when the then Countryside Commission introduced Village Design Statements.

3.5 **Speeding up the delivery of development**

3.5.1 Proposal 10: A stronger emphasis on build out through planning (question 14)

No specific proposals are set out at this stage, beyond proposing to make it clear through the NPPF that masterplans and design codes (see Pillar Two) should seek to include a variety of development types by different builders which allow more phases to come forward together and that further options to explore faster build out are being explored

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.]

Yes in principle, but local authorities need to be provided with the necessary powers and tools to ensure that development does proceed at a suitable pace. Possible measures could include a consideration of the track record of a developer in terms of delivery when determining planning applications and appeals. Alternatively, there could be an uplift to any payments due under an infrastructure levy if development does not proceed in accordance with agreed schedules.

4.0 **PILLAR TWO - PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES**

4.1 Creating frameworks for quality

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]

Since 2008, North West Leicestershire District Council has invested considerable time and effort into improving design quality across our district including employing an Urban Designer to help improve design quality. It is considered that there is a far higher standard of design in the district by virtue of the Councils adopted Supplementary Design Guidance “Good Design in North West Leicestershire” and the continued commitment of officers and members. There is a strong policy framework and, in the case of residential development, a link to

using Building for Life¹² to engage in the delivery of proposals.

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 these to some degree. The council has declared a Climate Emergency and has also developed a Zero Carbon Roadmap with the aim of being a Net Zero Carbon Council by 2030 and a Net Zero Carbon district by 2050. Alongside a focus on renewable energy, buildings and transport are **also both key sustainability work streams. With housing our focus is on driving the energy efficiency of new builds and developing an effective retrofit programme to improve standards across existing building stock. With transport it is about driving a reduction in usage through building greater connectivity across our district and promoting walking, cycling, public transport and cleaner vehicles (eg EVs). The Council's Design Guidance emphasises the importance of open spaces and tree planting, reflecting the districts location as part of the National Forest.**

- 4.1.1 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).

It is proposed that design guidance and codes should only be given weight in the planning process if it can be demonstrated that they have been prepared with community input. Where this is the case, the consultation states that "*we will also make clear that decisions on design should be made in line with these documents*".

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.]

Not sure

It is considered that Design Codes are an essential part of helping to ensure design quality. However, there can still be quite a variation in interpretation of a code, which depends both on the quality of the document and also the aspiration and intent of the user.

There needs to clarity as to what the threshold will be for community involvement (and indeed what the definition of community might be). Will these need to be 'signed off' by the community or is it sufficient to show that the community have been given an opportunity to participate in their preparation?

One of the challenges always is to encourage a positive response to new development, which is seldom forthcoming as there is a tendency to focus on the (perceived) negative impact of development.

The preparation of a number of Design Codes will have significant resource and skill implications. It is acknowledged that this is recognised in the consultation document, but it should not be under estimated, particularly in the early years of any new processes.

- 4.1.2 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).

The consultation recognises that the proposals “*set out will require a step-change in the design skills available to many local planning authorities as well as leadership*” and that the government will provide support. This support could include the establishment of a new expert body, possibly with a monitoring function “*performing a wider monitoring and challenge role for the sector in building better places*”.

Further proposals later this year are promised for “*improving the resourcing of planning departments more broadly*”.

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.]

Not sure

Whilst a design body could be a useful addition, it raises a question of its role and status and what any interrelationship might be with the Council’s existing arrangements which have led to bespoke design solutions for the local area (see response to question 15). It is important that this local distinction is not lost and replaced by a more generic, centralised approach.

It would also be useful to understand what is meant by the phrase 'provably locally popular'?

The Council supports the idea to have a chief officer for design and place making.

- 4.1.3 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).

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.]

Yes

Previous experience of Homes England development in North West Leicestershire is that design was not at the heart of the process which tends to be driven more by the number of homes delivered/supported. Proposals which provide a greater emphasis on improving design quality and environmental standards in all Homes England’s activities and programmes of work would be welcomed, but it must meet the Council’s own requirements for design quality as set out in the Design Guidance.

4.2 **A fast-track for beauty**

- 4.2.1 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).

This builds on the work of the Building Better, Building Beautiful Commission published earlier this year. A fast-track system was one of their recommendations.

The consultation sets out 3 ways in which design quality will be enhanced:

- Changes to the NPPF;

- Legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the local plan for where areas for significant development are identified;
- legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, for example through the use of Pattern Books. It appears that this would be restricted to renewal areas.

It is proposed to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied. Prior approval from the local planning authority would still be needed for aspects of the design. Local authorities and neighbourhood plans would be able to use local orders to modify how standard types apply in their areas.

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

Not sure

The term beauty is 'subjective'.

The suggested approach presupposes that the sites in Local Plans are acceptable to an Inspector. What if they are not – this would represent a waste of resources and time.

Updating the NPPF to make clear that schemes which comply with design code have more certainty would be welcomed. However, in reality it would not fundamentally change the existing system as paragraph 130 of the NPPF effectively establishes this.

There are clear resource implications for Local Authorities if they are expected to provide site-specific codes for each Growth area. It is not clear from the proposal as to whether these should be done by the Local Authority or the site promoter but providing an 'and/or' approach certainly wouldn't provide greater certainty.

It is unclear how the use of a national pattern book would foster local distinctiveness which is at the heart of the design initiative in North West Leicestershire. Instead it represents increased centralisation. The further use of permitted development rights/prior approval is at odds with the intention of creating a less complex planning system.

4.3 **Effective stewardship and enhancement of our natural and historic environment**

4.3.1 **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 (no question).**

The reformed planning system will continue to protect the places of environmental and cultural value which matter to people, both nationally and locally. However, the government wants the reformed system to play a proactive role in promoting environmental recovery and long-term sustainability. A consultation on a revised NPPF in the autumn is proposed.

4.3.2 **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 (no question).

The current frameworks for assessing the environmental impact of development (e.g. Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment) – can lead to duplication of effort and overly-long reports which inhibit transparency and add unnecessary delays.

4.3.3 Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century (no question).

It is envisaged that Local Plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views.

The government wants “*to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents*”.

4.3.4 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 (no question).

The government will respond to the Future Homes Standard consultation it undertook earlier this year, in full in the autumn.

It is suggested that “*As local authorities are freed from many planning obligations through our reforms, they will be able to reassign resources and focus more fully on enforcement*”.

5.0 **PILLAR THREE – PLANNING FOR INFRASTRUCTURE AND CONNECTED PLACES**

5.1 **A consolidated infrastructure levy**

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]

All of these are important, but their importance will differ from site-to-site and through time. Decisions require a balanced approach in order to ensure that the overall quality of development meets the Council's aspirations.

5.1.2 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 (question 22).

The charge would:

- be on the final value of a development based on the applicable rate at the point planning permission is granted;
- be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
- levy set nationally but monies collected and spent locally;
- to support the timely delivery of infrastructure, local authorities allowed to borrow against Infrastructure Levy revenues to forward fund infrastructure;

- include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable, above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold; and
- provide greater certainty for developers and communities as to what the Levy will be.

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

Not sure

Such an approach has the advantage, from a local authority perspective, of potentially being simpler than either S106 agreements or the Community Infrastructure Levy. However, this would be at the expense of local ownership.

The proposal to exclude developments which are not viable from the levy should only be for a transition period as the cost of levy should be reflected in the value of the land paid by a developer. Only those sites where the land was purchased or an option agreed prior to the date on which any new levy is introduced should be eligible for an exception. Developers should be required to demonstrate that this was the case.

It is not clear as to whether the intention is that any existing S106 Agreements would remain in place until such time as all of the obligations have been discharged or would developers be able to ask to switch to the levy. Clarification is required and if this is the intention, how would any obligation discharged to date be calculated in to what would be due via a levy.

S106 Agreements also secure other contributions than those with a monetary value. For example, the provision and future management of children's play areas and open space on-site, securing sustainable travel methods and on-site community facilities (e.g. schools, doctors' surgeries). They are also used to secure mitigation which cannot be conditioned on a planning permission, such as the payment for air quality monitoring stations and the payment for ecological off-setting land. It is not clear how (or if) such contributions would be captured particularly as the consultation states that local authorities "would not be able to use Section 106 planning obligations to secure infrastructure or affordable housing".

The consultation is clear that the Infrastructure Levy is about land value capture, not mitigating specific developments. This goes against the current approach which is to ensure that otherwise acceptable development mitigates its impact. How would this approach still ensure that development did not have an unacceptable impact upon local communities?

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]

Not sure

If a rate is to be set nationally (whether at a single rate or area specific) it is not clear as to how any local variations in cost (for example land values or build costs) would be factored in. In addition, what would be the process for setting rates, for example, would there be any consultation before confirming rates?

What measures would be put in place in terms of ensuring that any monies

raised as part of a national levy are used to address infrastructure provision in a local authority area?

If a rate is to be set locally, the process for doing so needs to be significantly simpler than that for the Community Infrastructure Levy as this has distracted from its attractiveness and deterred authorities from going down this route.

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

If the aim is to collect monies equivalent to the national level only then this will mean that some areas lose out. Therefore, as an absolute minimum any national levy should ensure that the amount collected locally is no less than that which would have been secured through S106 Agreements, including affordable housing.

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.]

Not sure

It is recognised that allowing local authorities to borrow against the Infrastructure Levy could help to ensure that much needed infrastructure is provided early on in developments. However, it does represent a transfer of risk from developers to local authorities. A local authority could provide infrastructure and then for whatever reason the related development may not complete, leaving the authority with a gap in finances. There needs to be a mechanism in place to avoid this problem.

There are a number of areas which are not clear:

- **At what point can a loan be secured. For example, would it be when permission is granted or would it be when development commences;**
- **Would the levy also allow for coverage of any interest which any loans attract, as otherwise this would be a cost to the local authority;**
- **Would this approach be compatible with State Aid rules?**

5.1.3 Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights (question 23).

This would enable additional funding to be secured from development which currently makes no contribution towards the provision of additional infrastructure, irrespective of its impact.

23. 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 so as to ensure that it contributes towards offsetting its potential impacts upon local communities, particularly in view of recent changes which have increased the scope of permitted development which has taken more development outside of S106 requirements. Not bringing permitted development

schemes within the scope of infrastructure contributions creates an impact upon local communities, including, amongst other things on the ability to deliver balanced communities and affordable housing.

5.1.4 Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision (question 24)

Affordable housing provision is currently secured by local authorities via Section 106 agreements, but the Community Infrastructure Levy cannot be spent on it. With Section 106 planning obligations removed, it is proposed that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing.

This could be secured through in-kind delivery on-site whereby the property would be sold to a registered provider at a discount from the market rate with the difference between the market rate and the discounted rate being offset against the cash liability.

To reduce risk to local planning authorities that the number of dwellings provided is less than currently delivered via S106 obligations, it is suggested that in the event of a fall in the housing market, that developers could be allowed to 'flip' the affordable housing to market housing to cover liability of levy.

Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.

An alternative option would be to allow a local authority or provider to purchase a proportion of properties on-site at a discounted price broadly equivalent to build costs. The proportion would be set nationally, and the developer would have discretion over which units were sold in this way.

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

Yes.

Any changes to the existing model of delivery of affordable housing through planning gain must lead to no reduction in delivery and that can only be guaranteed by allowing the LPA to insist on delivery onsite as other options introduce uncertainty.

However, it is not clear how the proposed mechanism to ensure that delivery of affordable housing is maintained will actually be achieved. The suggested approach could result in less affordable housing.

The consultation states that “*This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so*”. It is not clear as to what this means. For example, who judges ‘capability’? Is it something to be assessed through the Examination process? What happens in terms of the provision of affordable housing in those circumstances where an authority does not satisfy this statement?

One of the criticisms of the existing arrangements is the uncertainty of negotiation around affordable housing. Any replacement must introduce detailed mechanisms to address this. For example if “capability” as discussed above relates to the financial ability to make an acceptable capital contribution toward affordable

housing on the part of the receiving organisation, one way of creating this certainty would be to fix the valuation mechanism and level of contribution.

It is not clear as to how local authorities will have the means to specify the form and tenure of on-site provision. What factors will need to be taken in to account and how will viability issues be expected to be taken in to account? This should be based on the need at the point in time when a proposal is brought forward rather than being a one-time only need as need will change through time. However, it is recognised that there is a need to balance an ability to address emerging need/demand with a position of certainty to both the LPA and the applicant. For example, to enable a developer to properly account for the costs associated with providing the affordable housing onsite as early as possible.

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

Yes

In-kind payment towards the Infrastructure Levy as this provides more flexibility as to who would then take ownership of properties.

In the event that it is decided to go down the 'right to purchase' route, there should be an opportunity for the local authority to put forward potential recipient landlords where they are not in a position to take on the stock themselves, and where the developer has identified a recipient has controls to ensure that the recipient is a suitable entity to own/manage affordable housing.

24(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.]

Yes, but only if there are adequate measures to ensure that the value of affordable housing is maintained in the event of a down turn in the housing market.

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

Yes, but the suggestion that local authorities should be able to take a cash option where no provider will take the affordable housing due to poor build quality is not considered to be appropriate as it will simply then result in local authorities having to commit resources to bring forward the affordable housing elsewhere.

5.1.5 Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy (question 25)

Proposed to retain the provisions of the Community Infrastructure Levy whereby 25% of levy is spent in the area where development occurs, with money transferred to Parish Councils. Potential for greater flexibility for local authorities as to how the levy is spent, including improving services or reducing council tax. However, could also require ring-fencing to ensure that affordable housing provision remains at same as (or higher than) current levels.

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

Not sure

It is important that the impact of any particular development on a locality is

adequately offset by the provision of new or improved infrastructure. The suggestion that once core infrastructure has been addressed a local authority should have greater flexibility as to how monies are used, is supported but there will need to be a clear definition of what constitutes core infrastructure. It is important that no impression is created of planning permissions being bought and sold. This could be defined locally.

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

Yes?

6.0 DELIVERING CHANGE

6.1 The White Paper recognise that there will be a need for transitional arrangements, from the current approach to that proposed in the White Paper. However, no detail is available at this time.

6.2 The government also recognise that the proposed changes will have significant resource implications for local authorities, in addition to current shortages. However, the consultation suggests that "*there must be a fundamental cultural change on how planning departments operate. They need to be more outward looking, proactively engaging with developers, businesses, architects and designers, as well as a wider cross-section of their local communities*".

6.3 It is recognised that other players, such as statutory consultees and the Planning Inspectorate will also need to transform to respond to the changes.

6.4.1 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 (no questions)

The cost of the planning system should continue to be met by the main beneficiaries – landowners and developers. Fees for planning applications would continue to be set nationally and so would cover cost of processing planning applications.

The cost of preparing local plans and taking enforcement action is borne by local authorities. The consultation suggests that as part of new infrastructure levy that a proportion could be earmarked to cover other costs.

Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making.

It is recognised different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country. Government propose to work with local planning authorities, professional bodies and the wider planning sector to ensure views about implementation are considered.

6.4.2 Proposal 24: We will seek to strengthen enforcement powers and sanctions (no question)

It is proposed to review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system.

More powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

7.0 GENERAL OBSERVATIONS

- 7.1 Seeking improvements to the planning system is a laudable aim. However, a number of proposals seek to ensure speed which may be at odds with quality. Whatever decision is made by government needs to balance speed and efficiency with openness and transparency. Good decisions are good decisions however long they take. Bad decisions are something which the local community have to live with.
- 7.2 As already noted there is a lack of detail, which is to be expected from a White Paper, and no doubt through time the proposals will develop and evolve. However, a key aspect to a number of the proposals is that they would result in increased centralisation and the loss of local control. It is difficult to reconcile this with improving the planning system.
- 7.3 A key concern at this stage is the lack of any details regarding possible transition arrangements. The White Paper states that in terms of Local Plans *“The proposals allow 30 months for new Local Plans to be in place so a new planning framework, so we would expect new Local Plans to be in place by the end of the Parliament”*. The current Parliament is due to end in December 2024. There is a risk that the current review of the Local Plan could be impacted by these changes. However, there is insufficient certainty that the proposals as they are currently outlined will be implemented. It will be necessary to keep this matter under review and, if necessary, make adjustments to the scope and content of the review.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected.
Policy Considerations:	The proposals outlined in the consultation have the potential to have a fundamental impact upon the Council’s Local Plan, which is currently being reviewed.
Safeguarding:	None identified at this time.
Equalities/Diversity:	<p>Some aspects of the proposals set out in the White Paper have a potential to have a negative impact upon some sectors of the community. For example, the greater use of digital technology could impact those without access to computers and so prohibit their participation in the planning system.</p> <p>Furthermore if proposals relating to affordable housing shift the role of specifying the affordable housing contribution in favour of the developer there is a risk that specialist provision will be reduced impacting on groups with protected characteristics.</p>
Customer Impact:	No issues identified
Economic and Social Impact:	No specific issues identified, but see comments under policy considerations and risks.
Environment and Climate Change:	No specific issues identified, but see comments under policy considerations and risks.
Consultation/Community Engagement:	None
Risks:	The proposals set out in the White Paper would have significant resource implications for the Council.

	<p>Depending upon the timing of any changes, there could be an impact upon the Local Plan review in terms of its scope, content and look. If transition arrangements are not put in place or are not robust, there is a risk that current work on the review could be jeopardised or lost. This matter will need to be kept under review.</p>
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PILLAR ONE OVERVIEW

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

2(a). Do you get involved with planning decisions in your local area? [Yes / No] 2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

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]

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]