

Appendix 2: Cheshire East Councils Response to the Planning for the Future White Paper (October 2020)

Introduction

The proposed changes put forward in the government's Planning for the Future White Paper represent a very significant re-modelling of the planning system which will fundamentally change the way in which local planning matters are determined including the preparation of Local Plans and consideration of individual planning decisions. Cheshire East is a Borough that has an adopted local plan, has consistently met its housing targets and has a current housing supply of some 41,000 homes.

Whilst the thrust of the white paper proposals is aimed at speeding up the delivery of housing supply in the UK, however, our core contention is that this is not the issue that needs to be tackled in a Borough like Cheshire East.

Planning in Cheshire East is aimed at driving housing delivery in the Borough so that we deliver good quality homes, that are well designed and are truly affordable. In addition, our aims are to deliver housing growth in a way which protects and enhances the environment.

This Government has promoted the localism agenda and supports the appropriate devolution of power from Whitehall. Our main concerns with this White Paper are that it proposes the exact opposite and proposes more central control over the planning system and a reduction in the influence of local democracy and local decision makers over these important matters.

Whilst the proposals are currently presented as a white paper, with, understandably, further detail to follow, there is a significant lack of information here that is necessary for local authorities to understand the extent of impacts on their planning (and other) functions.

Because of this there is a lot of unknown risk in what is being proposed; and little means to really understand whether the opportunity presented by change outweighs that risk. Whether the short comings of the proposals can be overcome is a matter for the next iteration of the white paper, but the significance of the proposals should not be underestimated.

What is certain however, is that the proposals are fundamental and that local authorities will need to be properly resourced to deliver the scale of change envisaged by these outline ideas.

Summary of Proposals:

There are many important and significant proposals being put forward and a more detailed response on individual matters within the White Paper is presented at Appendix 1.

At its core, the White Paper seeks to make the planning system more responsive and efficient primarily by:

1. Changing how local plans are prepared by introducing a zoning approach through designation of growth areas (areas for significant new development); renewal areas (existing developed areas); and protected areas (areas of heritage, countryside, Green Belt, national parks etc);
2. Speeding up the consent process by:
 - a. ensuring that land allocated as a growth area will benefit from outline planning permission on the adoption of the local plan, with any reserved matters to be dealt with primarily by officers (not committees); and
 - b. Re-focusing public engagement away from the planning application stage to the development of the local plan.
3. Moving away from writing policies and instead, focusing on clear development standards and design codes (this represents a move away from the exercise of planning judgement, and towards compliance with rules);
4. Introducing a statutory requirement to produce plans within 30 months, supported by:
 - a. reducing and removing the evidential burden placed on plan making (reduced role for sustainability appraisal, environmental assessment and the removal of the duty to co-operate);
 - b. Removing the requirement to establish housing needs locally, instead taking a national approach, with LPAs being mandated a target (which takes account of local constraints) rather than establishing it themselves; and
 - c. Establishing a national suite of development management policies linked to the three zones.
5. Promoting the use of digital tools for consultation, engagement and document production (particularly the use of map-based geographic information systems);
6. Creating a focus on quicker consent routes for good design, supported by local design codes (either within the local plan or through the neighbourhood planning process); and
7. Replacement of S106 and CIL with an 'Infrastructure Levy' that authorities can spend widely and borrow against.

The proposals represent some fundamental changes to the system but rest on existing concepts that are already well understood – the concept of local plans; outline planning permission; land value capture; and public engagement.

Inevitably, at this first stage of consultation, much of the detail of how the proposals will work in practice is yet to be presented and therefore the response given here is subject to such detail. However, we remain concerned about the general thrust of the proposals which seem to be aimed at reducing the influence of the local democratic process over the planning system.

We would also seek further information and clarity on the proposals being outlined. For example without a clear mechanism or worked example for how a new infrastructure levy would work in practice (and the relevant factors taken into account in understanding where the various thresholds might be set at) it is impossible to

understand if the proposal would lead to more or less resources for the local authority.

Therefore, more detail is needed from government in order to make a fully informed judgement regarding these proposals.

Many of the proposals could be significantly disruptive and result in poor outcomes if not refined to mitigate for concerns raised by local authorities. If the government wishes to significantly change the planning system, it must engage with local government to fully understand the implications of these proposals and be prepared to fully fund and resource local authorities to deliver the ambitions identified.

Without appropriate resourcing, the changes proposed could be counter-productive and disrupt the ability of local authorities to plan for and manage sustainable growth, which will, in turn, disrupt the ability of the housing market to deliver the homes and support the UK's future economic growth.

General Comments

The planning system is an indispensable tool to co-ordinate and shape the built environment toward positive spatial goals that support communities to thrive and secure infrastructure. Increasingly it is a process that will be used to improve the natural environment and mitigate, and reduce, the impacts of climate change.

As a process, the planning system has a series of checks and balances built into it, including measures that promote transparency and democratic oversight. These features have been purposely introduced at various points since 1947, to improve participation and ensure that important decisions about our communities are transparent, open for the public to participate in and are subject to scrutiny through our democratic processes of government. Proper checks, proper discussion and obtaining proper information upon which to base planning decisions takes time. Perhaps it could be quicker but the outcome of the current system is that there is proper oversight and transparency that still consents hundreds of thousands of homes every year through a process that, more often than not, sees schemes leave the system in better shape than when they entered it. By carrying out this process, the planning system has been responsible for consenting 2.5 million homes over the last decade, 1.5 million of which have not yet been completed. For example, in Cheshire East there are some 24, 437 unbuilt, but consented homes, in the borough.

With vast amounts of unbuilt, but consented homes in the system it is simply impossible for the Government to maintain that the planning system is a significant barrier to the delivery of homes.

It must be recalled that planning is a check and balance on development, and that those involved in planning are there to manage the built environment and improve its quality, but the people who make the system work do not build homes.

This work is largely the territory of the housing market and the planning system promotes delivery by consenting the supply, in a way that enables oversight and participation from our wider community. It operates in the public interest, preventing the most harmful ideas from materialising, shaping communities to make best use of

land, and capturing uplift in land value to invest back into public services. It is not a perfect system but applied properly, it can deliver the homes we need and protect and enhance our environment. Any new system must maintain these priorities and whilst simplification of the process is welcome, a new system must not be driven by short-term time savings in plan preparation, focused on ticking boxes, at the expense of long-term sustainable development.

The ambition to produce local plans more quickly, is welcomed, however it is unclear how this can be achieved in 30 months without some very specific guidance on what is being taken out of the current process and how this loss will be meaningfully counter-balanced.

The balance between the gains and losses of a new approach is not evident in the white paper. Whilst there are references to a reduced evidential burden, upfront engagement with local communities, a national approach to housing requirements and development management policies the paper does not give any real assurance that a new statutory timeframe can be met.

It is the detail of how these matters can be reduced in scope that is required to understand the impact of the proposals. However, our view is that the Government is proposing a 'lite' version of the planning system. If the government want a 'lite' version of the planning system it will secure 'lite' outcomes in relation to output of housing development, environmental protection and buy-in from the public.

In being forced to draw up a plan with a 20-year lifespan, in 30 months there is an inherent risk that complex large-scale issues will not be resolved within that timeframe and if the proposed system is designed to be too rigid to meet this timeframe, it will close-down important conversations. This will likely result in a system that is unworkable for developers and for local authorities, with the outcome that more development proposals are submitted outside of the local plan process, not fewer.

This would not be a plan-led approach and would increase delays, uncertainty and frustration for the public.

The White Paper also suggests a move toward codified rules and development standards, and away from the exercise of planning judgement. Planning policy is a tool that assists in the application of planning judgement to the vast array of development sites and the complex issues unique to each. It is a flexible tool that narrows down and clarifies the approach to be taken in specific circumstances, but which allows interpretation to be applied in the interests of balanced, but positive outcomes. The proposals as put forward are to move away from this, to a more rules-based system which appears to reduce the role of planning judgement, in favour of checking compliance with development standards. Whilst there are limited instances where this approach may well be appropriate, this authority is very concerned that moving away from a system that embeds democratic oversight alongside professional judgement, and toward a tick-box approach, will lead to poorer quality development across the country. To mitigate this risk, local authorities must see a very significant increase in their enforcement role with stronger powers to

intervene and issue stop notices where necessary, and more resources made available to ensure that sufficient enforcement personnel can be deployed to ensure that development is being completed in accordance with the rules and codes specified.

Ensuring that development takes place within a plan led system is crucial to securing more and better homes, with trust that public processes are being followed. However, incentivising the development industry to appeal planning decisions through the automatic ability to recoup costs, securing consent outside of the local plan process is likely to become more attractive, not less (it is noted that no equivalent penalty is proposed to be levied on the development industry for not building out consented sites).

In instances where this situation does arise, it is very unclear how departures from the development plan will be dealt with, even if, as suggested, a higher test is required to depart from the plan.

Many of the tests included in the current local plan process are perhaps not proportional to their impact, nor do they secure the outcome that they were originally designed to achieve.

Therefore, it is welcome that the role of the duty to co-operate, sustainability appraisal and environmental impact assessments are under review. However, to ensure local plans do fully address the impact of development on the environment and do not conflict with the ambitions of neighbouring authorities and beyond, removing these tests entirely may be counterproductive and it is necessary to understand what tests will replace the current arrangements.

Aside from reference to 'joint plans' the current proposals make little reference to how authorities in economic or city regions may be required to demonstrate delivery of wider strategic goals or address important cross boundary matters such as flooding, strategic infrastructure or national matters such as minerals.

The value that planning adds to development is through its role in coordinating investment to ensure the cumulative social, economic and environmental value of individual sites is amplified across larger geographies and a new approach to planning should support, not hamper this.

Other parts of the current local plan process that are being removed may also yield benefits but further detail on the approach is needed to inform our position. Many development management issues are similar across the country and there is much scope to rely on a nationalised version of development management policies/standards. However, each locality is different and there is legitimately a case for local authorities to retain the ability to introduce specific development management measures in response to local circumstances.

Whilst time can be saved in the plan-making process by creating a national approach to development management policies and the distribution of housing requirements, transparency of these processes is essential, especially regarding housing requirements. Without a thoroughly transparent process to the distribution of a

national housing requirement, inevitably, local figures will be hotly contested, both publicly and through private lobbying.

It would be very helpful to understand the range of indicators that will be used to inform national distribution of housing and whilst housing affordability is an important indicator of demand in an area, demand can shift (and be created through strategic policy) and an approach that relies too heavily on indicators of affordability may hold back authorities (and regions) that wish to instigate strategic growth plans based on new infrastructure and employment investment beyond their own borders. Whilst reducing the evidential burden may be entirely reasonable in terms of its proportionality, there is no reassurance as to how fundamental issues around the environment will be accounted for in plan preparation.

Because of the lack of detail, worked examples or specific mechanisms that will be used to calculate such matters as housing requirements and infrastructure levy receipts; and without any real detail on how the reduced democratic oversight will be enhanced through the local plan process, it's very difficult to reach a strong view on much of what is put forward in the white paper, other than to identify that there are significant risks around accountability, transparency and outcomes. What is certain however, is that the proposals represent fundamental change and will require a settlement from government that fully resources local planning authorities to deliver a new planning system on the ground, to communities up and down the country.

Q1: What three words do you associate most with the planning system in England?

Answer: Essential, positive, engaging

Additional statement: n/a

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

Answer: Yes

Additional statement: n/a

Q2(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]

Answer: n/a

Additional statement: n/a

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]

Answer: Social media; online news; other - direct email/text message etc

Additional statement:

Many councils already employ digital services to consult on and promote their planning functions. We agree that a greater focus on digital services will make planning matters more accessible to the general public but there remains a need to engage in non-digital ways to ensure all sectors of our communities are able to participate. A proportion of the population still do not use or have access to the internet, for example, in 2019, 7.5% of adults had never used the internet and, some groups with protected characteristics are less likely to access digital services than others (notably women, older age groups and disabled people). There is therefore a need to ensure that groups are not excluded from participation because they face barriers in accessing computers / 'smartphones' or the internet.

(<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2019>)

A move which focuses more on digital information will have benefits and local authorities must be appropriately resourced to deliver new process and systems should there be new requirements to create consistency/linkages with other national digital systems that are not currently in place. The creation of new software to manage planning matters will require a significant financial investment and whilst LPAs are currently using digital services extensively, for the wide variety of local systems to talk to one another efficiently it will require investment which local authorities by and large do not have the current resources to deliver.

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

Answer: All of the above

Additional statement:

All of the above are important and valuable, ranking these issues does not reflect the value of each in supporting the realisation of all.

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

Answer: No

Additional statement:

Simplification of the Local Plan process is an admirable ambition and the shift towards looking at outcomes rather than process is to be cautiously welcomed. Some of the objectives being sought could be achieved through national intervention, such as mandated standards through building regulations and environmental protection legislation, which would alleviate the pressure on the planning system to control matters (usually through conditions) better dealt with under alternative arrangements. Other matters could be improved through amending existing regulations and legislation, without introducing holistic change to the planning system.

The proposed zoning approach is in many ways similar to existing plan making (in terms of land categorisation) however given the complexity of different land use types some mechanism should be retained to sub-divide the define zones, for example exempting areas from permitted development rights that may otherwise fall into a zone which is permissive. Some degree of granularity is needed here to successfully manage development in this proposed approach, and it is necessary, especially in the areas of protection, to understand if different categories of land will be subject to different approaches or whether all land in this area will be subject to the same approach (will it remain obvious that there is a differentiation between Green Belt and countryside for example?). The categorisation of land within the protected area is necessary to ensure that land performing an important spatial function, such as the Green Belt or countryside continues to be treated with additional restraint.

The exercise of planning judgement has been a fundamental feature of how development restraint is applied and has underpinned the planning system for decades, reflecting need to treat individual sites on their own merits. No two sites are the same and the impact of development is always different – hence the need to exercise a judgement on important issues arising from a planning decision. Clearer

rules are always helpful but flexibility to respond to the unique circumstances of each site will remain important in any future system.

Neither of the alternative options present scenarios that we fully support. Of the alternatives proposed, alternative option one, which combines the growth and renewal areas, is not supported. This approach does not recognise the significant difference in development type and needs in regards these different types of land (previously developed and greenfield) and the expansion of permitted development rights offers little means to control development that may otherwise be harmful.

Alternative option two, relating to automatic permission in principle applying only to growth areas, is our preferred approach because it retains a substantial role for the development management function outside of those areas. Subject to a satisfactory local plan process that allows substantial consideration of the detail of development in the growth areas, this approach would reduce the reliance on what would essentially be a vastly extended permitted development regime (the details and parameters of which are not set out here and therefore cannot be analysed properly).

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

Answer: No

Additional statement:

Creating a national suite of development management policies that align to the proposed zones would improve national consistency and reduce the scope of plan-making, therefore improving the efficiency of that process. However, it remains important for LPAs to be able to establish localised policies that respond to the specific circumstances of the local area, in specific circumstances (such as for conservation areas) and may involve amending national development management policy to better fit local circumstances.

The proposed alternative option would require a far more extensive local process and has the potential to create a complicated monitoring system to consider which sites should be brought forward and when (outside of the defined local plan process). Retaining the tests of deliverability are preferred; the current process in this regard may be improved by increasing the emphasis on site promoters to provide consistent and accurate information on the deliverability of their sites. Local authorities cannot control the deliverability of third party sites and under the alternative option, it is difficult to understand how site promoters would be incentivised to deliver – would they lose permission (and be forced to wait for the next local plan process) if a site is not built out within a specified time? Without the detail of the mechanisms through which reserve sites would be required to come forward it is difficult to support this alternative proposal.

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

Answer: Not sure

Additional statement:

To make this work, each site submission must include clear information, presented in a consistent format that enables the local authority to assess the ability of a site to meet the new sustainability tests. Such a test should include a measure of reliance on/ability to provide relevant infrastructure and an assessment of the deliverability and viability of the site. Standardised tests would be welcome on this matter but should recognise that each site is different and allow for adjustments to be made outside of any standardised approach. Any replacement tests must include sufficient analysis of cross boundary matters related to the environment, and in particular, to flooding, which is a complex matter that requires co-operation beyond administrative boundaries.

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

Additional statement:

Some form of national and or regional strategic plan would enable LPAs to align to the larger than local issues that inevitably arise through the local plan process. This could provide a framework for LPAs, setting out national and regional development priorities, infrastructure development and cross boundary matters such as commuter flows and environmental issues such as flooding.

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

Answer: Not sure

Additional statement:

The setting local housing requirements nationally is a blunt instrument but would remove a large part of the discourse at local plan examinations and therefore be an important component of ensuring plans could be prepared within 30months. In establishing housing requirements, it will remain important to consider the role of commuting patterns, employment, and retail planning and the effects of this on increasing or depressing housing need in the local area.

Housing need is disaggregated in subcategories and therefore it is important to be clear whether this will also be undertaken nationally or reserved for local planning authorities to deliberate on. For example, how would the approach to gypsies and travellers, travelling show people, older people and affordable housing / starter homes be addressed?

To avoid lobbying, bias and the politicisation of this issue, any national system of distributing housing need must be fully transparent and it is also important to understand what mechanism will exist to deliver residual housing need that cannot be accommodated by local authorities in constrained locations. Will the need here simply be re-apportioned to the nearest unconstrained local authority? Or perhaps this will inform the approach to new settlements through the NSIPs regime?

The proposed alternative option is very similar to the existing process and, in the context of introducing a statutory time scale of 30 months within which to prepare a local plan, would force the substantial local debate into a shortened timeframe. Retaining this approach and introducing a 30-month time limit would likely mean that many authorities would fail the new statutory test.

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

Answer: No

Additional statement:

There are multiple other factors to consider when establishing housing need and proceeding on this basis will continue to focus investment in already successful places. The suggested approach does not account for longer term strategic change that may be brought about by ambitious local plans and will inevitably result in an intensification of development around existing areas that are considered successful rather than the 'levelling up' of towns and regions that have faced years of underfunding from central government and need support from both ambitious policies and plans but also from infrastructure funding to deliver their full potential.

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

Answer: No

Additional statement:

Democratic oversight and community input into planning decisions is a key feature of the planning system since its inception and must be retained. The proposal offers efficiencies, but this must not be at the expense of local community ability to input, shape and determine the development of an area. Without sight of the mechanisms that will be introduced to ensure democratic oversight is retained, it is difficult to support this proposal in principle.

If sufficiently meaningful community input is retained, then the approach does offer efficiencies but LPAs must be given sufficient time/resources to investigate sites to an extent equivalent to an outline permission and site promoters must be required to submit sufficient information up front to allow authorities to do this i.e. submission of a plan identifying the location of a site and nothing else would not be an appropriate input into the local plan / site allocation process. Although this is quite often the

approach under the current process, more restraint on time would mean less opportunity to follow up submissions with more detailed requests for information.

Clear guidance would also be required as to whether local authorities could charge land promoters through the local plan process (perhaps through planning performance agreements) to ensure appropriate resourcing of the system and that appropriate engagement is achieved. Authorities would also need very clear guidance on the level of information required to support the establishment of growth areas, and the sites they were comprised of, so that the process does not become 'over engineered' in order to minimise risk of future legal challenge.

There are often complex matters that must be resolved before sites can be taken forward. Availability and location are not suitable measures in and of themselves and it is unclear whether the Local Authority should be bearing the cost of undertaking the detailed assessments for sites at the strategic planning stage. For example sites that are subject to constraints that may be mitigated for, such as those that contain contaminated land, must be subject to an appropriate level of investigation that enables the local authority to judge the severity of the constraint, whether this is prohibitive for development and the degree to which mitigation measures should be undertaken (and further, the extent to which mitigation affects viability and therefore whether the site is capable of contributing to necessary infrastructure).

These are crucial matters that underpin a strategic approach to site selection across a wider area and without a means to explore these matters in detail there is the very real potential for important issues to be missed and to seriously undermine the ability of local authorities to provide the infrastructure that communities need to accommodate additional populations. These matters take time to resolve fully and far more information is needed to understand how they will be dealt with in a plan making timeframe which is significantly reduced.

It is also not clear how the allocation of potential mineral areas, such as areas of search, will operate under the new proposed regime. These allocations can involve quite substantial land areas and are an indication of potential workable resource rather than defined suitable area for outline consent. Local authorities need more information on this important matter, and how the planning system may change in relation to it.

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

Answer: No

Additional statement:

The approach set out is like that already in place, in that within an existing developed area, the presumption is generally in favour of development. Reference to small sites in rural areas, within or on the edge of settlements is concerning. If a presumption in favour of development existed for undefined sites at the edge of villages this would potentially undermine the clarity brought by a zoning approach as set out. The

cumulative impact of permitted development rights is already problematic and often results in poor forms of development that create harm, either visually or in terms of amenity, especially in sensitive areas such as the Green Belt. Rolling out further permitted development in 'protected areas' has real potential to undermine the reason that such areas are protected and will require an expansion of enforcement for local authorities to ensure that development is undertaken within the newly defined parameters.

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

Answer: Yes

Additional statement:

This approach would support the delivery of housing to meet the national need and would help to accommodate the residual need that cannot be hosted by local planning authorities with significant environmental or other constraints in their land supply. A key concern is the mechanism and process to bring about new settlements and the level of involvement that host local authorities and local communities can expect. No information is provided here on how transparent a future approach may be, how communities will be involved and the degree to which local decision makers may be involved in consent (if at all). Transparency on these matters is essential to create a fair delivery mechanism and assist local planning authorities to manage development and the effects of such decisions on their own plan-making and communities

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

Answer: Not sure

Additional statement:

The increased reliance on digitally standardised processes is welcome and will help improve consistency of approach across the planning system but implementing new approaches takes time and resources that are not being talked about in this white paper. The government should not underestimate the significant upheaval that these outline proposals could bring to planning departments up and down the country, with the corresponding delay on decision making which translates to a delay in building starts.

Negotiations take time and LPAs should not be punished for delays that they cannot control across the multiple parties involved in the process. The punitive measures proposed to be placed on local authorities are unfair and assume that delays are the fault of local planning authorities alone. This is not the case. LPAs may have a very good reason for not determining an application in time, for example because of a prolonged need to engage with a developer on specific issues or a developer being unable to secure agreement with their client. There is also a requirement for applicants to submit correct information upfront, if this does not happen or pre-

application advice is not sought which results in changes to applications once submitted, it is not the fault of the local authority that a delay has been introduced. It is therefore important to be clear on what type of application such measures would apply to, and to retain appropriate mechanisms that allow delays to the process to be agreed by all parties.

Under current arrangements, there is a clear conflict between 'working with an applicant to help gain approval' (which takes time) and targets regarding timely decision making. A mandatory pre-application process may help identify and resolve many issues that only come to light once an application is submitted, but simply introducing a deemed consent approach where applications are not determined within a defined time frame is likely to result in poor decision making and poor development outcomes. The proposed rebate of planning application fees will incentivise applicants to appeal; if this is introduced local authorities should be similarly reimbursed where a refusal is upheld (perhaps through the automatic application of costs). This seems a measure to punish local authorities where they refuse applications, which may well be based on perfectly legitimate grounds.

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

Answer: **No**

Additional statement:

The proposals seem easy to agree with but without clear reassurance that the resources to deliver this idea will be in place, it is hard for this council to support the ideas put forward.

To ensure standardisation between different authorities there will need to be clear guidance on standards for the web-based infrastructure used. Standardisation and compatibility across local authorities would offer significant efficiencies and detailed pilot schemes will need to be employed to test approaches prior to roll-out. The resource required to implement a vast and nation-wide digital plan making system must not be underestimated and if local authorities are to have a role in implementing such a system, it has to be recognised that additional resources will be needed beyond what is available now.

In general, this approach is welcome but, on the condition that it is suitably funded and supported. This type of approach may lead by necessity to a requirement for all council owned data to become open source which has the potential to create blight in instances, for example, where contaminated land is identified but no further detailed investigation is undertaken to set out the type of contamination, risk to the public (if any) and mitigation measures in place etc. Availability of this type of basic information may be useful in one context but may create problems in another. It is this type of issue that means a joined-up approach to digitised planning services must be supported beyond planning, and into support services that contribute to the planning system and will inevitably increase the scope of the project, its cost and time frame.

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

Answer: **No**

Additional statement:

There is insufficient detail provided to offer support for this proposal. The broad approach appears to be to narrow the scope of plan making, reduce the evidential burden and reduce the local / democratic oversight. What is proposed is a shrinking of the current system, understandably to try and focus on its core purpose. However, it is important to be aware of what could be lost in this trade-off and without any assurance that the measures being taken away will be meaningfully and proportionally replaced, it is impossible to support his proposal.

To meet the proposed timescales set out in the plan making stages, meaningful public engagement will necessarily have to be restricted to only one public consultation during the plan process. The suggestion that "Responses will have a word count limit" does not instil any confidence that engagement will be meaningful. This proposal seems the exact opposite of what the Prime Minister says in his introduction in regard giving 'you a greater say over what gets built in your community'. In addition, engagement at the plan-making stage is very different to engagement at the planning application stage where the details of a proposal become meaningful to those who will be most affected by it in the locality.

In addition, each local authority area is different in size and the scope of plan making required, which means each area will need to tackle a different range of planning matters and take variable time in doing so. If a 30-month timescale is introduced, then the obligations on plan making must be reduced and LPAs must be sufficiently resourced to meet this requirement.

The resource required must not be underestimated – in a large unitary authority a call for sites and assessment of such sites on the basis of granting outline planning permission through growth zones, is a huge undertaking requiring a review of hundreds of development options. This needs to be supported by a requirement for suitably detailed information to be submitted by developers and landowners in the first place for the LPA to be able to undertake a detailed site assessment. If a plan making process is to be carried out that delivers genuine sustainable development, the assessment methodology of sites must be rigorous and be completed over an appropriate timeframe that ensures full due diligence is undertaken. Also, the time and tests necessary to ensure cross boundary co-operation must also be recognised – important matters such as flooding must be fully considered in the plan making process and inform site selection and the overall plan strategy; there remains a need for larger than local discussion on important matters that should not be lost and should be curtailed by a unnecessarily restrictive timeframe.

Local plans are the backbone of an areas development and economy and the processes, checks and balances (and public scrutiny) are purposefully built into the system to secure positive outcomes.

Some of the processes required by local planning legislation have evolved to be onerous and the outcomes they generate are perhaps no longer proportionate to the resources needed to prepare them, however they exist for good reason and without detailed assurance that the meaningful alternatives will be implemented in any new system, it is not possible to support the proposals as they stand.

Alternative option one would likely create significant challenges for inspectors in managing requests to be heard, and in applying discretion, may result in perception of unfairness and even legal challenge. Picking and choosing who gets to speak will inevitably lead to disagreement and could potentially undermine the process.

Alternative option two would require a different type of resource for local authorities and would potentially result in each local authority holding their own form of informal examination process to conclude a local plan, but with no recourse to an independent and external adjudicator. Inevitably, local plans that do not satisfy stakeholders, will be subject to a variety of challenge aimed at the local authority itself and perhaps through the courts. The independent testing of local plans is a cornerstone of the planning system and brings with it national consistency and a means to definitively resolve problematic issues. Any future system should retain this means to properly arbitrate interests.

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

Answer: Not sure

Additional statement:

Neighbourhood plans have the potential to ensure local communities can meaningfully input into the planning system and can be an important vehicle to help communities shape development in their areas. The vast majority of neighbourhood plans successfully pass their referendum and consideration should be given to this process including a review of the circumstances under which a referendum is necessary. For example, there is a case to be made that plans which are largely uncontentious and do not allocate development sites should not be subject to a referendum. Instead an enhanced test related to their preparation, in regard to ensuring that a representative cross-section of the area has been involved in preparing the plan, could be employed.

Neighbourhood plans are now a well understood feature of the planning system and are popular with communities. This form of local plan making has substantial potential to play a significant role in a revised planning system, especially if measures are put in place to simplify the process but retain a significant scope for community plan makers to address local issues that add value to the local plan process. It is suggested that the current level of funding for communities preparing neighbourhood plans is retained and appropriate financial support for local authorities remains in place.

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?

Answer: n/a

Additional statement:

Currently neighbourhood plans have a wide scope and are produced in a style and format determined by each qualifying body. There is a case to be made for some standardisation of plans that would reduce the burden on qualifying bodies and simplify this tier of plan making, ensuring consistency across the country.

Standardisation of scope and style would offer opportunities to improve the digital services that can be used to prepare plans and engage communities on their preparation. However, if their role is to be more effective and add value to the local plan, flexibility afforded by neighbourhood plans is important and this role should be retained to add a level of detail at a more granular level than the local plan.

However, caution is advised in regard a street-by-street approach that could introduce conflicting development rules in small geographies which would potentially undermine a drive for efficiency in the planning system. Neighbourhood plans are already a very useful tool to establish design preferences at a very local level and this can be built on to ensure that design codes become a fundamental component of this tier of plan-making. However, introducing plans at the geography of a single street would increase the complexity of local plans and if this is to be introduced, the scope within which such micro plans could be prepared must be very clearly defined in regulations. This approach may be appropriate in areas already defined in local plans (conservation areas for example) but defining new, small boundaries is likely to be resource intensive, problematic for development management purposes and difficult to secure buy-in from all residents in a small area.

Community buy-in is crucial to neighbourhood plans and from the proposals put forward it is very unclear how many residents would have to sign up to an ultra-local design code; how would support be measured - would this be through a hyper local referendum? Neighbourhood plans could have a very important role to play in the future, but it is important to establish an appropriate scope and scale to make them work most effectively for residents and local authorities.

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

Answer: Yes

Additional statement:

Yes, planning is an important enabling process, but the market determines build out of developments. Nationally there are over a million unimplemented planning consents – planning is not the problem in regards securing more homes and development and a focus on the actions of the development industry is necessary to improve delivery. Local planning authorities have a limited role in actively bringing

forward sites and if the Consolidated Infrastructure Levy is brought in to apply on the completion of development, then measures to support build out will be important.

To support and speed up build out on large sites, more could be done to prevent individual builders from owning and having control over the build out of such sites, breaking them into smaller sites. This would perhaps be a significant intervention but individual building companies (including those under the same overall ownership group) could be limited to a set proportion of the overall site, and the infrastructure levy could (if designed to allow) be used to provide the necessary infrastructure up front for the whole site to enable individual elements under separate ownership to be built out by different builders at any time. This is more likely to encourage, medium, small and self-builders than intervention in the planning system itself.

If local authorities can be punished for not meeting timeframes in regard the preparation of local plans, then builders with consent should also be subject to punitive measures that remove consent if not built in a specified timeframe, with a requirement to resubmit applications and being subject to full fees. To further incentivise delivery, sites brought through the local plan process (and therefore deemed acceptable in principle) and that do not get built out in a specified timeframe, could be subject to compulsory purchase at agricultural land value, or subject to some form of charging that incentivises delivery based on the number of consented homes that are unbuilt after a specified time period

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

Answer: Other

Additional statement:

Cheshire East is a very large area with a wide variety of design typologies and quality. We host examples of exceptional design and that which is unremarkable, and could be better, but is found acceptable in planning terms. To secure better design local authorities need enough resources, stronger national policy and a recognition that the parameters of viability testing are often the reason that better outcomes are not secured.

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

Answer: More green and open spaces
Energy efficiency of new buildings

Additional statement:

Seeing places holistically rather than design being focused purely upon what something looks like, is crucial. The visual aspect is only one element of a well-

designed place and urban design is the means to enable that genuine sustainable development is delivered. Building beautiful is just one aspect of that and all the matters listed in the question are important.

The number one priority for planning is to achieve well designed places that deliver on all sustainability objectives, including all those matters raised by the question, not just a limited version of what sustainability means in any given authority. In terms of energy efficiency, the planning system is a limited tool and much more emphasis must be given to the building regulations regime that can ensure compliance with higher standards than can be secured through the planning system.

To improve the ability of local authorities to achieve sustainable development requires a range of measures including a higher requirement for measures that reduce reliance on private cars, provision of more financial resources to deliver subsidised transport services, and stronger enforcement powers to protect green spaces, hedgerows and trees alongside a higher requirement for mitigation of their loss when development takes place. Planning is one part of the solution but to be truly effective local authorities need to be able to recoup a higher proportion of the uplift in land values gained through planning consent, to reinvest in public and environmental infrastructure that supports further private investment.

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

Answer: **Not sure**

Additional statement:

Design codes can be a useful tool to efficiently secure appropriate design. The best codes employ a degree of flexibility to ensure site specific response can be implemented. As proposed, a lot of design codes may need to be included upfront within the Local Plan and its allocations, especially in growth zones. Emphasis on design is welcome and Cheshire East already support the use of design codes and have introduced guidance and policy to ensure that good design is high on the Councils agenda. Therefore, a renewed and focused role for design in the planning process is supported but bearing in mind the requirement to produce a local plan in 30 months, preparing a design code for each site, within the local plan process, seems unrealistic to achieve in such a short period of time. Therefore, this approach would have a significant resource implication, and local authorities must be sufficiently resourced to deliver this ambition, not least through additional training of existing staff.

Design is a subjective matter and any approach must be able to successfully respond to the existing built and natural environment but also to enable new and innovative design to come forward. In the context of the stated aim to move more towards development standards than policy in determining applications, there is a concern that the necessary flexibility will not be in place to enable high quality design that might depart from a codified approach. This part of the planning process would seem to fit comfortably within neighbourhood planning and necessarily require a very

localised approach; or a localised more detailed approach within a wider framework through the local plan that covers a range of matters beyond simply aesthetic considerations – for example the approach and requirements for such matters as parking, density, height and permeability.

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

Answer: Not sure

Additional statement:

If design codes are introduced as described, clear guidance and support across the industry will be needed to secure a positive impact and therefore a body that champions design and actively supports authorities and builders to deliver good design, would be positive.

The creation of a statutory role in local authorities is welcome and would elevate design as a consideration but it is important to understand how such a role is defined and how it would sit alongside existing equivalent chief planning officer roles – would this be a role that would become one responsibility within a chief planning officers wider role for example? As with many issues in this white the paper, the proposal is potentially positive but rests on the detail which is not available.

Without clarity on what this role might entail and what responsibilities it would discharge, it is difficult to fully support the proposal and any obligation for a local authority to employ a statutory role such as this must be reflected in the resources made available from government to create the role. Subject to the availability of necessary resources, this could be a function that is devolved to town and parish councils and supported under the aegis of such a role.

However, the concept of the role is warmly welcomed and would indeed promote better design and sustainable development.

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

Answer: Not sure

Additional statement:

As the government's primary agent for the delivery of new homes, it would be appropriate for the agency to align to government ambitions to improve design quality and set a high-quality standard.

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

Answer: Not sure

Additional statement:

An over-reliance on permitted development ignores the complexities of individual sites and can result in poor quality development. Whilst likely to be more acceptable in built up or urban areas, in semi-rural and rural areas our experience is that permitted development can have a detrimental impact on the street scene and character of a local area; in the Green Belt permitted development significantly increases the threshold of what can be achieved in a location that is especially sensitive to additional development.

Without the detail of how such an approach would be implemented it is not possible to support the proposal. It is necessary to provide assurance that the assessment requirements that local authorities will be required to undertake are appropriately resourced (will this route require any review by the LPA, and if so, what is the scope for that assessment?). It is vital that LPAs are empowered and resourced properly to enforce against development that has been delivered under this arrangement, but which does not live up to the requirements of design codes. If there is to be a move toward more deemed consent routes, the loss of oversight at the consent stage should be balanced by an increased emphasis on enforcement against poor development that does not deliver as expected.

If the approach is taken forward flexibility for local authorities to exempt certain areas would be welcome (Green Belt or identified local green gaps for example).

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

Answer: all

Additional statement:

Whatever approach to development is taken, it must be joined up to create a place where housing, employment and services complement each other to reduce travel times, promote walking and cycling and enhance the environment. The approach to development should be holistic and prioritising one factor does not recognise that successful places create a balance that meets the needs of the residents that live there.

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

Answer: Not sure

Additional statement:

Recent experience of the Community Infrastructure Levy suggests that in poorer areas where viability is an issue there may not be any money generated and the

irony of this is that these are the places where improvements are most required. S106 can become complicated as parties struggle to agree on terms and at least superficially it would seem to offer a certain degree of efficiency to consolidate the two mechanisms. However, without the detail of how this proposal would work including the factors that would be taken into account in setting the rates, it is not possible to support the proposal at this time. More detail is required, including worked examples to demonstrate that local authority funding that is secured through the existing mechanisms, is not reduced, especially in regard to the provision of affordable housing, primarily secured through S106.

The idea of a 'standard rate' could be considered a blunt instrument and not reflective of local market conditions. There is a risk that authorities end up with a low rate that is insufficient to meet infrastructure (including Affordable Housing) needs and requirements. In addition the ability to spend the levy on wider purposes introduces risk that this approach could lead to a dilution of spending on physical infrastructure, or the levy not being used properly to pay for the need created by development (cash-strapped local authorities may be forced into spending some of the proceeds of this levy on services rather than infrastructure).

The relatively simple concept of CIL has seen a proliferation of exemptions and rule amendments over time which has led to an overly complicated system, therefore care must be taken to ensure that any new system does not suffer the same fate.

An infrastructure charge based on a set percentage of the development value of a proposal has the potential to extract more money for infrastructure than the current system by improving transparency and making fully explicit the true extent of the planning uplift resulting from development. However, the success of this approach will depend on the details of how this is to be implemented in practice. For example, what would the minimum threshold be for securing a contribution and what mechanism will be in place if there was a great difference in the assessed development value, against the actual value, and who would determine this? Whilst we appreciate this is an 'in principle' proposal it is crucial that the detailed mechanics of these measures are provided for further scrutiny.

Q22(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]

Answer: Nationally at an area-specific rate

Land values and development costs vary significantly across the country and therefore a mechanism that can levy contributions to infrastructure and other planning obligations must be responsive to local conditions. Even if set nationally and adjusted locally, it may still be necessary to build in a mechanism that allows local authorities to adjust the approach in their own area, related to their local objectives.

The most important factor is that the percentage uplift of the development value that is captured for infrastructure is set at a sufficiently high level to ensure that all the

infrastructure that the development requires can be paid for. Some degree of local flexibility will be necessary to ensure this, dependent on local land values.

Additional statement:

Q22(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.]

Answer: More value

Additional statement:

In making changes to the current s106 and CIL framework it is essential that local authorities secure at least the same amount of funding that is brought forward now. Costs of education, housing and infrastructure are rising, and inflated costs and financial shortfalls are usually burdened upon the Local Authority. Any new approach should seek to maximise overall outcomes and therefore capturing more value should be encouraged.

These mechanisms are a vital part of the funding stream that secures and delivers physical and community infrastructure and a lot of services that are highly valued by communities are provided this way including highways, schools, green and recreation spaces, and affordable housing. The current system does not cover the costs of the infrastructure uplift that is needed, so any new approach needs to result in a step change in the amount of money that is raised to pay for the infrastructure that is needed to support development. There is an appetite for more investment in all of these essential community services and any reduction in the ability of local authorities to provide them cannot be supported, however proposals that simplify the existing s106 and CIL mechanisms are welcome, especially where consistency and compliance can be emphasized.

There seems little advantage to introducing option 2, which appears simply as a means to force local authorities to adopt the infrastructure levy by removing the ability to apply S106 (only meaningful reason not to adopt the infrastructure levy). However, the ability to set local rates would offer flexibility to authorities, which is positive to support delivery.

To make alternative option two work, the tests of viability would need be changed in order for the infrastructure levy to be made an absolute requirement, that is not adjustable or negotiable. Instead, the sale of developed land would presumably then need to reflect the added cost of paying the infrastructure levy. The benefits of this approach would be to fully deliver infrastructure, but it may have the unintended consequence of either a) forcing a local authority to reduce the scope and ambition of its proposed infrastructure (to ensure sites are deliverable) or further increasing the cost of housing as land owners recoup their costs.

Q22(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.]

Answer: Not sure

Additional statement:

Yes, Education usually build new school places in anticipation of pupils generated from development, and usually fund the majority, if not all of the cost upfront in lieu of secured funding. This will ease cashflow and allow timely projects. Furthermore, housing developers could borrow to pay the levy upfront rather than the Local Authority.

In principle, borrowing against future infrastructure levy receipts would enable local authorities to play a greater role in infrastructure delivery and authorities often invest in infrastructure in anticipation of the need arising (in education for example, investment is undertaken based on the anticipated pupil yield, and put in place upfront in lieu of secured funding). Therefore, borrowing against projected development receipts may ease cashflow and allow projects to be completed sooner. Furthermore, if the development industry could borrow to pay the levy upfront, this would ease the burden on the local authority, allocate the financial risk appropriately and incentivise delivery. However, if it is only Local Authorities that are able to borrow, this may expose councils to financial risk where they are reliant upon development that does not come forward. Rather than borrow against a levy that does not fully fund infrastructure, the government should consider enabling local authorities to capture a higher percentage of the increase in land value gained by attributing planning consent to it.

If the proposed changes to the levy do not yield the necessary funding to fully support infrastructure, increasing the ability to borrow is potentially positive but also represents a financial risk and therefore very clear guidance and legislation should be put in place that ensures that local authorities can support growth and development through infrastructure provision, whilst at the same time, anticipates and insulates against potential risk of doing so.

The approach would also be more successful if larger sites were regulated to ensure that they are broken up to smaller development parcels and underpinned by upfront-infrastructure provision through a levy which captures a higher percentage of the uplift in land value.

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

Answer: Not sure

Additional statement:

In a system that enables additional permitted development to take place through a zoning approach, it is essential that sizeable development (over a minimum threshold of floorspace) contributes to the impacts of that development. Rates should be set at different values depending on the change of use/development and to reflect the impacts of that type of development. For example, should an office building be converted into residential development, the impact on highways, schools and green

space needs (amongst others) are potentially considerable and without an appropriately set levy, a funding gap is likely to emerge, ultimately leading to an under provision of services to meet the demands of the new development.

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

Answer: Yes

Additional statement:

Yes, at least the same amount of affordable housing should be captured via the levy. Re: on-site affordable housing, this could be circumstantial – for the majority of sites, on-site is preferred, however it would be ideal to have the ability to be more prescriptive in types of affordable housing. For example, a reduced on-site provision, but with greater prevalence of bungalows, larger family accommodation, single-person accommodation etc. A mechanism to allow local flexibility, even at site specific geographies, would be beneficial and whilst the levy should secure at least the same provision of affordable housing as S106 does now, there is a risk that the purpose of the levy (to fund infrastructure) is diluted if affordable housing is brought into it. There is a case to be made for the retention of S106 (or similar) to deal specifically with affordable housing.

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

Answer: Not sure

Additional statement:

Out of the two options, secured as 'in-kind' payment towards the Infrastructure Levy seems to work best for Cheshire East.

No real detail is provided around the 'right to purchase' method, and the developer retaining the ability to determine which units are to be offered as affordable could impact pepper-potting and neglect affordable housing to the poorest parts of sites. Whilst this is typically the case, LPA's currently have the ability to amend/alter this through the planning process. Whilst the proposed approach would seem to secure the required numbers of affordable homes, together with a greater focus on zoning, permitted development and reducing the consent process the place-making aspect of distributing affordable housing across sites will be lost under these provisions.

Further guidance is needed regarding the forms and tenures of on-site provision – how is the provider nominated, and against what criteria? Is it the developer's choice? If so, there could be consequences for Registered Providers looking to pick up new development opportunities. Some developers currently have 'preferred providers' who get first refusal of S106 opportunities.

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

Answer: Yes

Additional statement:

Yes, this seems sensible. Proposed contracts via Government which will prevent developers claiming overpayments seems appropriate.

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

Answer: Yes

Additional statement:

The planning process (especially relating to design) may help to filter out poor quality affordable design which should mitigate some of this risk and the most common feedback we receive from providers is that bedrooms are too small. In focusing on better design, the requirement for minimum space standards would help address this.

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

Answer: Yes

Additional statement:

Yes, but there needs to be a mechanism (such as the Infrastructure Delivery Plan) or a 'live' dataset which sets out transparently what the infrastructure priorities are, their costs and the cumulative spend against them. This information is important in order to engage with other infrastructure providers / statutory consultees and bring forward necessary identified infrastructure. In addition, any proposals that encourage spending the levy on non-physical infrastructure (services and reducing council tax for example) could undermine site delivery and the successful operation of places. Spending of the levy in this way should not be enabled and if it is, it should be strictly and clearly limited.

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

Answer: Yes

Additional statement:

To ensure the purpose of the infrastructure levy is not diluted (and therefore put at risk infrastructure delivery) it is important to recognise that affordable housing contributions are a separate resource for a specific purpose. In some instances it is

necessary to forego an element of affordable housing provision to achieve a positive outcome (for example where sites are funding an important piece of infrastructure in an area where viability is marginal) and the retention of a flexible mechanism that would allow this trade-off would have advantages.

Q39: 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?

Whilst an increased focus on digital services is beneficial on several measures, there must be an awareness that some groups with protected characteristics are potentially disadvantaged by a planning system that only works through digital means. Women, disabled people and older people are all less likely to have access to, and use, digital services. An awareness of this, and measures that improve these groups ability to access digital services, is essential to create a planning system that is open to participation by all.