

**Government's planning reforms published 6 August 2020:**

**Planning for the Future White Paper**  
**published for consultation for 12 weeks.**

**Response from**

**Impact Planning Services Limited**

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## 1.0 Introduction

- 1.1 This paper summarises matters within the Government's consultation and provides this Practice's response to the consultation questions. It follows the order of the 'pillars' in the White Paper.

## 2.0 Pillar One

### **Revised standard method of calculating housing land supply**

- 2.1 In the 2020 White Paper, there is reference to additional documents one of which is the "Changes to the current planning system -Consultation on changes to planning policy and regulations". Consultation on this closed on 1st October 2020. Nevertheless, it is cross referenced in the main White Paper.
- 2.2 The standard method (Proposal 4 in the White Paper consultation paper) identifies the minimum number of homes that a local authority should plan for in an area. At paragraph 2.24 the White Paper explains that the standard requirement would be binding to release a greater amount of land.
- 2.3 The Consultation on changes to planning policy document made clear that the Government's intention is that the method set out in the document would form part of the process for setting any binding housing requirement. However, the consultation did not set out how this binding requirement would be calculated, as this will be determined following the Planning for the Future consultation. Instead, it proposed a revised standard method for calculating local housing need which will be used as the basis for plans created prior to any changes outlined in Planning for the Future being introduced.
- 2.4 The Government introduced, by way of consultation the standard method in September 2017, (the current method in the consultation document). This followed an earlier Housing White Paper in February 2017, to make the process of identifying the level of need in an area more simple, quick and transparent. Previously, local authorities spent time and money estimating need and these numbers were heavily contested at examination. The standard method is designed to cut this time and ensure that the plan-making process focuses on how and where the homes can best be built, how they can be best designed and how the infrastructure can be aligned rather than time-consuming debates about the number of homes.

- 2.5 However, problems within the 2017 Standard Method were exposed due to failings in the formula when the 2016 based household projections were published resulting in significant reductions in areas across the country.
- 2.6 Importantly the 2020 Changes to planning policy consultation states in paragraph 14b, that it aims to:
- ‘Achieve a better distribution of homes where homes are identified in more high-demand areas and in emerging demand areas across the country (such as the Northern Powerhouse). This will help avoid issues where unaffordable areas in high demand are planning for low numbers of homes due to past trends of suppressed household formation. In addition, the Government has heard powerful representations that the current formula underestimates demand for housing in the growing cities in the Northern Powerhouse by being based on historic trends’.
- 2.7 At paragraph 14 d, that document stated that the proposed method should:
- ‘Be consistent with the Government’s ambition for a housing market that supports 300,000 homes by creating a method with a suitable overall national number that enables achievement of this aim’.
- 2.8 The Government’s proposed approach starts at paragraph 17 and it is based on a number of principles for reform including the need nationally to deliver 300,000 homes a year with a more appropriate distribution and targeting more homes into areas where they are the least affordable.
- 2.9 The standard method results in a council-wide number that the local authority then needs to plan where and how that need is best met in accordance with national policy. A key change is the inclusion of the existing housing stock of a local authority into the baseline together with the household projections effectively boosting the numbers in those councils with low projections. A further change is the removal of the cap on numbers in the 2018 approach. This gives a national figure of 337,000 homes which is significantly greater than the figure of 270,000 using the previous approach.
- 2.10 Under the previous approach some authorities in the midlands and the north would have planned for a reduced level of housing than that recently completed. The proposed new approach increases the numbers nearer to completions in the north and notably above recent completions in the midlands.
- 2.11 The impact on the south concentrates growth in London with a significantly higher

number (93,532) than previous completions of 30,000 to 40,000 per year.

- 2.12 It is important to note that the Government’s White Paper proposes to replace the Standard Method for Local Housing Need with a nationally-set method to set local housing requirements to meet 300,000 homes per annum across the country’s local authorities, with constraints and other factors taken into account. This is confirmed in paragraph 1.20 of the White Paper.
- 2.13 So, the new approach set out in the changes to planning policy consultation will be of significant importance for emerging local plans coming forward over the next 2-3 years – and in five-year land supply matters over that time horizon – they may ultimately have a short shelf-life. However, the White Paper (at paragraph 2.27) proposes to remove the minimum 5-year supply assessment on a rather naïve assumption that the new approach will ensure enough land is planned for new housing. The Housing Delivery Test and presumption in favour of sustainable development will however be maintained.
- 2.14 Based on the calculations by Lichfields and as accepted by this Practice, the new housing numbers (dwellings per annum) for some of the local authorities are set out here:

<b>Local Authority</b>	<b>Current plan requirement</b>	<b>Average of last 3 years completions</b>	<b>current standard method</b>	<b>proposed new method</b>
Swindon	1,467	1,175	1,030	1,466
Cotswold	420	824	487	1,209
Milton Keynes	1,767	1,498	1,806	1,417
Sevenoaks	165	322	711	820
Tandridge	125	250	646	533

- 2.15 The detail of the new approach is contained in two steps: 1 Setting the base line and 2 Adjusting for market signals in paragraphs 23 to 39 of the policy consultation document.

- 2.16 The calculation is based upon the proposed standard method consultation guidance paragraphs 23 to 39. That is: Step 1 - Baseline figure is whichever is higher of 0.5% of stock (based on MHCLG Live Table 125, unrounded, for 2019, see para 26/footnote 11 of the guidance) or the latest household projections (2018-based, as per ONS Live Table 406 with the current year [2020] being used as the starting point and over a 10 year period [2020 to 2030] as per paras 23 and 27).
- 2.17 Step 2 – Affordability uplift is based on formula in para 30 of the guidance, using ratio for the most recent year for which data is available (2019, as per para 29) and the change over the last 10 years of published data (2009 to 2019, para 29). No cap is applied, in line with para 39 of the guidance.
- 2.18 It is quite apparent that this concentration of growth in London and the South East will generate political objections and this has led the Housing, Communities and Local Government (HCLG) Committee to launch an inquiry into the government’s proposals to reform the English planning system:  
<https://committees.parliament.uk/submission/#/evidence/269/preamble> with the deadline for evidence on 30th October, 2020 one day after the close of the White Paper consultation.

### Local Plans

- 2.19 The main White Paper covers this aspect of the Government’s proposals. At paragraph 1.16 the White Paper introduces Government proposals for streamlining the planning process with more democracy involved at the plan making stage and simplifying the role of local plans to focus on identifying land for three categories: Growth, Renewal and Protected Areas. Outline approval would be automatic in Growth areas, some development (some densification and infill) would be automatic in Renewal areas and Protected areas would have new development restricted (e.g. the Green Belt and AONBs).
- 2.20 Areas and sites would be annotated and colour-coded in line with their *Growth*, *Renewal* or *Protected* designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category.
- 2.21 Paragraph 2.10 stipulates ‘*In Growth and Renewal areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category*’. The consultation continues ‘*One option is to combine Growth and Renewal areas (as*

*defined above) into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it'.*

- 2.22 It is suggested this could halve the time taken in securing planning permission for larger sites. Development management policies would be nationalised in the NPPF and so local plans would focus on site specifics and design codes.
- 2.23 The key messages are: Local Plans should set clear rules rather than general policies for development; Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities; Local Plans should be subject to a single statutory "*sustainable development*" test; Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template; Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total) for key stages of the process, and there will be sanctions for those who fail to do so.
- 2.24 Paragraphs 1.17 and 1.18 of the White Paper address the 'digital first approach' for new civic engagement on local plans and decision making and bringing a new focus on design and sustainability.
- 2.25 Paragraph 1.20 refers to the '*new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans*', and as explained above this would factor in land constraints, including the Green Belt, but also it is claimed the binding housing requirement would focus on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. This will result in some significant decisions having to be made especially as a significant level of growth is concentrated in London and the South East, (see Sevenoaks and Tandridge figures in the table above). It will also require some significant amendments to the Green Belt, yet there is no admission of this in the White Paper. The alternative is to suppress a significant level of housing through a very obvious and socio-economically damaging "housing needs write off".
- 2.26 Another key change proposed for Local Plans is that they should be '*subject to a single statutory "sustainable development" test, replacing the existing tests of soundness*'. In pillar one, the consultation states the Government is proposing to: '*abolish the Sustainability Appraisal system and develop a simplified process for*

*assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties (see our proposals under Pillar Two)*’.

2.27 The Duty to Co-operate (which has been a consistent failing with a number of Local Plans since it was previously introduced by Secretary of State Pickles, to address the need for coordination following the abolition of regional planning), will be abolished. Further consideration is to be given to strategic cross boundary issues. This must be fully and properly addressed because of the clear failure of the previous attempt to resolve the lack of strategic planning. The duty to cooperate was an almost complete failure and amounted to nothing more than an agreement to disagree in notable instances.

2.28 There are questions throughout the main consultation document and the responses provided represent this Practice’s comments to the consultation questions. However, this entire paper is submitted in response to the consultation as it provides a more comprehensive and hopefully a wider range of comments to assist the Government. Most of the first 4 questions are directed to the general public and therefore no response is given to these, except for question 3.

***Q3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?***

***[Social media / Online news / Newspaper / By post / Other – please specify]***

2.29 Response- By way of a consistent standard of on-line presentation linked to an easily accessible and regularly updated on-line news web site. (See further comments on this in our response to question 11.

***Q5. Do you agree that Local Plans should be simplified in line with our proposals?***

2.30 Response- some of the detail in design codes and infrastructure requirements could make the Plan out of date sooner, so a more flexible arrangement is necessary to allow planning applications for the principle to be made and considered. Also, the suggestion to grant outline permission by the allocations process will need significant upfront work.

2.31 The White Paper attempts to streamline the process by removing successive “bites of

the cherry” and attempted reconsideration of the merits of the development once beyond the first acceptance that any particular site should be developed either as zoned, permitted in principle and then an approved design code applied. There is simply no need to re-engage as everyone will feel comfortable that everything has been considered and signed off at the very first stage in the process which is where elected members, public consultation and “planning for real” or whatever will have been involved.

- 2.32 All very good apart from the fact that such a system assumes that the extent of research and testing of all of the various land release options has been comprehensively and thoroughly undertaken at the outset. All sites either zoned, permitted in principle etc., will therefore have to ensure that all necessary environmental assessments have been undertaken and constraints investigated with any necessary mitigation measures identified and consequently reconciled. Anyone familiar with master planning and the preparation and submission of outline planning applications will be more than familiar with the influence such research has upon the development in terms of form and scale. In turn that will influence the public face of whatever is formulated then warranting community-wide consultation.
- 2.33 This also has a significant bearing on what social, environmental and physical infrastructure associated with major development will be provided and when. Again, this is impossible to predict with any certainty without having undergone extensive investigation, analysis and agreed costings.
- 2.34 This effectively requires significant funding of a huge raft of research before any site or combination of sites receives any form of commitment from the local planning authorities. Who will resource this extent of detailed research? It won't be the current public purse and won't be your typical farming family. Such detailed and necessary research can cost in excess of several hundred thousand pounds on anything other than relatively modestly scaled sites and take many months if not years to complete, with any necessary agreements reached with all of the relevant statutory undertakers, utilities providers and other agencies. Even on relatively small-scale sites the extent of research, cost and time period associated with the necessary environmental research is substantial. All this will need to be “done and dusted” before permission zoning, permission in principle etc., is achieved unless, that is, the next stage involves re-evaluation, re-consultation and of course all of the same delays faced as a consequence of under-resourced agencies etc., which the system encounters today.

In all of this it is assumed that the extent of environmental protection remains broadly the same as today within any new system.

- 2.35 A chicken and egg dilemma. How can you zone effectively in the absence of the detailed research and investigation necessary to assure the affected communities and interest groups that there is no further need for consultation beyond that first and last consultation opportunity?
- 2.36 This will require sufficient resources within the local planning authority, all of the public agencies, utility providers etc., involved and the Planning Inspectorate. The zoning proposals are too crude and will require further researched advice to cover the wide range on environments and issues. For example, the circumstances in London as articulated in the letter sent on 26 October 2020, to the consultation process by the London authorities are very different to rural locations and the three zones proposed go nowhere near enough to be suitable across all such authorities. Sub areas within the zones may provide more flexibility but at this stage the simplistic three zone approach is unacceptable.
- 2.37 On the resource implications, since the “*golden era*” of the early 1970s when planning was built into the restructuring of local government, the status of planning within local government has been significantly diminished. In that era of structure and local plans there was an important recognition of the need for “*corporate planning*” or joined-up thinking between the authorities and service providers such as housing, education, economy, health and transport. There was also a strong sense of purpose led by regional and sub-regional strategies. Planning’s place within the hierarchy of local government decision making was higher than today, there were more staff and also councils had the ability to attract and retain high calibre graduates entering the profession. Planning was regarded as a dynamic and exciting career.
- 2.38 In the last 15 years or so, local government’s under resourcing of planning has led to a significant deterioration in terms of a service to both local communities and applicants. It is not simply a matter of returning to larger single authority structures either. It is about resourcing all within the planning system including those upon whom responses to consultation are critically important. Consultees within the orbit of the decision-making process have similarly been under resourced. This last 15 years has led to significant cuts in staff numbers and a drift away from local authority planning as a viable career. In parallel with this, the increasingly sophisticated requirements of the planning process have not only made the challenges within the public sector aspects

of the system more demanding, but has spawned an enormous growth in consultancy.

- 2.39 In 1984 there were only a hand full of such consultancies; now there are hundreds. The development industry required such assistance as a direct consequence of an increasingly sophisticated the planning system. As a consequence, it has led to a migration of experience from the public to the private sector.
- 2.40 Since both the plan-making and decision-taking processes rely upon timely and effective responses from those responsible for the provision of social and physical infrastructure, it has become increasingly apparent that the priority accorded planning is inadequate. National bodies such as Highways England, Heritage England, Environment Agency and say Natural England, have similarly been depleted of staff resources – particularly since, as with local government, post 2008 austerity measures have taken their toll.
- 2.41 It is no better however in the performance of the privatised utility suppliers. Here it also appears that other duties are prioritised over their important contribution toward the planning process. This applies throughout; from plan-making through to say the discharging of conditions. The latter can take months to achieve sign-off, delaying projects with the obvious economic, environmental and social impacts which stalled projects lead to. Change is required but this submission proposes a redirection for that change.
- 2.42 All of those involved need the resources and opportunities to take part and the development industry are key players who should be fully involved. In the Government's desire to move to more electronic consultation processes there must be a recognition that some parts of society still remain disconnected from modern technology. These sections of the community should not be overlooked.

***Q6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?***

- 2.43 Response-Yes subject to enough scope for local considerations to, for example, reflect local vernacular and local environmental / economic considerations, as explained in our response to question 5 above.

***Q7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which***

***would include consideration of environmental impact?***

- 2.44 Response- yes provided that a widely accepted and authoritative definition is provided and subject to sufficient consideration for ecological matters and environmental issues both at the local and global levels. The legal aspect should not be overlooked. It is notable that successive attempts to simplify the English planning system have served only to create more sophistication and ever more onerous requirements for all involved. It must be accepted however that a successful planning system i.e. one that genuinely delivers sustainable development, must necessarily be rigorous, evidence based and transparent.

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

- 2.45 Response- Introduce strategic planning based on new local authority geography in line with emerging Regional transport bodies. This requires additional resource and public accountability, see responses above. The mistakes of revoking Regional Strategies with the fixing plaster solution of Duty to Cooperate clearly failed, so there must be a new formal structure for statutory regional plans.

***Q8 (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?***

- 2.46 Response- agree to use a new standard method but it does present an over simplification of forecasting housing need through a mathematical formula. The more robust approach is to calculate population forecasts, review these against employment forecasts and take into account household growth. This in turn should then be assessed against a local authority's capacity and the nature of specific constraints. Clarity from Government is necessary on the status of constraints (including the Green Belt) and the circumstances for any changes to these constraints whereby they may be reviewed. The exceptional circumstances for reviewing a Green Belt and other national constraints should be clearly set out, or at least clearly referenced as described in paragraphs 136 to 142 of the NPPF (2019). The reference to strategic policy making authorities needs to be clearly addressed as this is currently overlooked/ deferred in the White Paper consultation.

***Q8 (b). Do you agree that affordability and the extent of urban areas are appropriate indicators of the quantity of development to be accommodated?***

- 2.47 Response-No because again this is an oversimplification. They are useful “benchmarks” or considerations but other matters such as the nature and level of constraints, the economic (including any relationship with employment generation policies), environmental and social considerations all need to be taken into account. If for these reasons the most sustainable solution is the designation of new settlements then an exception to the extent of urban areas as an indicator will be required.
- 2.48 There may be opportunities for a small urban area justified on sustainability grounds to accommodate a level of new development much greater than that indicated by the existing urban context as well as together with the level of affordability. Another large urban area could well be surrounded by areas of flood risk which cannot be resolved through engineering solutions.

***Q9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?***

- 2.49 Response-Yes, subject to our comments made at question 5 above, but with recognition that where modifications are necessary as a result of more detailed local information, an outline application is the appropriate route rather than waiting for a modification to the Local Plan. This is to avoid much of the information normally dealt with at the outline application stage from being deferred to the reserved matters process. This will have legal consequences as the current system is clear about what must be addressed at the outline stage but not at the reserved matters stage.
- 2.50 There will continue to be a need for flexibility and the proposed new approach will be dependent upon the local design codes and how well they are developed and utilised. The design role requires qualified architects to advise local authorities as this must have such a professional approach to avoid misleading and whimsical aspirations. It must include as accurately as possible, the construction cost implications of any such design codes. Construction costs have a direct bearing on residual land value and viability. More comments are made below under the question 17.
- 2.51 The democratic role must be clarified to ensure the local communities support the approach being taken as they will perceive a loss of ‘control’ with the reduction in outline planning permissions.

***Q9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?***

- 2.52 Response-No the levels of development in renewal areas will be extremely difficult to forecast. In Protected areas subject to the response given to 8a) above, there should be some scope for constraints to be mitigated or modified. It is of major concern that as so much of England is the subject of restrictive protection policies and designations, the result will be a clamour from shire authorities in particular, to designate themselves "protected" with few opportunities for growth. Again this is far to crude and simplistic a regime to work across a relatively small country with a large population.

***Q9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?***

- 2.53 Response- Yes but only after effective local engagement and in accordance with the new strategic planning arrangements promised in this White Paper. This Practice strongly recommends the reintroduction of strategic regional / sub-regional planning but it must be publicly accountable and the Government should be supportive of this important tier in the revised planning system.

***Q10. Do you agree with our proposals to make decision-making faster and more certain?***

- 2.54 Response- Not without substantial change in the negative anti-development culture prevalent within the political culture of local planning authorities and will also require significant financial resources within the entire system and in particular local planning authorities and all those involved within the development process including statutory consultees and utilities providers.

***Q11. Do you agree with our proposals for accessible, web-based Local Plans?***

- 2.55 Response- Yes, provided they are monitored frequently and kept up to date. Too many local authority web sites are woefully managed and many are out of date or provide web links to sites no longer available. This must be improved and again will require more resources to maintain up to date information.

***Q12. Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plans?***

- 2.56 Response- It will be impossible without substantially increasing resources. Otherwise this timescale is totally unrealistic. Given the necessity to address much of the detail normally dealt with at the outline planning permission stage much more early work will be necessary together with skilling up local authorities on the new importance of

design.

***Q13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?***

- 2.57 No, they are too wide ranging, inconsistent and lack full and effective scrutiny to carry sufficient credibility and weight. They have added to the complexity of planning rather than help reduce it. They should be scrapped.

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

- 2.58 Response- The expertise on Design should be provided by an RIBA qualified Architect as without this any design policy will be whimsical at best and have no bearing on deliverability or viability.
- 2.59 Only if the digitisation is made much more consistent, and the Plans have the opportunity to be tested rigorously through a hearing to consider the planning considerations and clearly fit with the new local authority planning policy as well as the national policy, should they proceed. The requirement for a referendum is unique for such Plans and is not an affective planning assessment. It should be based upon the same approach as Local Plans examination.

***Q14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?***

- 2.60 Response – the implementation of development requires a stable and predictable market for the specific type of development proposed. Housebuilders will only build what they can sell. If the market is subdued, volatile and affected by sudden changes investments will be less certain. If there is to be more emphasis on build out rates then the Government and local authorities will need to be more flexible and so the new planning system will have to be nimble and alive to change. This runs against much in the White Paper but it is an important factor that it should not be overlooked by the Government.

### 3.0 Pillar Two

#### Planning for beautiful and sustainable places

- 3.1 Questions 15 and 16 are directed to the public and so no response is given by this Practice other than to repeat the request that on matters of Design advice should be sought from Chartered Architects.

***Q17. Do you agree with our proposals for improving the production and use of design guides and codes?***

- 3.2 Response – To a degree, yes, but the need for fully qualified architects within local authorities has significant resource implications. The articulation of what is good design is critical within local authorities specially to elected members and members of the local community. The councillors will require continual training and to a degree continuing professional development and this should be mandatory for all Planning Committee councillors.
- 3.3 The design guides and codes must be clear, with likely cost implications fully understood and avoid ambiguity otherwise they will be open to too much interpretation and allow developers, councillors and other interested parties to successfully challenge and disregard them.
- 3.4 The importance of costing is also critical and this must be an open and transparent part of the process thereby explaining the quantum available for the CIL requirements. It is necessary to avoid the design requirements forcing a situation where the viability of a scheme is compromised.

***Q18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?***

- 3.5 Response – Yes in line with the comments made above to question 17. Previous attempts at achieving “good design” however have served only an elite group of London based opinionated “experts”. Most are not practitioners drawn from those serving the development industry or local planning authorities. Greater involvement with experienced and professionally qualified practitioners (architects and planners in particular) is required on a regional or sub-regional basis.

***Q19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?***

- 3.6 Response –Yes and again our response above to question 17 applies here. It is important to note that many house builders for instance do not engage fully qualified architects in the formulation of their house designs. Whereas on the Continent, the planning application process generally obliges the applicant to engage with suitably qualified professionals, no such requirement applies to those submitting planning applications in the UK.

***Q20. Do you agree with our proposals for implementing a fast-track for beauty?***

- 3.7 Response –Only if the comments made above are effectively addressed and implemented.

## **4.0 Pillar three**

- 4.1 Questions 22 is directed to the public and there is no Question 21.

***Q23(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?***

- 4.2 Response – yes but they must not put the commercial viability of the development at any greater risk.

***Q23(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?***

- 4.3 Response – an area specific rate would be more responsive as would a local rate.

***Q23(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?***

- 4.4 Response – the same amount as any increase is likely to threaten the viability of developments and consequently increase the uncertainty and the delays in implementation. The residual land value which ultimately influences the decision of a land or site owner to engage, is a matter which has become increasingly difficult to

establish through any formula-based process. Developable land is a scarce resource. Land owners will not engage unless the residual value represents an incentive. Without a more general move to widespread use of compulsory purchase in order to secure the development of allocated sites, a great deal of more detailed thought will be needed in providing clear guidance as to the thresholds and values applicable.

- 4.5 In reality however the real issue lies with the UK taxation system. The rules relating to roll-over relief for example and whether there is a need to more substantially review the taxation mechanism applicable to development land transactions ought to feature in any consideration of land value capture. This in turn requires The Treasury to consider how, for instance, hypothecation of revenues raised might be directed at local investment in infrastructure rather than a continual slicing into land values through the use of CIL.

***Q23(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?***

- 4.6 Response –yes as this is the basis of the Tariff successfully operated in Milton Keynes to pump prime developments with the provision of access and new schools early on.

***Q24. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?***

- 4.7 Response – yes as the residential developments in particular have significant impacts on the need for new services and schools. This must be costed to ensure that the permitted development of new housing does not slow but at the same time improves its design especially with regard to the living spaces.

***Q25(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?***

- 4.8 Response – yes provided this does not result in the viability of the development being threatened. Again, this amounts to a taxation issue. There is a clear need to reconsider the entire philosophy of “piggy-backing” private sector housing schemes with affordable housing subsidy as opposed to direct intervention via public sector housing schemes forming part of allocated sites etc. paid for through general taxation. Until this messy relationship between the private sector housing scheme and its ability to subsidise affordable housing provision is abandoned, there will be continual viability

and delivery difficulties. A return to far simpler means of responsibility for provision with much wider involvement of public sector housing is required to overcome a now longstanding problem.

**Q25(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?**

4.9 Response – this depends on the overall viability of the development.

**Q25(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

4.10 Response – the local authority should avoid over payment as a matter of good financial arrangements, so we question the need to mitigate against over payment.

**Q25(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?**

4.11 Response –the best quality new affordable housing has been provided by Housing Associations, so these require sufficient resource to maintain and improve the high-quality developments delivered in the past, if the developer does not provide them on site.

**Q26. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

4.12 Response – no, they should have Infrastructure levy monies ring fenced to the purposes stipulated in the agreement. This income should not be used outside of this purpose.

**Q26(a). If yes, should an affordable housing 'ring-fence' be developed?**

4.13 Response- only if this does not threaten the viability of the development.

**Q27. 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?**

4.14 Yes, as mentioned above the move to more digitisation will exclude some parts of society and therefore this must be addressed in the changes made after this consultation.

## 5.0 Conclusions

- 5.1 Unless there is a significant shift in the minds of those who seek to become local councillors and then serve on planning committees the anti-development culture prevalent in those areas most in need of housing and where difficult and potentially unpopular decisions have to be made, the delays in the political DNA of this or any other system will prevail. To those within the “political class” responsible for any major change to this system it really amounts to a message of “physician heal thyself”.
- 5.2 Without a fundamental and substantial improvement in the financial resourcing of the planning system and, in particular within local authorities and those other agencies, service providers and consultees upon which the system depends, no improvement will be possible.
- 5.3 Unless the land allocation process is fully informed at the point it is zoned or subject of any permission in principle designation, it will be impossible to avoid similar delays to those currently experienced in the local plan / outline application / reserved matters and discharging of conditions procedures. Public consultation at each stage will be both necessary and unavoidable.
- 5.4 The consensus associated with the post War introduction of a planning system no longer exists, or a B.B. King reminded us “*The thrill has gone*”. The frustration which has led to the White Paper need not however require a fundamentally new system. The current system needs a cultural shift, visionary political leadership combined with targeted well-resourced improvement.