

# APPENDIX 1: DRAFT PROPOSED CONSULTATION RESPONSE TO THE WHITE PAPER 'PLANNING FOR THE FUTURE'

The full document can be found at:

<https://www.gov.uk/government/consultations/planning-for-the-future>

The consultation closes on **29th October 2020**.

**Note: The below responses are in draft format for the purposes of consideration by Overview and Scrutiny (Performance and Growth) Panel. A full response will be provided for consideration through Cabinet.**

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

- Sustainability
- Democracy
- Community engagement

**2(a). Do you get involved with planning decisions in your local area?**

**[Yes / No]**

- This response is on behalf of the Local Planning Authority Huntingdonshire District Council.

**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]**

- N/A

**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 at [local.plan@huntingdonshire.gov.uk](mailto:local.plan@huntingdonshire.gov.uk) and [development.control@huntingdonshire.gov.uk](mailto:development.control@huntingdonshire.gov.uk)

**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]**

All of the above and more are priorities within Huntingdonshire but if only three priorities were to be chosen, they would be:

- affordable housing,
- supporting the local economy and
- the environment, biodiversity and action on climate change.

**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 principle of simplifying Local Plans is commendable, however, it is essential to ensure all issues required by national legislation are addressed. The proposals as drafted do not do this so either corresponding amendments to other legislation will be required or further material retained within them.
- The White paper is not clear about the fact that key aspects of current plan preparation and decision making will continue to be integral to the system. Consequently, it gives the impression that there will be much less work to preparing plans than will in fact be the case.
- It will continue to be crucial that a clear strategy is set out for the area, which addresses the key issues and explores the real choices available, to set out the framework which underpins all that follows.
- There is no mention of how alternatives will be considered but this is essential to ensure that any plan provides the best available growth strategy. Developers and landowners will want to have their sites fairly and transparently considered. Such important decisions will need to be properly evidenced.
- The large-scale designation of zonal areas of planning will present many issues in for larger rural planning areas in terms of numbers and boundaries and the extensive resources required to establish the 'rules' that will guide the submission of a planning application. Each designation will require significant supporting detail to ensure high quality, locally appropriate development.
- Designating areas front loads the Local Plan further which means that significant additional funding and resources will be required to prepare local plans with no prospect of income generation.
- Designating areas in this way also restricts the development industry by limiting the scope and layout of developments to those agreed in the Local Plan. This could extend the duration and cost of examinations and reduce the ability to respond to changing circumstances over time.
- There is concern that this approach overlooks small-scale development in rural communities to support local services and communities. It states that small sites can be identified within or on the edge of villages. Further clarity is required to make the most of the transformative impacts small scale sustainable growth can have on local communities under this approach and how rural districts like Huntingdonshire can best utilise these three land types to support sustainable development across the district and respond to varying contexts, needs and opportunities.
- The requirements for assessments (including on the environment and viability) are proposed to be updated. It is expected that significantly more assessments would be required especially in relation to more in depth site specific assessment. This could potentially require extensive guidance to avoid lengthy interrogation at examination. As a full list of evidence based requirements is not listed in the document it is difficult to assess the impact of this measure.
- It is unclear how other planning applications that are not identified in the plan fit into this system e.g. how would expansion or diversification for

rural businesses be accounted for if they are within a designated protected area.

- Development management income will be reduced through reduced demand for pre-application advice and outline applications.

**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

- The removal of general development management policies from local plans restricts the opportunity for Local Authorities to provide locally specific solutions to ensure sustainable development.
- The proposals go too far in removing development management policies from Local Plans as it effectively assumes that all that will be needed to be able to deal with planning applications will be the assignment of sites to the three proposed categories, masterplans and design codes and the proposed national development management policies.
- Some development management policies are unsuitable for forming national level rules. These include policies which quantify requirements such as the percentage of affordable housing, those which delineate the area over which a policy will apply and those which respond to specific local circumstances.
- There is a significant risk that national policies would be so generic that they will be of little practical use in determining actual planning applications and may not provide adequately locally responsive guidance.
- Proposals do not identify how optional building regulations could be taken into account.
- Determination of small scale applications such as householder applications or infill development with locally led solutions will become more difficult unless a neighbourhood plan is in place and has clear policies against which to determine development. However, neighbourhood plans are not mandatory and are not required to include everything which would be in a current Local Plan, therefore they would offer some but not a comprehensive alternative for local development.

**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

- A single test is supported in principle but should ensure that not only environmental but also the economic and social aspects of sustainable development are addressed. The White Paper places a very strong

emphasis on the environmental aspects of sustainability but neglects the economic and social aspects of sustainable development.

- The proposal for a single sustainable development test leaves significant uncertainty over whether there will be testing of whether:
  - Appropriate alternative approaches have been considered to ensure that the plan proposes a coherent strategy for the area supported by locally produced evidence
  - The plan conforms with national policy and legislation
  - Identified needs can be successfully delivered, particularly within the shortened plan period and the challenge of replacing site specific development allocations with broad growth or renewal areas.
- Removal of the current test of conformity with national policy could give the Inspector significant challenges if faced with a local Plan which clearly did not meet national policy.
- The alternative proposal of identifying a stock of reserve sites poses many questions on how this could be achieved within the three categories proposed.

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

- An equivalent to the Duty to Cooperate should be instated to ensure that cross boundary issues including major infrastructure, strategic sites, landscape impact, environmental concerns and climate change are addressed. It is also important that that development in one local authority is not counter-productive to development in another as this could impact on market absorption rates in both authorities.

**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.]**

Yes but,

- Use of a standard methodology should, in theory, be beneficial as it provides greater clarity and certainty, would help speed up local plan examinations and provide a responsive distribution of housing nationally. However, once constraints are taken into account, as proposed, many local authorities will be unable to accommodate their calculated need and without a formal duty to cooperate no mechanism is presented by which unmet need would be redistributed.
- It is difficult to understand how qualitative constraints would be able to be incorporated into a mathematical calculation. The assessment of the constraints would require qualitative and quantitative evidence to justify an amendment to the standard method figures.
- Clarity would be required over how the land requirements for types of development other than housing would be quantified without substantial evidence and work to assess needs or targets to be set.
- The suggestion that a Local Plan should focus on meeting needs for just a 10 year minimum period rather than the current 15 years is opposed as this will not encourage provision of a long-term sustainable development strategy.

**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.]**

Yes but,

- They should not be used in isolation or as sole indicators. This approach over-simplifies the decisions made on where development is appropriate and most needed to contribute towards sustainable development.
- This approach gives the affordability indicator too much influence on determining housing numbers where there may not be land to meet the target. For example, London Boroughs and areas with environmental designations protected under law.
- Other indicators such as constraints, current infrastructure capacity, population profiles and land availability must also be used to fully assess where development can sustainably be placed when meeting the overall set target.
- The suggestion that flood risk be set as an absolute constraint gives cause for concern where the majority of the district's man towns all face significant flood risk and a balance between flooding and prevention or mitigation as provided for in the NPPF's sequential approach could provide solutions facilitating development in sustainable locations.

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

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

No

- The decision on where growth areas will be identified will need to be taken first to ensure an equitable consideration of all potential large scale development proposals. The scale of work required to achieve the equivalent of growth area status and thereby outline planning permission will be substantial and may serve as a significant deterrent to developers and promoters of large scale strategic sites without the certainty of a pre-existing in principle allocation.
- To facilitate a successful outline planning permission matters fundamental to the grant of permission must be addressed and resolved at that time, they cannot be left for reserved matters. For the plan to confer outline planning permission all such matters would need to be resolved at the time the decision is made to allocate land as a growth area. To ensure such outline permissions are deliverable would, in all likelihood, necessitate more work than to demonstrate the acceptability in principle of a development allocation within the present Local Plan system.
- Elected members and community groups will be aware that there is no further opportunity to address matters relating to the principle of development will be concerned to ensure that nothing of relevance is missed or inadequately covered. This will increase the scrutiny applied to proposals for growth areas which is inadequately provided for in the proposed public engagement arrangements.

- Concern that a lot of work that is usually done by applicants at outline planning application stage will be transferred to LPAs who also miss out on the associated outline planning fees.
- Outline planning permissions for strategic scale development proposals usually include a significant number of necessary conditions addressing issues which will need to be resolved. A mechanism will be required to bring these into the Local Plan which could take the form of site specific requirements but their scope will need to go beyond that suggested in the White Paper.
- The White Paper indicates that the plan would set out suitable uses and limitations on height and density if needed but does not reflect on all the other plan making considerations commonly covered when land is allocated such as the proportion of affordable housing, supporting infrastructure, areas to be reserved for open space or noise attenuation, prior investigation for archaeology or heritage assets and areas for flood protection measures.
- Concern that by granting automatic permission for substantial development will not allow the flexibility currently allowed in Local Plans and would make it difficult for the resulting proposal to reflect changing economic circumstances. For example, if the condition of a listed building on a substantial development deteriorates or if the identified use within the masterplan is no longer appropriate or viable.
- The practical question of how biodiversity net gain will be addressed will need to be resolved. Details of a developer's overall scheme will be required to be able to demonstrate that the means of achieving net gain on site are deliverable before the outline permission is created through designation as a growth area.

**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.]**

Not sure

- If Councillors are to have less discretion and planning application stage, they may need to take additional time during the Local Plan preparation phase to be absolutely certain proposals are right slowing down plan preparation.
- Concern that using national policy to determine general development management matters does not allow for local contexts, design etc. to be sufficiently considered, particularly for renewal areas.
- Concerns arise over how villages would be addressed within the proposed system. Criteria definition approach is currently applied in Huntingdonshire to the built up area. To have to delineate specific boundaries around over 80 villages would add considerably to the scale of work required in Local Plan preparation and to the duration of the examination as a vast number of landowners could reasonably be expected to challenge which category their land is designated as depending on their preferences towards development or protection.
- For this to work it will be critically important to get clarity on the following points:
  - Planning Matters / issues that will be classed as 'binary issues' (ie either 'yes' or 'no' matters)

- Planning Matters / issues that will be covered in a 'rule book'/design codes
- The remaining Planning Matters / issues that are balanced matters/discretionary/ site-specific technical issues.
- Within existing built up area development proposals usually have implications for adjoining properties which, along with other material considerations are addressed through the detailed consideration of the scheme. There is a lack of clarity over how detailed concerns might be addressed without which Councillors maybe reluctant to designate renewal areas within a Local Plan.
- To ensure sufficiently nuanced development schemes are delivered rather than designate single large areas to a particular status many smaller areas are likely to be necessary. Only through this can local characteristics be adequately responded to.
- A limited range of examples are set out to illustrate the nature of land that would be considered suitable for designation as a protected area. Clarity will be required on the approach to typical urban fringe uses such as sports grounds and whether they would justify being designated as protected areas on the basis that they re not identified for growth or renewal.
- Green infrastructure within urban areas appears to be at significant risk through application of the three categories. Playing fields, parks, amenity greenspace and allotments are all of value to community life and people's well-being. The implication is that they would be included within renewal area but within these there would be a presumption in favour of development which could give rise to substantial losses of these valuable assets.
- Conservation areas are noted as an example of a protected area. Large parts of many town and village centres are designated as conservation areas. The proposals would give rise to conflict over the status of such areas, particularly for instance, where town centres might be appropriate for designation as a growth or renewal area but also as a protected 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

- Disadvantage could be the lack of local control over location of a new settlement and loss of the ability to work with neighbouring LPAs to ensure competing schemes are avoided where this might be detrimental to the delivery of one or both.
- Advantage may be if this guaranteed funding for infrastructure to unlock development.
- There is likely to be conflict between some protected areas and aspirations for growth within them. For instance, conservation areas are proposed to be classed as protected areas but all of Huntingdonshire's town centres are also designated as conservation areas which could significantly impeded growth within them.

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

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

No

- It is agreed that there are elements of the planning system that could be amended to assist in quicker and more certain decision-making, however, the Council has concerns over some of the proposals to modernise the planning systems outlined in the White Paper.
- Standardisation and simplification of planning applications is supported where the replacement proposals will result in an equal or better level of community service, development quality and efficient decision making.
- Proposals for data rich, machine readable applications are supported along with digital innovation. However, there is a complete lack of clarity on the provision of new software and digital capacity across LPAs. This has a significant impact on the potential delivery timelines for new processes.
- More complex planning applications typically comply with some policies and conflict with others raising issues specific to the individual location and scheme necessitating a balance being drawn when reaching a decision on a proposal. It should be clearly recognised that automation of determination of planning applications would not be appropriate in such circumstances.
- Given budgetary constraints the proposals will force LPAs to prioritise which aspects of the new system to invest in first.
- The standardisation of technical supporting information could increase the quality of some submissions and provide a consistent baseline against which to determine planning applications and address some of the causes of delays in the planning system. However, limitations may lead to omission of technical information which is significant to the decision making process.
- There is a significant risk of marginalising sectors of the community who are unable to access digital information.
- The proposals wish to incorporate greater technology to speed up decisions-making by quickly determining if planning proposals are within the rules.
  - This approach would probably work best with permitted development
  - There may be time and resource implications that would need to be addressed to incorporate the system and it would need to be flexible enough to take into account Local Plan designations and neighbourhood plans as they are approved.
  - It is unclear how effective this would be for major development and it is anticipated that case by case judgement still be required for those applications where the standard rules do not apply.
- At planning application stage there is likely to be forensic examination of a scheme's level of compliance with masterplans and design codes from people who remain opposed to the principle of the development. Such objections will need careful consideration so the aspiration to reduce the workload involved and speed up determine of applications may not be achieved, particularly for contentious proposals.



- The suggestion is put forward that where a planning application is not determined within the specified time limit the fee should automatically be refunded. This is unreasonable as in many cases the delays arise from poor quality or absent information from applicants or from issues raised by consultees which then need further investigation. This could result in the perverse outcome of substantially more applications being refused rather than the necessary time being taken to negotiate changes which would improve the quality sufficiently to allow the proposal to be approved.

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

Yes but,

- The principles are supported provided that alternative access forms are retained to prevent marginalisation of communities who cannot access digitally provided services. From a digital perspective software must also be disability accessible e.g. be able to be used by the blind or those with sight impairments.
- To promote consistency nationally led and locally informed software should be commissioned. This would aid developers looking at proposals across wider areas and save time and money in commissioning new systems whilst stimulating the economy by providing a national open data source for entrepreneurs and researchers.
- The same concept should also be applied to digital consultation software.

**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.

- Whilst supporting the aspiration to speed up the preparation of Local Plans the Council has significant concerns about the resource implications to achieve this ambition and the lack of flexibility it provides to respond to changes in circumstances or particularly contentious issues raised by local communities.
- Very significant concern should be expressed over the likely incompatibility between the timescales proposed and the ability to ensure substantial community engagement in the preparation of the local plan. No opportunity is presented for public engagement on a full draft plan stage where normally the community, landowners and developers make substantial representations on the detailed contents of the plan leading to amendments and resolution of many issues before submission. Without this opportunity there is a strong likelihood that local communities will feel disenfranchised from the system.
- The burden of resolving all the detailed issues raised will fall to the examination of the plan and be removed from the control of locally elected Councillors who may wish to propose changes to the submitted plan in light of comments received. Given that this will be

the only opportunity for all comments on the actual content of draft plan to be considered it is expected that developer, landowner, stakeholder and residents' comments will be extensive. The anticipated timetable of just 9 months for all comments to be considered and resolved by the Inspector and a report issued seems unrealistic.

- The proposals do not address whether there could really be a material reduction in the amount of evidence required to produce a robust Local Plan so any savings in time and cost for this may not be realistic. The need to prepare detailed design codes alongside the Local Plan for any growth areas will add to the burden of supporting material required.
- In the first instance a greater amount of time to develop a new style local plan would be required to adapt to a new process and to understand the evidence required. In addition, adequate time for the Government to implement, refine and publish appropriate and clear guidance, standard templates and digital tools (if taken forward) would be required.
- As the proposal stands at the moment the Government expects all local plans to be adopted around the same time, there is significant concern that there is not sufficient capacity at the Planning Inspectorate to process this number of plans within the timescale due to resource issues. This wave of plans being submitted for examination would also recur frequently due to the need to regularly review plans.

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

Yes

- Neighbourhood plans should be retained to maintain community empowerment and any changes made to the Local Plan system should be reflected in the Neighbourhood Planning system to ensure they remain compatible.
- If the revised Local Plans do not have locally specific development management policies, then Neighbourhood Plans would be the only option to set detailed local policies for sustainable development. Determining small scale applications such as householder applications or infill development with locally led solutions would be more difficult unless a Neighbourhood Plan has clear policies to determine development criteria. As neighbourhood plans are not mandatory this could result in inconsistent decision making.
- It is unclear whether the planning system will set the same standardisation proposals and timelines to Neighbourhood Plans to ensure they are of a minimum quality.
- There is little guidance in the White Paper to address what should be included within a Neighbourhood Plan.

**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?**

- A more digital system will be beneficial to some but will alienate sections of the community.
- Not all neighbourhood plan groups will have the resources to utilise digital tools, some would be keener than others and there may be greater demand for consultants to assist groups with this.
- Including design guides and development management policies within neighbourhood plans may lead to a tendency towards safe architecture excluding innovation. It is believed that the Local Authority is best placed with the local knowledge and expertise to guide neighbourhood planning groups in policy development. There is a risk otherwise that Neighbourhood Plans may become too generic.
- It is unclear whether LPAs will still be required to support neighbourhood plan groups especially in relation to setting local policies that correspond to national policies in the absence of LPA development management policies. More guidance will be required to support Neighbourhood Planning Groups.
- The proposal for pilot projects and data standards to assist neighbourhood planning groups make better use of digital tools is supported.

**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

- Increased delivery rates and provision of a diverse range of types, sizes and tenures of properties that respond to the needs of the local community area supported. However, delivery must not be sped up at the expense of high-quality sustainable developments.
- Within growth areas additional complexities will be experienced in the planning and delivery process. Where multiple housebuilders may be delivering properties concurrently it will be essential to ensure adequate integration of infrastructure and seamless transition between parcels within and adjoining the development. This is important to deliver the overall development vision and a sustainable development integrated both internally and into the wider area.
- Delivery must be undertaken at a sustainable pace. For instance, for large scale strategic sites involving potentially several thousand new homes, it would be unsustainable to build new homes before there is sufficient community and transport infrastructure in which to provide for the increase in population and support neighbouring communities and community resilience.
- Greater emphasis must be made on ensuring planning permissions that are granted are implemented and ultimately delivered. To do this, changes to planning conditions and legislation could be made whereby developments must be completed within a specified number of years following commencement unless there are robust reasons it was not able to (an appropriate timeframe could be set based on the scale of development permitted).
- The current system is a permissive one within which 90% of planning applications are approved. In the year to June 2019, 377,000 full

residential planning consents were granted across England. If these planning consents were all turned into homes, nearly two million houses could be delivered over the course of just five years. According to the TCPA, there is also a cumulative backlog of over 800,000 permissioned homes that have never been built. The LGA puts the figure at closer to 1,000,000. In more cases than not the issue is a result of landowners, developers and promoters. Evidence suggests that housebuilders have around 1 million unimplemented building plots with planning in addition to thousands of hectares of 'strategic' land in their land banks.<sup>1</sup> By 'stockpiling' land and options house and land prices are kept artificially high by ensuring that the supply of land is constrained undermining the strategic planning of Local Authorities objectives of building sustainably located developments and housing at affordable levels.

**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]**

- Propose no comment from HDC, this question is geared towards the general public's opinion of the planning system.

**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]**

The options focus on more environmental sustainability proposals. It would be useful to highlight social and economic ones too which tie in with political objectives. Other priorities would include access to services and facilities to ensure community resilience, accessible and adaptable homes and energy efficient homes.

Scant reference is made to the importance of nature, wildlife and accessible green spaces to enhancing both the environment and social sustainability of areas. There is no indication of how natural and accessible green spaces can be accommodated within the proposed Growth areas or Renewal areas.

**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.]**

- Support the idea of improving the production of design guides and codes and for greater local involvement in their production particularly for neighbourhood plans to enable richer policies and guidance at the most local level to empower communities.
  - Proposal states that design codes will only be given weight if they can demonstrate they have undergone community consultation and have used empirical evidence. Further clarity is required on what level of evidence is needed to demonstrate that these have been achieved. This could be an additional resource implication on neighbourhood plan groups and LPAs. Will this be open to challenge by applicants who
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disagree with the principles in the design code/guide and face planning refusal?

- Concern exists over the use of national guides and codes as these will not reflect local contexts and may result in uniform developments across the country with no reflection of their locality. These are likely to result in conservative design solutions suppressing innovation and modern design and negatively impacting on introduction .
- Will improving the production of design codes/guides include any time limits – for example, the guide/code must have been produced within x years otherwise outdated ones may be used which are no longer reflective of the local area or promote design that is no longer popular.

**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.]**

No

- A new body to support design coding and building better places is unnecessary. There are ample existing skills amongst professional bodies covering urban design, conservation, planning, infrastructure and landscaping to facilitate the level of improvements sought provided local authorities are adequately funded to implement them.
- It is the role of an individual local authority to determine the structure of its Chief Officers; this should not be determined nationally.

**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

- An increased role for Homes England in championing high quality design is to be commended. However, this should not be at the expense of sustainable development or a reduction in infrastructure provision.

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

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

No

- The proposals appear to massively over-simplify the reality of the development management decision making process. There are many aspects other than external appearance which need to be taken into consideration before a judgement can be reached on whether a development proposal is appropriate.
- The promotion of 'popular and replicable' forms of development through additional permitted development rights is likely to hinder rather than, as suggested support, innovation in housebuilding and use of modern construction methods leading instead to introduction of standardisation forms of development with little or no regard for their local context.
- Approving a development based on the national design guide or pattern book in the absence of local design guide is concerning. The buildings constructed may not be suitable or out of context with the local area

particularly over time as areas evolve. Decisions on whether developments meet the design code or local context should be made at local authority level. An application containing a 'beautiful' home must still go through community consultation and policy analysis, potentially meaning that the application is not fast tracked. Although this ensures checks and balances are in place.

- Some flexibility will be required for anomalies not covered in the code and how can it be addressed these have been sufficiently consulted on – do these anomalies then undermine the weight of the code in decision making. However, if all eventualities are covered then the code become very long and perspective.
- There is considerable lack of clarity in the proposals, particularly regarding the level of detail required for masterplans and design codes for growth areas.
- It is unclear how a fast track to beauty will be enforced and whether specific evidence would need to be provided to ensure developers are meeting the design codes or pattern books.
- In relation to Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century and Securing consent for routine works it is noted that there is already a scheme (consent orders) for this but little appetite. If the scope of these orders were increased this could cause significant harm.
- It is not supported that suitably experienced architectural specialists could earn autonomy from routine listed building consents as this would present a conflict of interest by representing their client and at the same time doing the best for the building. There is also an insufficient number of suitable specialists.

**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]**

Our priorities for development within the district are to create sustainable developments, not just environmentally but also economically and socially. Priorities include the provision of:

- Affordable housing
- Associated infrastructure provision to support all forms of development including health, education and community uses.
- Green infrastructure
- Services and facilities to ensure community resilience

**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

- Huntingdonshire was one of the first authorities to become a CIL charging authority. The CIL has worked well alongside S106 and ensured effective collection of monies to support the delivery of necessary infrastructure. The twin tracking of CIL and S106 based on viability allows a clear system that has the flexibility to work for the benefit of the local area and the specifics of a site.
- Developers, particularly of strategic sites, often like the certainty that provision of key infrastructure themselves through S106 provides as it ensures gives them security that infrastructure will be delivered in a timely manner which is a significant selling point when marketing the site.
- Concern is expressed over the potential longevity of any revised scheme given the number of changes to the CIL scheme since its introduction in 2012. There is a significant risk that landowners will withhold land from coming forward for development if they consider the new levy to be too burdensome and wait for another change in approach. This could be severely detrimental to the delivery of new development.
  - Whilst it is agreed in some areas that S106 agreements can cause delay legal agreements can be very straight forward in the majority of cases. At Huntingdonshire District Council a standard S106 is available to be used and could be completed very quickly if it was not for developers/legal advisors trying to re-negotiate that standard wording and/or triggers. Similarly for strategic sites a standard agreement is available as the backbone of the finally agreed document, although it is accepted that strategic sites are very complex and, as such, will need further detail and consideration for the benefit of both the LPA and the developer.
  - It is unclear what the benefit will be to existing Charging Authorities if a new consolidated levy is introduced. What evidence is there that the level of monies or provision of infrastructure will remain the same or increase through a consolidated Infrastructure Levy? The current system enables a suitable blend of CIL and site specific mitigation. If all is covered in a nationally set Infrastructure Levy, LPAs will need to be reassured that this will only help to maintain or improve the infrastructure delivery for their area.
  - A significant proportion of infrastructure is currently provided (delivered) by the developers of a site rather than supplying money. There is no clarity over how or whether this will be captured appropriately under the new proposals. Developers are often more able to deliver a range of infrastructure items, to an agreed specification, at a more competitive price than the LPA/infrastructure provider due to the economies of scale they have in their purchase power.
  - What assessments have been undertaken to consider the minimum threshold level below which the levy would not be charged and for those over it would only be charged on what is over? Where reference to this reflecting average build costs per square metre, how would this be determined? Currently build costs are very different between smaller and larger developers, with the later having considerable economies of scale reducing value. In addition, just within housing alone there are differing costs depending on nature of development such as estate build. No details of how this is to be calculated with worked examples is given. Huntingdonshire District Council is a pro-growth authority but this needs to be sustainable growth supported by all necessary infrastructure that

every new unit brings with it. The CIL at present ensures that all new housing is liable irrespective of size, recognising that all have an infrastructure requirement. Unless this is to be met by the developer, will the government be providing the funding to meet this need?

- It is noted that the aim is to increase revenue levels but that is at national level. How would this be guaranteed for all areas as oppose to as a collective nationally?
- Removing S106 totally from the planning process will impede delivery of the Government's First Homes scheme which is wholly reliant on the S106 system. The proposals within the 'First Homes Summary of responses to the consultation and the Government's response' document notes that "Further proposals are being developed for an Infrastructure Levy, which would replace the Community Infrastructure Levy and section 106 planning obligations." However, the level of detail expanding on this within the Planning for the Future white paper provides no way to effectively assess how Local Authorities will be able to secure First Homes without a S106 agreement as a transitional approach is not set out in the white paper.

**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]**

- A nationally set Infrastructure Levy rate raises many areas of concern. No detail is provided to show how this would work within a LPA or any comparison given of how the result of that would compare to the current system and ensure the provision of the necessary infrastructure to support the growth of the area.
- How would the Levy be calculated? How would that take account of the huge variances not only nationally, regionally but also across counties. Furthermore, many Charging Authorities have introduced zones to take into account the varying values within their own district. If this isn't done then to achieve affordability across an area, the areas able to meet a higher requirement, whilst maintaining an acceptable profit level, will be asked for less due to the rate being reduced to ensure the less valuable areas can afford to pay. How is it proposed that the land value uplift is calculated? Again, worked examples of this for areas would be helpful to be able to provide a clearer response to the consultation.
- How will consideration of the final value be ensured to be accurate if that was used? It is already known that developers will look to reduce the value but saying that certain standard fixture and fittings (a necessity of a unit) will be provided at cost or outside sale value due to tax threshold requirements.
- When will the Levy for a development be set? Will it be set at the point of planning permission or if not until occupation at that time? The important to note that if a rate is set at the point of permission but the development of a phase is not built until a number of years later, or even over a decade later on a strategic site, the cost of infrastructure at that point could be much higher. Would this be able to be indexed to the date of occupation?
- The current CIL enables local values and requirements within a district or borough to be recognised to support delivery of housing and associated



infrastructure. The proposal is not showing how this will ensure that the current levels can be maintained or improved.

**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.]**

- If a new consolidated Infrastructure Levy is introduced it must capture at least the same amount of value overall. Noting the point that much infrastructure is delivered by developers and not issued as a payment to LPAs, how has this value been considered?
- How does the government intend to ensure that the cost of this is borne by the landowner/developer through the value of the land (i.e. a tax on the land) and not enabling developers to increase value of land unnecessarily through bids at the cost of the infrastructure provision provided / viability.
- Whilst flexibility to enable spend of the levy of wider infrastructure, at the LPAs discretion, is supported, the requirement for the levy to cover the cost of provision of matters such as affordable housing outside of the S106 is a concern. This would entail the LPA needed to purchase parcels on developments in order to build the affordable housing on site and take on responsibility for the building of the majority of affordable housing, with partners. This will bring significant additional work on the LPAs and RSLs to achieve this. Furthermore, if parcels are not purchased / made available on site the result will be developments that are not sustainable and mixed in nature with affordable housing having to be provided in areas potentially with less infrastructure provision. Even if the Levy could capture the same or above current combined value, this will be much later on occupation. Furthermore, if this is not until the scheme as a whole is completed this could be significantly later. The current CIL system enables developments, particularly relevant for larger ones, to have phased permissions. This ensures that CIL payments, payable from commencement but, in most areas, via an approved supportive instalment policy are done so in a timely manner to support the delivery of infrastructure as soon as possible. If the levy was not required until occupation how would this be determined? On the occupation of the first unit for the whole site or not until all sites occupied? If not the former then it is considered that would have a detrimental impact on the timely delivery of infrastructure.

**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.]**

- The flexibility for local authorities to borrow against the Infrastructure Levy is welcomed. However, the government cannot expect LPAs to do that as a normal cause of action to deliver infrastructure early in the way current S106 agreements enable through trigger setting. With any borrowing against levy receipts there is/would be a significant level of risk as there is no certainty that the planning permission will be implemented

at all or fully. As the consultation itself identifies “local authorities should assure themselves that this borrowing is affordable and suitable”. The result of this is that many LPAs are unlikely to borrow and so infrastructure will be delivered much later, due to payment not being required until later, and so communities will be infrastructure poorer than in the current system.

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

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

- It is important that the Levy is spent on infrastructure but the ability to spend that on infrastructure more freely would be supported. For example, with the continuing change of how the NHS operates and the introduction of Integrated Neighbourhoods certain health services, particularly the more specialised, may not be provided in the immediate local area of the development but the next town or further afield. The flexibility to spend this in those ways is positive and yet would enable the LPA to ensure that wherever spent it was the support of its area. The current CIL enables this but more flexibility would be welcomed.

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

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

- Without details on the proposals, the LPA is not convinced the removal of the current S106 system is appropriate. However, should that happen and even though affordable housing is a priority for this council, it should be for the LPA to decide on how the levy is best spent and the infrastructure priorities at the time.

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

The proposals may have detrimental impacts on people with the defined protected characteristic of ‘age’ by reducing their opportunities to interact with planning consultations through the emphasis on digital only systems which some older people may find challenging to engage with.

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Other points to note:

- The Alternative Option is noted although no question is asked about this. Is the optionality purely based on whether you implement it? If an LPA chose not to, could it continue with the current CIL and S106 system or is the only option you have the consolidated Infrastructure Levy or nothing at all? Would it not be simpler to address the fact that where LPAs have not introduced the CIL that they are required to do so, i.e. making the CIL mandatory?