

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

8 October 2020

Report of the Director – Economy, Transport and Environment

**CONSULTATION ON PLANNING WHITE PAPER: PLANNING FOR THE
FUTURE**

(1) **Purpose of Report** To inform the Cabinet Member of the Government's recent Planning White Paper, '*Planning for the Future*'; to consider implications for Derbyshire County Council (DCC) in its role as the Minerals and Waste Planning Authority and statutory consultee on district and borough local plans, strategic planning applications and developer contributions; and to seek the Cabinet Member's approval to provide a formal response to the consultation on the basis of the summary comments set out in this report and the more detailed response set out in Appendix 1 attached.

The response has been formulated in the context of the County Council's joint working with local authorities in Derbyshire, specifically Vision Derbyshire, and any likely implications emerging from the anticipated White Paper on local government devolution. It also takes account of the Council's clear ambition to tackle climate change and responsibilities around the 'Duty to Cooperate' on strategic cross-boundary planning matters.

(2) **Information and Analysis**

Overview of Proposals

On 6 August 2020, the Ministry of Housing, Communities and Local Government (MHCLG) published a consultation on its Planning White Paper entitled '*Planning for the Future*', which sets out the Government's proposed reforms to the planning system in England. The proposals seek to streamline and modernise the planning process; improve outcomes on design and sustainability; reform the system of developer contributions; and ensure more land is available for development where it is needed.

The proposed reforms are set out under three key 'pillars':

- Pillar 1: Planning for Development;
- Pillar 2: Planning for Beautiful and Sustainable Places; and
- Pillar 3: Planning for Infrastructure and Connected Places.

The final section of the White Paper, entitled 'Delivering Change', sets out how the Government expects the proposed reforms to be implemented, including transitional arrangements in moving towards the introduction of the reforms.

The range of proposed reforms are extensive and are likely to have significant implications for the County Council's planning functions in the future and the way in which it works with other local authorities on strategic planning matters, particularly on the delivery of key infrastructure. The key proposals of the White Paper are summarised below.

Pillar 1: Planning for Development.

This sets out a range of proposed changes to the plan making and development management processes to make them more efficient and streamlined. In summary, the proposals include:

- Local plans to identify three types of land: **Growth Areas**, suitable for large-scale sustainable development which would have a statutory outline approval for development; **Renewal Areas**, suitable for smaller-scale development, which would have a statutory presumption in favour of development; and **Protected Areas**, where more stringent development controls would apply.
- The National Planning Policy Framework (NPPF) would become the basis for generic development management policies in local plans, with other policies limited to site specific or area based policies.
- At examination, local plans are proposed to be subject to a new single 'sustainable development' test to replace the existing 'soundness' test. Other measures include abolition of the Sustainability Appraisal (SA) system and replacement with a simplified environmental assessment process; removal of the 'Duty to Cooperate' - with replacement proposals to be further developed; and a standard method for establishing local housing need taking into account constraints and opportunities of an area with a new nationally-determined, binding housing requirement.
- A streamlined local plan making process with a new, five stage, time-bound process from commencement to adoption and statutory requirement for local plans to be prepared within 30 months. No changes are proposed to the system of Neighbourhood Plans.
- A streamlined development management process with stricter requirements for the determination of planning applications within 8 and 13 weeks; greater digitisation of the planning application process; more automation in the planning system and shorter, more standardised planning applications, with greater standardisation of technical supporting information.
- A review and strengthening of existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system.

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

Pillar 2: Planning for Beautiful and Sustainable Places

This sets out a range of measures to ensure the planning system addresses and mitigates the impacts of climate change to meet Government's commitment for net zero carbon emissions by 2050, with a new focus on design and sustainability. In summary, the proposals include:

- Publication of a National Model Design Code setting out more detailed parameters for development in different locations; requirement for design guidance and codes to be prepared locally with community involvement; and establishment of a new expert body to support local authorities to make effective use of design guides and codes.
- Future publication of proposals for improving the resourcing of planning departments and requirement for each local authority to appoint a Chief Officer for Design and Place Making.
- Introduction of a 'fast track for beauty' through changes to national legislation and policy guidance to accelerate decisions for high quality development through the planning system; requirement for masterplans and site specific design codes to be prepared for Growth Areas as a condition of 'permission in principle'.
- Reforms to the Strategic Environmental Assessment (SEA), SA and Environmental Impact Assessment (EIA) systems which will be subject to a separate and more detailed consultation in the Autumn.
- It is proposed that local plans will continue to identify the location of internationally, nationally and locally designated heritage assets such as World Heritage Sites and conservation areas, as well as locally important features such as protected views. Amendments are proposed to the NPPF for listed buildings and conservation areas to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.
- Ambitious improvements in the energy efficiency standards are proposed for buildings to help deliver the Government's commitment to net-zero by 2050.

Pillar 3: Planning for Infrastructure and Connected Places

This sets out a range of reforms to the Community Infrastructure Levy (CIL) and current system of planning obligations. In summary, the proposals include:

- The abolition of CIL and Section 106 contributions and replacement with a single, consolidated Infrastructure Levy (IL). The IL is proposed to be based on a nationally set flat rate, development value based charge at either a single rate or area specific rate. The IL would be charged on the final value of development and would be levied at the point of occupation.

Ext: 39808

A minimum threshold is proposed to be set, below which, the IL would not be charged.

- To better support the timely delivery of infrastructure, local authorities would be allowed to borrow against IL revenues.
- Scope of the IL is proposed to be extended to capture changes of use through permitted development rights.
- Revenues raised through the IL would be allowed to secure affordable housing through an 'in-kind' payment system.
- More freedom is proposed over how local authorities spend the IL. Once core infrastructure obligations have been met, authorities could use the Levy to fund improvements to services (and reduce council tax).

Delivering Change: This section sets out how the Government proposes the reforms will be implemented and includes the development of a 'comprehensive resources and skills strategy' for the planning sector which would cover:

- The cost of operating the new planning system which is proposed should be principally funded by the beneficiaries of planning gain - landowners and developers - rather than the national or local taxpayer.
- Planning fees – proposed these continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking.
- Developer contributions - if implemented, it is proposed that a proportion of the income be earmarked to local planning authorities to cover overall costs, including the preparation and review of local plans, design codes and enforcement activities.
- Local planning authorities being subject to a new performance framework which ensures continuous improvement across all functions from local plans to decision-making and enforcement and enables early by Government intervention if problems emerge.

Developing the Council's Response

National consultation on the White Paper opened 6 August 2020 and is running to 29 October 2020. It includes a total of 25 questions covering each of the main proposals under the three pillars. The full White Paper can be viewed via the link below at:

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

The Council's Planning Service undertook local consultation on the White Paper between 10 August 2020 and 2 September 2020 (with internal services and other local authorities). On the basis of detailed analysis of the proposals and the feedback received, it is clear that a number of key service areas are likely to be impacted by the proposed reforms and the Council's proposed response to Government is set out in detail in Appendix A of this report.

Summary of Considerations

In principle, many of the reforms proposed in the White Paper are to be welcomed, particularly those that seek to streamline the plan making and decision making processes, which are aimed at reducing the burden on local planning authorities in terms of bureaucracy, excessive regulation and staff and financial resources.

However, the key overall concern with the White Paper is that it is lacking in detail in many areas of the proposed reforms and does not provide the detail necessary to fully assess whether the proposed changes are going to deliver positive and intended outcomes for the County Council. It will be crucial, therefore, that Government gives more detailed consideration to many of the proposed reforms and consults further with local authorities to finalise a well reformed and improved planning system.

General concerns about the proposals in the White Paper are summarised below (and expressed in more detail in the draft response at Appendix A):

- There appears to be a democratic deficit with reduced member and community engagement proposed as part of the reforms.
- Many of the proposed reforms in the White Paper are aimed at bringing more standardisation to the new planning system, particularly with a range of nationally set, top-down, targets, standards and requirements. This does not reflect the local social, economic, environmental and financial challenges that affect many local authorities, such as in Derbyshire.
- Climate change is not given sufficient prominence or priority in the reforms and there needs to be fundamental provision for supporting the delivery of good growth and creation of truly sustainable communities.
- Whilst the need for housing is well understood, there is too much emphasis on housing requirement in the- White Paper - greater focus needs to be given economic development, employment and skills, wider roll-out and coverage of superfast broadband and public health and well-being, of which there is no or little mention currently.
- The proposed abolition of Section 106 agreements and the Community Infrastructure Levy and their replacement with a new consolidated Infrastructure Levy gives great cause for concern (see further comments below).

In relation to the three pillars, a summary of the key issues is set out below:

Pillar 1: Planning for Development.

In principle, the proposals to streamline the local plan making process are welcomed. This, in principle, includes proposals such as the abolition of the soundness and legal compliance tests as they could reduce the staff and financial resource burden on the County Council in producing its Minerals and Waste Local Plans. Also, proposals for a revised standard methodology

for determining local housing need is welcomed but there is concern it could have significant implications for many local authorities in Derbyshire in producing housing requirements that were likely to be unrealistic, unachievable or deliverable. There is also an opportunity through the White Paper to explore how National Parks, such as the Peak District National Park, could contribute more effectively to meeting local housing needs, whilst still respecting National Park purposes.

Local Plans

Other concerns include:

- The proposed reforms to abolish the 'Duty to Cooperate' when the 'Duty' has worked relatively well in Derbyshire and facilitated good and effective joint working between local authorities and the County Council on cross boundary strategic planning and infrastructure matters.
- That the White Paper is silent on strategic planning. This represents a major gap in the proposals and is critical to effective forward planning in two tier areas such as Derbyshire. It should be noted the County Council is currently working jointly with its local authority partners to prepare a non-statutory, strategic plan for Derby and Derbyshire but support for this sort of framework within the White Paper would be a major step forward.
- That the proposals to prepare local plans within 30 months would be very challenging and onerous for the County Council in terms of staff time and resources and the ability to undertake meaningful engagement with local stakeholder. These timescales would present particular challenges for the County Council in preparing its own Minerals and Waste Local Plans and as a statutory consultee on local plans prepared by district and borough councils.
- Whilst in principle, the definition of Growth Areas, Renewal Areas and Protected Areas may be considered reasonable, it is likely to be too simplistic in practice. Zoning such as this typically works well in countries with much larger tracts of land available for development; in the UK green space, urban space, brownfield sites and areas in need of protection sit much closer together, the relationship between them is a critical one. Zoning would not necessarily take this into account and could result in much less attractive, less sustainable and less complementary development. Minerals and Waste Plans in particular are more complex, have high local impact and by their nature, proffer controversial development. The proposals would have significant resource implications for the County Council in having to resolve a range of complex planning and infrastructure issues through the local plan process for Growth Areas rather than through the outline planning application process;

Development Management

- The proposed reforms for more digitisation and standardisation in the planning application process is welcomed, in principle. However, more stringent requirements and associated penalties for local planning authorities to determine major applications within 13 weeks would be very

onerous and unlikely to be workable, particularly for larger-scale complex minerals and waste planning applications, which raise wide ranging and complex environmental and infrastructure issues.

- Proposals for the return of fees to applicants in the event of non-determination within 13 weeks could result in a considerable loss of revenue for the County Council and wasted staff time and resources.

Pillar 2: Planning for Beautiful and Sustainable Places

- Many of the proposed reforms for design quality are supported in principle, particularly the introduction of a National Design Code. However, to be effective, the production of Local Design Codes should also be a mandatory requirement for local authorities to ensure the National Code is interpreted locally and respects local distinctiveness. The main concern, however, is that design skills are not presently widespread across local authorities particularly within Derbyshire having implications for the need for training and upskilling.

Pillar 3: Planning for Infrastructure and Connected Places

- There are considerable concerns with the White Paper's proposals to abolish the current system of Section 106 contributions and CIL and replace them with a consolidated Infrastructure Levy, particularly as the Section 106 system has worked very well in Derbyshire in securing funding for strategic infrastructure, particularly school place provision.
- The lack of any detail of how the new system would work particularly in two-tier areas such as Derbyshire, raises many concerns and uncertainties for the County Council and how it would secure developer contributions for its service provision and new infrastructure in the future.
- It is of concern that the value generated by new development in some areas of the County would not be sufficient to be caught by the threshold in the Levy meaning that in some boroughs and districts, insufficient monies would be raised through the Levy to support the provision of new infrastructure. If the nationally set flat rate was set too high then many areas of Derbyshire would become unviable for development and so if the system is to work then the rate of the new Levy should be set locally, which is truly reflective of local circumstances. There is no recognition of the complexities and costs of developing brownfield sites compared to greenfield sites through the nationally set rate, for which there needs to be some form of rebate or adjustment to the Levy to incentivise developers of brownfield sites.
- As the new Levy would be charged on occupation of new development, there would be more onus on local authorities to forward fund new infrastructure, which could expose the County Council to financial risk to fund strategic scale infrastructure, particularly highways and school place provision.
- As the Levy could be used to fund a wider range of infrastructure by local authorities, particularly affordable housing and for supporting council services or subsidising Council Tax, this could mean that the Infrastructure

Levy pot could be spread more thinly and make it more difficult for the County Council to secure funding for its own strategic infrastructure provision. This emphasises the need for the County Council to establish effective practices and processes with its local authority partners to ensure that the County Council's priorities and requirements for strategic infrastructure provision are fully taken into account by partners in allocating monies raised through the new Levy.

Implications for Derbyshire County Council

As a strategic planning authority, the County Council's Planning Service has a number of core statutory responsibilities to fulfil; these are:

- Minerals and Waste Planning Authority for Derbyshire with statutory responsibilities for preparing Minerals and Waste Local Plans (jointly with Derby City Council); and determining planning applications for minerals and waste development and for development on the County Council's own land.
- A statutory consultee on local plans prepared by district and borough councils within and adjoining Derbyshire; strategic planning applications submitted to the district and borough councils in Derbyshire, including the negotiation of developer contributions; and applications for Development Consent Order (DCO) submitted to the Secretary of State under the Nationally Significant Infrastructure Projects (NSIP) regime.

The proposals in the White Paper are likely to have significant implications for each of these core roles and responsibilities. In addition, a number of other service areas provide direct advice to the district and borough councils in the County on planning applications, particularly on highway matters as the Highway Authority for Derbyshire; on flood risk matters as the Lead Local Flood Authority; and on ecology heritage, landscape and design matters through service level agreements.. These other service areas are also likely to be significantly impacted by the proposals in the White Paper.

Overall Conclusions

It is clear the proposed reforms would, if enacted and implemented, have considerable implications for local authorities generally, and the County Council specifically, in its role and responsibilities as a strategic planning authority. The summary above and extensive comments set out in Appendix 1 highlight that whilst many of the proposed themes of reform are welcomed in principle, the lack of clarity or detail on many areas raise a wide range of issues and concerns that require careful attention by Government.

Overall, it is seriously questioned whether the proposed reforms would produce the required improved outcomes for the built and natural environment, specifically around tackling and mitigating climate change.

In addition, many of the proposed reforms have significant resource implications for the County Council and would require a change in priorities, particularly the shift in emphasis to a more 'deterministic' local plan making process (at the expense of the development management system) through which major large-scale developments would be granted permission in principle, and with greater emphasis on design and design codes.

Proposals for major reform of the developer contributions system, particularly the abolition of Section 106 agreements, raise many concerns and uncertainties for the County Council and the way it would impact the Council's ability to secure funding to deliver key infrastructure in the future.

Appendix1 attached to this report sets out the Council's substantive draft response to Government on the White Paper and Appendix 2 provides the draft response to the 25 questions raised by Government.

(3) **Financial Considerations** Section 106 of the Town and Country Planning Act 1990 (as amended) makes provision for planning obligations to be entered into by landowners, which may include commitments to provide or contribute financially to public infrastructure provision. This is the main mechanism, when planning conditions cannot be used, for making acceptable an effect associated with development which is otherwise unacceptable in planning terms. Section 106 obligation requirements can only be taken into account when deciding a planning application, where the three 'tests' in the CIL Regulations 2010 (as amended), which are set out above, will be met.

(4) **Legal Considerations** The recommendation in this report is made having full regard to the County Council's responsibilities and services, including its current planning functions under the provisions of the Localism Act 2011, Planning and Compulsory Purchase Act 2004, and Town and Country Planning Act 1990.

(5) **Social Value Considerations** The current NPPF describes the purpose of the planning system as being 'to contribute to the achievement of sustainable development, with three overarching objectives:

The social objective is to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering a high quality built environment, with accessible services and open spaces that reflect current and future needs and needs and supporting communities health, social and cultural well-being.

The economic objective is to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and co-ordinating the provision of infrastructure.

The environmental objective is to contribute to protecting and enhancing Derbyshire's natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Supporting and enabling delivery of these objectives is core to social value considerations.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No. However, if the kinds of reform that have been proposed are carried through, they may be expected to have significant effects throughout the County generally.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) Background Papers

- Planning for the Future White Paper
<https://www.gov.uk/government/consultations/planning-for-the-future>
- Changes to the current Planning System:
<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

(9) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

- 9.1 Agrees the draft response as set out in summary in this report and in detail in Appendix 1.
- 9.2 Authorises the Director – Economy, Transport and Environment to take account of any further comments and considerations (in consultation with the Cabinet Member) prior to submitting a response to Government on the White Paper 'Planning for the Future', on behalf of the County Council.

Tim Gregory
Director – Economy, Transport and Environment

Appendix 1

The Council welcomes the opportunity to provide detailed comments in response to the White Paper, '*Planning for the Future*'. This document sets out the substantive response of Derbyshire County Council.

General Comments

Principles of Reform

It is acknowledged in the planning community that the system is in need of wholesale reform; decades of incremental change by successive Governments to a system that is over 70 years old (introduced in 1947 Town and Country Planning Act) and comprehensively reformed as long ago as 1990, has resulted in a complex and burdensome system with excessive regulation and technical requirements demanding high levels of resource from local planning authorities. The system has also become very difficult for communities to engage in and fully understand.

In principle then, many of the reforms proposed in the White Paper are welcomed. This particularly applies to those that seek to streamline the plan making and decision making processes, by reducing, excessive regulation and staff and financial resources implications.

However, the key overall concern is that while the White Paper sets out a higher level vision of a reformed planning system, it lacks much the detail necessary to make a full assessment as to whether the proposed changes are going to deliver positive and intended outcomes for the County Council and other local authorities (see further comments in the sections below). On that basis, it is clear that further, more detailed consideration is required by Government on a number of the proposed reforms as it is possible some of the proposals could have unintended negative consequences without this assessment being made clear. Further consultation with local authorities is, therefore, crucial if the reformed planning system is to be an improvement on the system it will replace.

Impact on Democratic Process

As currently set out, the potential negative impact and apparent 'democratic deficit' of the reforms on local democracy - and specifically the limited opportunities for active elected member and local community engagement is of real concern. In the proposed new local plan system, after the planning making stage of the process, member and community engagement would not have a prominent role; moreover, opportunities for engagement in the planning application decision-making process would be reduced significantly, particularly for larger scale developments that impact most on local communities.

Ext: 39808

Meaningful local engagement is a key component of effective place shaping (local plans) and place making (planning applications). Proposals outlined in the White Paper and other measures such as extending 'permission in principle rights' for Growth Areas allocated in local plans, the extension of the 'presumption in favour of development' for renewal areas, and further 'extending permitted development rights' for various forms of development (e.g. changes of use to housing) could be viewed as eroding the role of democratically elected members in decision making and in the ability of local communities to influence local outcomes.

The recent expansion of permitted development rights, in particular, has already worked against the ability of many councils to protect local residents from poor housing standards and poor quality of place in many locations. MHCLG-funded research, published in July 2020, highlighted there was already a significant detrimental impact on the quality of development through use of permitted development rights (e.g. poor arrangement of windows, access to garden amenity, limited space between dwellings) and that created through a full planning permission process where standards are more carefully measured and actively secured. The report concluded that permitted development conversions would be likely to create worse quality residential environments than planning permissions, specifically around factors such as health, wellbeing and quality of life of future occupiers.

It is considered that the proposed reforms, as set out, undermine local democratic accountability do not provide sufficient opportunity for effective engagement; the White Paper should be amended to ensure this democratic deficit (for both elected members and the local community) is addressed, particularly in respect of the proposed new development management decision making process.

Local Challenges and Local Distinctiveness

Many of the proposed reforms in the White Paper are aimed at bringing more standardisation to the new planning system, particularly with a range of nationally set, top-down, targets, standards and requirements for local planning authorities to adopt in the reformed system. This includes, for example, requirements for all local plans to be prepared within 30 months, defining only three broad areas of land and only including site specific and area based policies in Plans; nationally set and locally binding housing targets; more stringent standard requirements and associated penalties for local planning authorities to determine planning applications; national design codes; and imposition of a nationally set flat rate for the proposed new Infrastructure Levy.

However, such a top-down and standardised approach does not reflect the local social, environmental, economic and financial challenges, local distinctiveness and diversity in many local authority areas, such as Derbyshire, where a top-down, standardised approach to planning would not

Ext: 39808

be appropriate or workable in practice. A range of such issues and concerns are highlighted below on a number of the proposals within the three pillars of the reforms. The White Paper should be amended to acknowledge and recognise the local challenges, distinctiveness and diversity of many local authority areas, such as Derbyshire, and offer more flexibility to local authorities to apply the proposed reforms to their areas in a more local context.

Impacts on Climate Change

Mitigating the impacts of climate change and working with local partners to progressively reduce emissions and meet the net-zero carbon target by 2050 is a key priority for the County Council, as reflected in the Derbyshire Environment and Climate Change Framework. It is disappointing, therefore, that the proposed reforms in the White Paper are so singularly concentrated on the issue of delivering housing 'new build' across the country in the 2020s. Reforms to the planning system that would help to address and mitigate the impacts of climate change should be a more prominent and higher priority theme than currently expressed in the White Paper, rather than being substantially confined to requirements for design codes and more stringent regulations for energy efficient homes. On this issue, it is also disappointing that the requirement for zero-carbon homes is proposed to be put back to an unspecified date beyond 2025.

There is concern that the influence of parts of the existing NPPF are out of step with the priority the Government attaches to climate change and its commitment to meeting net-zero carbon emissions by 2050. Key parts of the NPPF can serve to encourage a predominant focus on the short/ medium term promotion of development sites to meet or exceed national requirements for housing. This short term focus can significantly compromise the need for longer term perspective when attempting to balance more systemic issues such as tackling climate change.

Consequently, local planning authorities and stakeholders are inhibited from choosing to put climate change and environmental sustainability at the heart of their local plans and are being required to prioritise housing delivery. The White Paper's concentration on raising housing delivery through local plans and NPPF policies would result in still less scope for local choice to focus on the environmental and climate change dimensions of sustainable development. It is strongly believed there is an opportunity for Government to link planning more intrinsically as a tool to help address climate change and put climate change, rather than housing delivery, at the heart of its proposed reforms.

Economic Development, Employment and Skills

Coronavirus (COVID-19) is having a considerable impact on the economy of Derbyshire over virtually all employment sectors, including retail, wholesale, food and drink, and the night-time/ visitor economies. Town and local centres

Ext: 39808

particularly have been hit hard by the pandemic. However, the reforms in the White Paper are predominantly focussed on speeding up delivery in the housing sector, rather than being more expansive and recognising the ability of planning to support wider and more sustainable economic growth.

A reformed and adaptable system should have the flexibility to be oriented locally to support the required range of economic development activity and job creation, not just in the short-term to address the impacts of COVID-19, but in the longer term; for example, through delivering the priorities of local industrial strategies and other economic development frameworks. Local plans must meet economic needs as well as housing needs and this must be matched by the development of appropriate skills and employment of which, there is no mention in the White Paper. Similarly, the impact of more widespread roll-out and coverage of superfast broadband has an important role to play in local economies and economic development, particularly in rural areas. This too should be appropriately reflected in the White Paper.

The NPPF is currently weak on setting out policies and priorities for economic growth, employment and skills, amounting to a mere five paragraphs. There is an opportunity, missing from the Paper, for Government to link planning reforms more closely to the duty to promote economic prosperity, particularly in relation to 'good growth' (green, clean, sustainable) and job creation.

Developer Contributions

There are fundamental concerns about proposals in the White Paper to radically reform the existing system of developer contributions with the proposed abolition of Section 106 agreements and CIL and replacement with a new consolidated Infrastructure Levy (IL). Section 106 agreements are the primary means by which the County Council secures the necessary contributions to fund important new/ improved infrastructure and facilities to support new development, particularly school place provision, travel and transport. This system, though not without its challenges in a two tier area, has worked well in Derbyshire and the new proposals are of significant concern; details of which are set out below under Pillar 3. The Government is strongly urged to consult further with upper and lower tier authorities on these particular reforms, the consequences of which do not appear to have been fully worked through, particularly for county councils.

Health and Well-being

From a health and well-being perspective, the White Paper does not at any point make reference to planning for the needs of the population with particular health or social care needs, nor does it actively state any specific planning requirements in relation to the UK's ageing population demographic and its impact on planning for place and space.

Organisations such as the Housing Learning and Improvement Network (HLIN) have already noted this omission and expressed concern that recent

Ext: 39808

gains to include issues such as ageing population in the NPPF have not been echoed in the proposed reforms. The White Paper could be strengthened by complementing the NPPF and more clearly setting out local and national responsibilities, i.e. will design standards that promote independent living be defined locally based on local community need or will a national standard similar to the M4 Building Regulations be introduced? Furthermore, Government should link the proposals with the work of the Social Care Taskforce and draw in the recommendations of the Local Government Association and Association of the Directors of Adult Social Care regarding developing a range of housing that meets the needs of people who currently access social care including those with more complex support needs.

Housing Delivery

The White Paper implies that under the current system, responsibility for excessive delays in delivery of housing lie firmly at the feet of local planning authorities. However, the most common reason for slow delivery of homes lies with the behaviour of some operators in the housebuilding industry. Over the last few years, local authorities in Derbyshire have granted planning permission for thousands of houses to meet their respective requirements but on many of those sites the housing permissions have not been carried out. Recent research (Letwin Independent Review of Build Out) shows that housebuilders can deliberately limit the number of homes built each year. A typical buildout of a large strategic site can, in some cases, result in little more than 50 - 60 homes per year, which keeps prices high and stokes demand for new homes. The White Paper proposals do little to address these systemic issues and much greater consideration is required by Government as part of a wider package of measures to enable sustainable, affordable housing in the right places.

Pillar 1: Planning for Development

General Comments

As the County Council is a Minerals and Waste Planning Authority, it is notable that there is no mention or clarification in the White Paper whether the proposals for new local plan making process apply to Minerals and Waste Local Plans. Clarification is needed, therefore on this issue and, if Minerals and Waste Local Plans are not included in these reforms, then details are required on whether these plans would be subject to separate reforms by Government or no reforms at all. Derbyshire County Council is currently carrying out a review of the Minerals and Waste Local Plans jointly with Derby City Council, both of which are anticipated to be submitted for examination and adopted in 2021-22. This therefore, is a pressing matter.

Strategic Planning and 'Duty to Cooperate'

As a strategic planning authority, the County Council is concerned there is little mention of the role of strategic planning in the White Paper, only that

Government 'will give this matter further consideration in due course'. In furtherance of the 'Duty to Cooperate' (see further comments below), the County Council is currently working with its City and, borough and Peak District National Park partners to develop a Strategic Planning Framework for Derby and Derbyshire; this is a long-term, non-statutory strategic plan that sets out development and infrastructure investment priorities that will shape 'good growth' for Derbyshire over the next 30 years up to 2050. Similarly, a growing number of upper and lower tier authorities across the country have come together in the last few years to prepare longer-term statutory and non-statutory strategic plans for their areas. This has largely been in the context of major announcements by Government since 2017, and notably that it attaches high priority to strategic planning and strategic plan making. It is disappointing, therefore, that the White Paper does not give more recognition to this issue. Proposals for the reform of local plans indicate that plans would be required to have a time horizon of 10 years, compared to the current 15 years. This shorter timescale would be unlikely to facilitate robust and effective strategic planning for an area. Clarification is required from Government on the scope for strategic planning and role of strategic plans in a reformed system.

It is of particular concern that the 'Duty to Cooperate' would be abolished by the proposed reforms. This is a legal duty introduced through the Localism Act 2011 that currently requires local authorities, including county councils, to collaborate and work jointly to address key, cross boundary issues such as: housing provision - including meeting unmet housing needs; allocation of large strategic housing and employment sites; Green Belt review; and the need for new or improved infrastructure to support large-scale development.

On the whole, the 'Duty' has worked relatively well in Derbyshire and the County Council has developed effective joint working arrangements and practices with all its local authority partners to address key strategic matters such as new infrastructure, Green Belt Review and support at local plan Examinations in Public. These working arrangements are formalised through a number of officer working groups (e.g. Housing Market Areas (HMA) including the Derby HMA Joint Advisory Board and Officer Coordination Group; Greater Nottingham HMA Joint Planning Advisory Board and Officer Executive Steering Group; and Northern HMA Planning Liaison Group).

In fulfilling its wider obligations under the Duty to Co-operate, the County Council also coordinates a range of county-wide officer working groups, including the Heads of Planning Group; Planning Policy Officer Group; Development Management Officer Group; and Planning Information and Monitoring Officer Group.

Statements of Common Ground (SoCG) have been used to underpin some of this joint working and again, this has worked well in Derbyshire. The County Council has been signatory to a significant number of SoCGs, particularly through the local plan examination process. This has proved an effective

Ext: 39808

mechanism to demonstrate to Inspectors that joint and collaborative working has taken place to resolve complex strategic issues. It is considered, therefore, there are significant merits in SoCG, forming some continuing role within the reformed planning system.

From a minerals planning perspective, the 'Duty to Cooperate' is an important way of coordinating the supply of minerals whose distribution often has a regional/national or even international dimension. For aggregate minerals, the managed aggregates supply system (which has a national coordinating group and regional working parties) works well to enable the supply of aggregates. As noted in current Planning Practice Guidance, 'active membership of the Aggregate Working Party will help mineral planning authorities demonstrate compliance with the Duty to cooperate but is not sufficient in itself to fulfil the Duty'.

For other minerals such as industrial minerals or brick clay, the 'Duty to Cooperate' is an important way of ensuring supply. Cooperation rather than consultation is a much more productive way of ensuring that mineral planning authorities (MPAs) work together to ensure the supply of minerals where there are cross border issues. SoCG are an effective and efficient way of agreeing matters without the need for protracted discussions at Examination in Public. In the absence of the 'Duty to Cooperate' suitable and meaningful alternative arrangements would be needed.

In the context of the above, it is considered that the proposed abolition of the 'Duty to Cooperate' could undermine this joint working in the future with no legal requirements to underpin it. Furthermore, the White Paper makes no mention of HMAs in the context of proposed reforms for the determination of local authority housing provision, when HMAs are widely recognised as being the most effective geography within which local authorities should establish housing provision requirements through joint working. The Government is urged to either retain the current 'Duty' or replace it with another legally binding mechanism that ensures upper and lower tier authorities engage effectively on important strategic cross-boundary matters.

Local Plans

Proposals for a "streamlined" local plan making process, to include a new five stage process from commencement to adoption and statutory requirement for local plans to be prepared within 30 months, are welcomed in principle.

However, this is likely to have significant resource implications for the County Council. Firstly, the County Council prepares both Minerals and Waste Local Plans for the whole county area, jointly with Derby City Council. Assuming the proposed reforms do apply to local plans for minerals and for waste, a requirement for the County Council to prepare both within a 30 month timescale would be extremely challenging, particularly in terms of strategic evidence gathering, industry engagement, staff time and resources and the

Ext: 39808

need to build in the political processes of both the County and City Councils this would become more onerous if needing to take account of purdah and the disruption of local elections. There are also concerns that the new five-stage process would only have one meaningful period of public consultation and engagement that would be condensed into one six week period, which would be unlikely to facilitate effective engagement with the community or with the minerals and waste development sector.

Secondly, as a statutory consultee of 10 local plans (8 district/borough, City and Peak District NP) in a two tier area, the proposed streamlined system of 30 months would be particularly onerous for the County Councils resources. Providing and evidencing comments around strategic issues such as climate change, the environment, Green Belt, health, education and infrastructure provision would be exceptionally demanding within these timescales, particularly if local plan review and development across the 10 authorities was running in parallel. The proposal for there to be only one effective stage of public and stakeholder consultation would make it more crucial, therefore, that the local planning authorities engaged with the County Council at the very early stages of plan preparation.

The proposed 10 year horizon of local plans is of some concern as this shortened timespan would undermine longer-term strategic planning. Many large-scale strategic sites, particularly former industrial brownfield sites, take a long time to deliver not least because they raise a range of complex issues, particularly the need for extensive and costly remediation and large-scale new infrastructure to support redevelopment.

Examples of such sites in Derbyshire include Coalite near Bolsover, The Avenue at Wingerworth, Biwaters at Clay Cross, Stanton Regeneration Site, the Staveley Rother Valley Regeneration Area, and the Former Drakelow Power Station; these have been in the planning stage for many years, in some cases pre-dating the most recent round of local plan reviews as strategic allocations. All these sites have had, or will need, lengthy remediation along with major new infrastructure to enable development.

The County Council has an important delivery role in helping to bring forward such sites for development jointly with district and borough council partners. It is very important, therefore, that such sites are allocated in local plans to provide certainty for developers. With proposed requirements for local plans to have a 10 year horizon, this may preclude such sites being allocated in local plans in the future (either as Growth Areas or Renewal Areas) if delivery timescales are likely to be over a longer period.

The identification of Growth Areas, Renewal Areas and Protected Areas in local plans is a reasonable proposal in principle but requires careful definition and scoping on what is included and acceptable; it may be too simplistic to be effective in practice. Whilst this approach could potentially simplify the

Ext: 39808

planning process for minor and uncontentious development in less sensitive areas (such as within an airport, business park or within a logistics hub), it is less well suited to more complex, high impact or controversial development, such as large-scale housing development. The inclusion and application of 'good growth principles' such as climate change, creation of truly sustainable communities, flood defence, sustainable travel, local energy generation, within a 'zoning scheme' would be key to its success – but equally would need robust expectations to be set out and clear routes for accountability and monitoring impact.

Furthermore, minerals can only be worked where they are found, usually in rural locations therefore, it is very difficult to visualise how they fit into the proposed zonal system. Currently, it is only aggregates through the managed supply system which require MPAs to plan for a specific amount of mineral from sites over the plan period.

The supply of other minerals is market-led, which means the plan has to make provision for unidentified demand during the plan period - it does this through criteria policies, usually plan wide, which do not lend themselves to a zonal system. The reason for plan-wide policies is that for many minerals, insufficient information is known about their economic potential which precludes the identification of sites/areas.

Growth areas are intended to be designated for substantial areas of development such as new settlements, large urban extensions or major regeneration. However, designating a large swathe of land as a Growth Area would not work in most places as it would likely cover specific areas that would need to be protected by exclusion, such as conservation areas, Sites of Special Scientific Interest, Special Areas of Conservation, Local Wildlife Sites, important areas of open space, Regionally Important Geological Sites and designated heritage assets.

From a heritage perspective, the planning process at present provides for site-specific and appropriate archaeological assessment which, in many cases, identifies archaeological remains not previously known. It then makes provision for such remains to be either preserved or recorded in advance of their loss, as appropriate. It is unclear from the White Paper how, and whether, these safeguards for Derbyshire's archaeological heritage would be provided through the proposed zoning system. For example, it is not clear who would pay for archaeological assessment when it is frontloaded into the zoning process or how conditions would be attached to zoned sites to secure archaeological recording when permission in principle is granted for a site.

The designation of Growth Areas through the local plan process where, once adopted, such areas would be deemed to have outline planning permission, will have significant implications for the County Council (and other planning authorities) in terms of the allocation of staff time and resources. As noted

Ext: 39808

above, Growth Areas are meant to be 'substantial areas' that could include new settlements, large urban extensions or major regeneration sites. Such areas would be likely to raise a complex range of issues that would then need to be addressed at the local plan stage, rather than the outline planning application stage, making this part of a supposed streamlined process, more cumbersome. This would include issues such as highway impacts; implications for public transport and sustainable travel; impacts on the environment such as landscape, heritage assets, ecology and flood risk; impacts on school place provision, waste management and public health and well-being.

If Section 106 is retained, some of the impacts would also need to be mitigated through the identification and negotiation of developer contributions as part of this process. This would have implications for the prioritisation of County Council resources across a range of service areas as more extensive engagement would be needed in the plan making process than is currently the case, and potentially more so than the planning application process for major complex developments. Again, this does not suggest a more streamlined process.

It would also have important implications for elected members as the emphasis for engagement would become more important at the local plan stage than the planning application stage for large-scale developments that affect their areas.

Nevertheless, it is welcomed that the proposed reforms do not propose to deprive local planning authorities of existing powers and duties to designate protected areas such as Green Belt, conservation areas, open access land, areas of significant flood risk and important areas of green space, which are all valued by communities and are critically important to ensuring the planning system continues to fulfil its role in protecting and enhancing the environment. It is also welcomed that in such areas, existing procedures for both submission of outline and detailed planning applications for development would remain as now.

Other proposed measures for streamlining the local plan making process are welcomed in principle. Assuming that the draft reforms also relate to Minerals and Waste Local Plans, proposals to replace the current 'soundness' and legal compliance tests by a new sustainable development test, and proposals to replace SAs by a simplified environmental impact test are welcomed, in principle, as potentially these would be less onerous on the County Council's resources than is currently the case.

Minerals and Waste Local Plans are the subject of several assessments: SA, Appropriate Assessment (AA), Habitats Regulations Assessment (HRA), Strategic Flood Risk Assessment (SFRA), Health Impact Assessment (HIA), Equalities Impact Assessment (EqIA) and Transport Assessment (TA). All

Ext: 39808

these matters which are required by the law or expected by NPPF/Planning Policy Guidance are taken on board routinely in the formation of the local plan objectives and policies, but these very onerous and time consuming assessments add very little to the outcome of the final plans. The same applies to district and borough council local plans which are also subject to these existing stringent and onerous assessments and tests. However, the White Paper does not provide any detail about the proposed new sustainable development test or the simplified environmental impact test; this has made it impossible to make an informed judgement on their merits at the current time without further clarification and detail from Government.

If the NPPF became the only basis for generic development management policies, with other local plan policies limited to site specific or area based policies, it would help reduce the length of local plans and duplication of policies. Minerals and Waste Local Plans, however, would still need to include more specific, non-site based development management policies that would apply to either the whole of the County or large parts of it, such as those that might be required around hydrocarbon extraction. The current NPPF expects local plans to set out a vision, objectives and strategic policies to address agreed priorities for the use of land in its area to enable the delivery of sustainable minerals development. The local plan encompasses the aspirations of local people and organisations with an interest in the plan area. MPAs are best placed to understand their local area and it is essential that they are allowed to include policies in their local plans (including area-wide policies) which they can justify having regard to local circumstances.

From an adult social care perspective, the County Council would want to ensure that site specific or area based policies make appropriate reference to planning for specialist accommodation and key worker housing. Within any new arrangements, local plans will need to consider specific issues related to an ageing population, or particular needs of the local population in relation to long term health conditions and disability. It would be welcomed, therefore, if the proposals in the White Paper could be strengthened in this area and reflect the NPPF guidance in relation to an ageing population and housing to support people with disabilities. Locally in Derbyshire, the County Council's Adult Social Care service has produced a range of data and insight that can help proactively shape local plans in relation to planning for the needs of communities, people with disabilities and the ageing population. The County Council would welcome opportunities to utilise this information to shape and influence local plans for the future and, if possible, national guidance should explicitly outline this opportunity to collaborate across and between authorities if the 'Duty to Cooperate' is to be removed.

Standard Methodology for Calculating Housing Need

Although the County Council is not a housing authority, it work jointly with all the city, district and borough councils in Derbyshire through the 'Duty to Cooperate' to ensure that market and affordable housing needs are met

Ext: 39808

across the County and necessary supporting infrastructure is planned for and provided to support new housing developments. In this context, a national standard methodology for calculating housing need is welcomed as a proposal - based on demographic projections and an affordability ratio. The standard methodology proposal is also subject to a separate more detailed consultation document.

In the County Council's experience in recent years, disproportionate amounts of time have been spent at Local Plan Examinations as a result of long and protracted arguments between local authorities and developers over the calculations of housing provision for an area. A standard methodology would help remove much of this uncertainty and disruption. Notwithstanding the above, however, the introduction of a second, retrospective 10 year affordability ratio to the methodology would add complication and complexity and have major consequences for housing provision requirements in Derbyshire.

In this respect, work has been carried out by Lichfield's planning consultants to assess the implications of the new standard methodology on the calculation of local authority housing provision requirements across the whole country. This work suggests that in all of the district and borough council areas of Derbyshire (except Derby City and Erewash Borough), local authority housing requirement figures would increase significantly under the new methodology, compared to the existing methodology (see Table at Appendix 1). For the whole of Derbyshire (including Derby City), total annual figures could increase from 3,400 per annum (pa) to 4,791 pa (an additional 1,391 dwellings pa), having significant implications for the take of (green field) land, the requirement for new infrastructure and potential impacts on the environment, again emphasising the importance of the County and district/borough councils working collaboratively, if sustainable, good growth is to be delivered.

In this context, it is particularly welcomed, therefore, that other factors will also be taken into account in determining housing requirements through the standard methodology, such as key land constraints, including Green Belt and National Parks, and other high value environmental protection areas.

Derbyshire is covered by three extensive areas of Green Belt: the Nottingham-Derby Green Belt, North Derbyshire Green Belt and North-West Derbyshire Green Belt. Parts of Amber Valley Borough, Derbyshire Dales District and Derby City are designated within the Derwent Valley Mills World Heritage Site and its Buffer Zone. Each of these areas are very sensitive to the potential impacts of new housing development and so recognition of the importance of these areas in assessing housing need is supported.

However, it is of concern that the White Paper provides no details of how such land constraints will be factored in to the assessment, i.e. is the balance of need versus constraints and other issues to be an algorithmic exercise or one

Ext: 39808

that involves an exercise of planning judgment? It is also of concern that the White Paper's proposed standard methodology approach makes no reference to how unmet housing needs in an area will be met, particularly given the proposed abolition of the 'Duty to Cooperate'; or to the availability of existing or proposed new infrastructure in determining and appropriate housing requirement for an area. It is considered these should be included as an additional requirement.

A sizeable area of Derbyshire is covered by the Peak District National Park, which covers parts of Derbyshire Dales District and High Peak Borough. Historically, National Parks have not been required by Government to set a housing target for their areas, which has put significant pressure on local planning authorities, such as Derbyshire Dales District Council and High Peak Borough Council, to accommodate their housing requirements in a significantly reduced area of their local authority administrative boundaries, which has been very challenging. The national standard methodology does nothing to address this issue and it is considered, therefore, that there is an opportunity through the White Paper for the Government to explore how National Parks could contribute more effectively to local housing needs, whilst still respecting National Park purposes.

Neighbourhood Plans

It is welcomed that the system of Neighbourhood Plans is to be retained much as it is now in the reformed planning system. Many Neighbourhood Plans have been prepared by Parish/Town Councils and other neighbourhood groups across the county over the last five years. The County Council is a consultee on all Neighbourhood Plans that are prepared across the County and is keen to ensure that its priorities for infrastructure, the environment, affordable and adaptable housing, the economy and health and well-being, are reflected in these plans. The County Council has developed a range of model policies for Neighbourhood Plans that are increasingly being welcomed and incorporated by Neighbourhood Planning Groups in their plans. However, the White Paper does not clarify how Neighbourhood Plans will relate to the new system of local plans in the reforms, which should be addressed and clarified by Government.

From an adult care perspective, evidence to date in Derbyshire suggests that Neighbourhood Plans can be a positive tool for ensuring the needs of the local population, particularly in relation to housing that meets the needs of an ageing population and people with disabilities, can be considered and planned for at a local level. In Derbyshire's more rural communities, continued use of neighbourhood planning may encourage smaller scale and more innovative housing solutions to be developed that seek to maximise independence of individuals within communities.

Development Management

In terms of development management process, many of the proposed reforms are supported, which seek to streamline the process through more standardisation of planning applications through national standard planning conditions and standardised information requirements to support planning applications; and more use of digital technology and processes to advertise and process planning applications and automate routine processes. In this respect, the County Council's Planning Services Division has recently commissioned consultants to develop a new bespoke on-line planning system called Mastergov that has now gone live and will automate the full range of the Council's planning services, including minerals and waste planning applications, strategic planning consultations, developer contributions and Minerals and Waste Development plans, very much in line with Government proposals in the White Paper.

However, there are some concerns with the White Paper, such as proposals that the 13-week determination deadline for major planning applications should be a *'firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now'*; and that sanctions for not determining applications within 13 weeks could include the returning of the whole planning fee to applicants. Many applications submitted to and determined by the County Planning Authority are large scale and very complex and raise a wide range of environmental and infrastructure considerations, such as proposed new or extensions to existing mineral quarries, major waste recycling and processing development, shale gas exploration and new road schemes, etc. Many applications are also EIA development and require consultation and often re-consultation with a wide range of external expert organisations and bodies, which can be time consuming.

It would be very difficult in practice, therefore, for the County Council to determine all such applications within 13 weeks or 16 weeks for EIA development and, in the County Council's experience, applicants are more often than not willing to agree to extensions of time to determine such planning applications, if it is likely to result in all major issues being satisfactorily addressed and planning permission likely to be granted. Fees for the determination of major complex planning applications can be considerable to cover the extensive time and staff resources they take to process and determine. Sanctions, such as returning planning fees for non-determination within 13 weeks, could result in the loss of a substantial amount of revenue for the County Council and mean that a lot of staff time and resources were wasted and not appropriately compensated for. This could lead to a culture of delaying validation as local planning authorities will be reluctant to start the process if there is risk of delay further down the line as a result of insufficient or poor quality information, and they are not able to meet targets without an extension of time in place. There may also be a risk that these requirements could result in poor decision making if planning applications are determined

Ext: 39808

without all necessary issues being satisfactorily resolved. Delays are not always down to the local planning authority, as applicants and agents can cause similar delays when they provide poor information or want to change their scheme, for example. It would be unfair, therefore, if local planning authorities were penalised for delay that was not of their making.

Whilst the wider use of digital technology in the planning application process is supported, in principle, there does still need a balanced approach that recognises that many people in Derbyshire, particularly older people or other hard to reach groups, do not have access to digital technology, such as the internet either on a PC or mobile phone. It is disappointing, therefore, that the White Paper attempts to dismiss the importance of existing arrangements where planning applications are advertised through the local press and by site notices attached to lampposts. Although it is accepted that this process is somewhat antiquated, it is still an effective means by which local residents are made aware about developments that affect them directly in their area. It is important, therefore, that the White Paper should take a more balanced approach in this respect.

Environmental Impacts

The proposed changes to EIA process indicate that the Government envisages a spatial (Geographic Information System) knowledge base that can be used instead of site specific assessment. Whilst there is a substantial body of spatial environmental information currently available, it is not comprehensive or up to date. It is easy to envisage a situation where an applicant has assumed that publicly available data in relation to a site is sufficient and submits an application based upon it, only for the local planning authority to conclude that the information is not sufficient and for the proposal to be held in abeyance whilst the necessary information is gathered.

Conversely, there could instead be pressure on a local planning authority to process the application without the level of environmental information that it would consider to be appropriate.

Statutory consultees charging to respond to consultations would change the dynamics of the process. How would depend on factors such as whether it is a blanket charge/service level agreement or a charge per consultation. Timescales and quality of content would also become more important factors.

Pillar 2: Planning for Beautiful and Sustainable Places

In general terms, the desire to promote design quality in the White Paper is supported to ensure that new development respects the character and distinctiveness of a place or its particular location. A key component to achieving this is to ensure that townscape and landscape characterisations and, in particular, the use of national, regional and local landscape character assessments are enshrined in changes to planning legislation. With only 35%

Ext: 39808

of Derbyshire's urban or rural landscapes protected by designation, it is important that the principles of the European Landscape Convention (to which the UK Government is currently a signatory) are maintained in the new reformed planning system and the use of landscape characterisation has been a key tool for ensuring that 'All Landscapes Matter'.

The development of a National Model Design Code could be very beneficial for promoting better quality design, but this will only have value if these codes are then interpreted locally, but the White Paper merely states that "*local guides and codes are prepared wherever possible*". Without the firm requirement to produce locally produced design codes, it is difficult to appreciate how nationally prepared guidance could be applied locally to make a meaningful contribution to locally distinctive development. However, there are resource implications for the preparation of locally prepared guidance, although this could be offset in part if it was prepared at the County scale. If the Pillar 1 changes are to be implemented, then it will be vitally important that design standards are significantly improved to deliver quality developments that are supported by local people so strengthening the role of Homes England in championing this approach is needed and supported.

There are significant resource implications in facilitating the proposed 'fast-track for beauty' concept. In order to implement this approach, the requirement is on local planning authorities to prepare "*masterplans and codes...at a level of detail commensurate with the size of site and key principles to be established*" (page 52). As previously stated above, design skills are not presently widespread across local authorities, particularly within Derbyshire, so it is difficult to appreciate how this would be achieved without training or recruitment, particularly when the scope and scale of what is required is factored in.

Good design is not merely a 'tick box' approach but is a considered response to the particular context and characteristics of a site. 'Fast-tracking' could still lead to poor development in the absence of detailed local design guidance. The concept of 'pattern books' is fine in principle and could certainly work in the densification of urban areas where character and existing architectural styles are well established. However, the development of pattern books for new edge of settlement locations demonstrates a distinct lack of understanding of good design principles where site context and characteristics will be key determinants of good design. Simply regurgitating the same 'pattern book' across all new residential development will lead to many of the present day problems where indistinctive 'anywhere' schemes are delivered that pay little regard to the particular characteristics of a place.

Proposal 15 to strengthen the role of planning "*in mitigating and adapting to climate change and maximising environmental benefits*" is strongly supported. However, the proposal to simplify the assessment of environmental impacts and proposed mitigation may be counter-intuitive in that natural processes can

Ext: 39808

be complicated and take time to understand, particularly with respect to the potential impacts of new development. Habitat and species surveys need to be undertaken during particular times of the year and sometimes repeated over several months to provide meaningful data that informs the design process and mitigation strategy. Changes to site drainage, for example, might have impacts on important wildlife sites some distance from the proposed development, which would not be fully understood without a comprehensive environmental assessment. As noted above, therefore, further detail is required from Government on the new simplified environmental impact test to fully assess how effective it will be.

A National Design Code, supplemented by additional local design guidance, would be a key tool in increasing the quality of new homes. From an Adult Social Care perspective, the County Council would be keen to ensure that both national and local guidance includes the need to make sure that homes are accessible for people with a range of needs, including those with a physical disability. It would be helpful if new design guidance considered emphasising the role of smaller high quality homes that do not require extensive retro-fitting or upgrade, to allow someone with a long-term health condition or disability to maximise their independence through, for example, the designing in of new technology. The County Council would encourage design guidance at a local or national level to be co-produced with individuals who have specific health or social care needs to ensure that the final proposals are to appropriate standards and meet the needs of the people they are intended to support. The County Council's Adult Social Care officers would welcome the opportunity to proactively work alongside appointed design and place making officers in local planning authorities to further refine an approach to this locally. This role could be referenced in the White Paper.

The 'fast track for beauty' approach presents opportunities for new developments to be planned in a way that promotes health and wellbeing, which will potentially contribute to positive outcomes for people who access social care provision. Well planned neighbourhoods can promote independent living and enable older people, for example, to feel more socially connected. The County Council would encourage national policy to be further developed to focus on how good planning can promote community resilience and social connectedness, that can in turn reduce the need for health and care services. It is welcomed that developments that utilise modern methods of construction are being promoted as there is emerging evidence to suggest that this construction technique can provide a range of housing options that supports individuals with a housing or social care need to live independently and can provide an affordable option for key workers in the social care sector.

The White Paper's proposals for ambitious improvements in the energy efficiency standards for buildings to help deliver the Government's commitment to net-zero by 2050, is fully supported as this will enable more people to live independently and also those on lower incomes to live in a

healthy and warm home. There is a huge cost benefit to the public sector systems for maximising opportunities to improve the energy efficiency of homes.

Pillar 3: Planning for Infrastructure and Connected Places

There are considerable concerns with the White Paper's proposals to abolish the current system of Section 106 contributions and CIL and replace them with a consolidated IL. In Derbyshire, Section 106 agreements are the primary means by which the County Council secures developer contributions towards many of its services and new infrastructure provision to support development, particularly education provision, in collaboration with seven of the eight district and borough councils in Derbyshire. Chesterfield Borough Council is the only local authority in Derbyshire that operates a CIL. Contrary to claims in the White Paper, the Section 106 process has worked very well in Derbyshire and the County Council has developed effective joint working arrangements with all of its district and borough council partners to secure Section 106 agreements through the planning application process with over £92 million secured through Section 106 Agreements since 2013. The County Council has a high success rate in securing the Section 106 contributions that it requests on planning applications and only in exceptional circumstances have developers challenged the County Council's requests for contributions, contrary to the criticism in the White Paper which portrays a lengthy and protracted negotiation process.

Since the introduction of the Community Infrastructure Levy (Amendment) Regulations 2019 on 1 September 2019, the County Council has spent significant time and resources to assist in implementing the amended Regulations, particularly through a wholesale revision to its Developer Contributions Protocol and work to prepare its Infrastructure Funding Statement, as required by the Regulations. It is disappointing, therefore, that Government gave no indication prior to the publication of the White Paper that the current contributions methods could be abolished, having only introduced the new regulations a year ago. Proposals to abolish this current system of developer contributions raises many concerns and uncertainties for the County Council in how it would secure developer contributions for its service provision and new infrastructure in the future, not least because the White Paper is lacking in any detail of how the new IL would work in practice, especially in two tier areas such as in Derbyshire and, given the incentive that 'the Levy can be used for wider purposes', there could be a risk that the Levy may not be spent on infrastructure need created by a development.

It is of concern that the principle of the new IL is based on development value capture and not on the need to mitigate the impacts of development to make it acceptable in planning terms. The three tests currently set out in the Community Infrastructure Regulations and NPPF, which would cease to apply, require Section 106 planning obligations to be "*necessary to make the*

Ext: 39808

development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development". These three tests have provided clarity and certainty to local authorities, developers and the community in the collection of developer contributions through Section 106 that have been fairly and equally applied throughout the County and that the contributions were sought to mitigate the impact of development in the locality of a development.

There are also fundamental concerns regarding the basic premise of the operation of the Levy as proposed in the White Paper. The consultation is clear that the Levy is about land value capture, stating that: *"In areas where land value uplift is insufficient to support significant levels of land value capture, some or all of the value generated by the development would be below the threshold, and so not subject to the levy. In higher value areas, a much greater proportion of the development value would be above the exempt amount, and subject to the levy"*. This is of significant concern to the County Council as many areas of Derbyshire, particularly in former coalfield areas to the north and east of the County, have marginal viability and could be likely to be low value areas under the new system where the value generated by new development would not be sufficient to be caught by the threshold in the Levy, meaning that in some districts and boroughs, insufficient monies would be raised through the Levy to support the provision of new infrastructure, such as extensions to existing schools or the provision of new schools to accommodate the pupils generated by a development.

The issue above could also be exacerbated further by proposals in the White Paper that, once core infrastructure requirements are satisfied, monies raised through the new Levy could be spent by local authorities on non-infrastructure items or subsidising Council Tax. This, in addition to the proposals that the new Levy could now be used to secure funding for affordable housing or the provision of affordable housing could be used to offset the Levy liability, and that a neighbourhood proportion of up to 25% would still be payable to Parish/Town Councils (as per the CIL Regulations), could mean that the IL monies could be spread more thinly to attempt to fund a wider range of infrastructure and service provision, potentially making it more difficult for the County Council to secure contributions towards essential infrastructure provision, particularly for highways, transport and education. If implemented, therefore, this emphasises the importance of the County Council establishing effective mechanisms and processes with its local authority partners to ensure that its infrastructure priorities and requirements to support new development were clearly set out and appropriately taken into account by the partners in their decisions on how monies from the new Levy would be allocated and spent.

In respect of the above, it is also considered important to keep the link between developments and where the new Levy is spent, particularly in

convincing local communities that development which directly affects them is acceptable or can be made acceptable.

It is considered that the introduction of a nationally set flat rate for the new Levy, based on development value, would not be workable in areas such as Derbyshire. Land values and development values vary considerably across the country, particularly between high-value areas such as in London and the south-east of England, compared with other areas such as in the East Midlands where values are significantly lower. A flat national rate could be too high and could result in development of many sites in Derbyshire being deferred or avoided on viability grounds. If the system is to work, then the rate of the new Levy should be set locally, to be truly reflective of local circumstances.

A further concern is that, in advocating a nationally set flat rate for the new Levy, no recognition is made in the consultation regarding the complexities and associated costs of the development of brownfield land compared to greenfield land. Large brownfield sites, particularly former industrial sites, often require extensive remediation and/or de-contamination works and associated new infrastructure that impact considerably on the costs to developers of bringing such sites forward for development. A nationally set flat rate based on final development value that did not take this into account would place developers of brownfield sites at a significant financial disadvantage compared to developers of easier to develop and less costly greenfield sites, without the provision of some form of rebate or adjustment to the Levy. Without such provision, the new Levy would be more likely to result in more greenfield sites coming forward for development and disincentivise developers of brownfield sites.

Whilst it is appreciated that part of the rationale for introducing the IL as a mandatory payment is the need to reduce the deliberations over site viability, there are concerns that these debates will only assume different forms. The White Paper states that the IL would be charged on *'the final value of a development'*, however, detail is lacking on how and when that final value will be calculated. If the calculation is based on average build costs per square metre, will these figures also be provided by Government, as this may continue to give rise to further debate between the charging authority and the developer/landowner? Again, due to a lack of detail in the White Paper, there is also no definition provided regarding 'final value'. The calculation made on net rather than gross development value would give rise to markedly different amounts of contributions to be raised. There is reference in the White Paper to *'reflecting average build costs per square metre, with a small, fixed allowance for land costs'*, however, this is only in reference to the value based minimum threshold below which no Levy would be charged.

There is some confusion within the White Paper regarding when the contribution would be collected, the White Paper stating variously that it would

Ext: 39808

be '*levied at point of occupation*' (Paragraph 4.9), and conversely '*a shift to levying developer contributions on completion*' (Paragraph 4.13). As prevention of occupation is proposed as a potential sanction for non-payment, it might be assumed that some payment would be on first occupation. Again, the White Paper is unclear on what is meant by occupation. In Derbyshire, Section 106 Agreements often have multiple triggers throughout the delivery of a development to mitigate cash-flow or viability concerns. If payment on occupation means payment in full on first occupation, due to viability issues as previously discussed above, this may deter development.

The White Paper also proposes that the Levy would be based on the final value of the development and on the applicable rate at the point planning permission is granted. No mention is made at what point the value of the development value is assessed. If it is assessed at the point a planning application is approved, how is the levy adjusted between the grant of permission and first occupation? This also has implications in proposed growth areas, as on adoption of the local plan, these allocations would have deemed outline permission.

As noted previously, the use of Section 106 agreements works well in Derbyshire. In the current system, Section 106 agreements can be used not only to provide relevant financial contributions, but can also be used to:

- restrict the development or use of the land in any specified way;
- require specified operations or activities to be carried out in, on, under or over the land;
- require the land to be used in any specified way; and
- secure 'in kind' contributions, such as the delivery of a new school by the developer or the management and maintenance of land/structures.

The White Paper is not clear (other than for affordable housing) whether works in kind by developers would be an offset against a development's Levy liability or indeed how these non-financial types of obligation would be addressed, should Section 106 agreements no longer be available within the new system. The onus to deliver and maintain infrastructure could fall to the County Council which would then also bear the financial risk.

The County Council uses a range of trigger mechanisms in Section 106 Agreements with developers, such as payment on commencement, first occupation or when a certain number of dwellings are built, to fund infrastructure provision so that such new infrastructure is actually in place by the time the main impacts of the development need to be mitigated. In some cases where Section 106 triggers are later in the development to accommodate cashflow, the County Council forward funds the delivery of infrastructure in advance of the trigger being reached. The proposed arrangements in the White Paper would put the onus far more upon the County Council to forward fund key infrastructure, making it clear that local

Ext: 39808

authorities would be able to borrow monies against anticipated future Levy revenues. The White Paper states that '*Revenues would continue to be collected and spent locally*'. It is assumed, therefore, that akin to the existing CIL, this would be the remit of a district or borough council. However, would the County Council be able to borrow against future IL income, which it does not collect or control? Is it expected that the collecting authority would borrow against future IL income to fund infrastructure delivered by another authority? This is not made clear in the consultation.

Borrowing against future IL receipts could place a significant financial burden on the County Council and expose it to significant risk in the event that proposed developments are not delivered in whole, or in part, by developers and the full costs not recovered by the County Council. If the County Council did borrow monies to fund key infrastructure from banks, it would almost certainly be subject to interest payments and it is not clear from the consultation if the County Council would be able to receive interest payments from the IL "pot".

It is welcomed and supported that the new Levy would be extended to cover housing developments that are approved through permitted development rights. It has long been a concern of the County Council that housing developments of a significant scale, that are approved through permitted development rights, are not subject to developer contribution payments when such developments can have significant implications for the need for infrastructure, particularly school place provision.

There are particular concerns from an education perspective on the proposed reforms and introduction of the new Levy, which would be similar to many of those previously expressed by the County Council over CIL, i.e. the uncertainty around securing the necessary funding to deliver the school places generated by new development and the impact this has on delivering school place provision in a timely way. Specific concerns include:

- Assuming the Levy would be collected by district/borough planning authorities, it is not clear how the new Levy would be divided up and what security the County Council would have in obtaining the necessary levels of funding to deliver school places.
- At what point in the process would the County Council know what education funding would be available?
- Given that the County Council works with eight local planning authorities, would there be inconsistency in the way the new Levy was administered and if so would that generate inconsistency in the County Council's ability to deliver school places across the whole County?
- What would the cost implication be of borrowing against the Levy when places need to be delivered in a timely way to meet demand and how would the County Council handle any inconsistency across the planning authorities, i.e. borrowing at different levels in different areas?

Ext: 39808

From an Adult Social Care perspective, the County Council is currently working proactively with local planning authorities in the County to utilise Section 106 and CIL payments to support strategic priorities in local communities. Frequently, Section 106 payments can help secure provision of housing on new developments that is built to a higher specification that enables people with health or social care needs to live independently, or secure affordable key worker provision. It would have been beneficial if the White Paper had outlined how the IL could be used to support local social care provision through funding for building homes to a higher quality specification to support people with needs to live independently in the community, as well as funding for affordable homes. Affordable housing needs to cover a range of provision, including smaller housing units that enable people with mental ill health, autism, a physical or learning disability to live independently and also for people approaching older age to downsize to a home that enables them to age well in their local community.

Delivering Change

The principles set out in the White Paper for introducing and financing the proposed reforms are supported, particularly that the cost of operating the new planning system should be principally funded by the beneficiaries of planning gain, landowners and developers, rather than the national or local taxpayer, and that planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. It is also welcomed that the Government intends to publish further details of how it will provide additional financial resources to local authorities to assist them in implementing the proposed reforms, given that the reforms will have significant resource and training implications for local authorities. The main concern is that this section of the White Paper is lacking in detail on when and how the proposed transitional arrangements would be introduced by Government.

The proposals outline an opportunity for publicly owned land to be disposed of in a way that can support small and medium enterprises and self-build homes. In Derbyshire, the County Council's Adult Social Care officers have recognised the benefit of utilising available public sector land to meet local strategic priorities such as promoting independent living options for an ageing population. Their department would like to see national policy reflect and support the use of public sector land to meet local strategic priorities (as identified above) as it is recognised that there are significant benefits to both the public sector and the individuals who access this service provision.

Overall Conclusions and Recommendations

It is clear that the proposed reforms would, if enacted and implemented, have considerable implications for local authorities generally and the County Council specifically, in its role and responsibilities as a strategic planning authority. The extensive comments above highlight that whilst many of the proposed themes of reform are welcomed in principle, the lack of clarity or

Ext: 39808

detail on many areas of the proposed reforms raise a wide range of issues and concerns that require careful attention by Government.

It is seriously questioned whether the proposed reforms would produce the required improved outcomes for the built and natural environment.

Many of the proposed reforms have significant resource implications for the County Council and would require a change in priorities, particularly the shift in emphasis in the reformed system to a more deterministic local plan making process (at the expense of the development management system) through which major large-scale developments would be granted permission in principle, and with greater emphasis on design and design codes. Proposals for major reform of the developer contributions system, particularly the abolition of Section 106 agreements, raise many concerns and uncertainties for the County Council and the way it would be likely to impact of the Council's ability to secure funding to deliver key infrastructure in the future.

Local Authority Housing Requirements in Derbyshire under New Standard Methodology compared to Existing Standard Methodology

Local Authority	Current Local Plan Requirement (dwellings pa)	Average Delivery Last 3 Years (dwellings pa)	Current Standard Methodology	Proposed New Standard Methodology
Amber Valley		604	381	663
Bolsover	272	278	224	446
Chesterfield	240	151	229	323
Derby City	647	749	881	624
Derbyshire Dales	284	314	230	343
Erewash	368	224	392	344
High Peak	350	405	263	420
North East Derbyshire		289	252	419
South Derbyshire	742	986	548	1209
Derbyshire (including Derby City)	2,903	4,000	3,400	4,791
Derbyshire (excluding Derby City)	2,256	3,251	2,519	4,167

Source: Litchfield's (August 2020)

DERBYSHIRE COUNTY COUNCIL: RESPONSE TO QUESTIONS

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

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

2(a). If no, why not?

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

4. What are your top three priorities for planning in your local area?

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

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

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

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

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

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

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

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

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

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

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

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

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

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

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

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

9(b). Do you agree with our proposals above for the consent arrangements for and areas?

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

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

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

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

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

Ext: 39808

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

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

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

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

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

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

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

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

Proposal 10: A stronger emphasis on build out through planning

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

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

15. What do you think about the design of new development that has happened recently in your area?

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with

community involvement, and ensure that codes are more binding on decisions about development

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

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

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

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

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

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

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

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

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

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

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

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

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050

21. When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

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

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

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

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

Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

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

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

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

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

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

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

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

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

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

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

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

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

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

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

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

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

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

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

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