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## Planning for the Future White Paper

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### SYNOPSIS

The committee note the report and agree the proposed response to the consultation

#### 1. Introduction

- 1.1 Two consultation papers were published by the Government in August: a White Paper 'Planning for the Future' proposing radical reforms to the planning system; and a second paper outlining changes to the current planning system that would take effect in the interim before any changes arising from the White Paper were implemented. A collective response prepared by the Joint Planning and Delivery Unit and approved by the Chair and Vice Chair of the Joint Planning Committee has been submitted to the Ministry of Housing, Communities and Local Government on behalf of constituent authorities in North Northamptonshire as the deadline for comments fell before the Local Plan Committee meeting and coincided with the examination hearings for the Part 2 Local Plan for Corby, but this report seeks Committee approval for a response to the consultation on the White Paper.
- 1.2 The White Paper is subject to a 12 weeks public consultation that closes on 29 October 2020.
- 1.3 The White Paper is light on detail but outlines 24 proposals, each of which have a list of questions. The proposals are divided into three main sections or 'pillars':
  - Planning for development.
  - Planning for beautiful and sustainable places.
  - Planning for infrastructure and connected places.
- 1.4 This report provides a summary of some of the key points made in each section of the White Paper, with proposed responses to the relevant questions that the consultation paper asks.

#### 2. Pillar One – Planning for Development

- 2.1 Pillar One of the Planning White Paper brings forward 10 specific proposals that are designed to simplify, shorten and speed-up the plan-making system and give more certainty to planning decisions.

**Proposal 1:** *The role of land use plans should be simplified. It is proposed 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.*

- 2.2 It is proposed that the role of a local plan should be to identify different types of land; the Government are proposing three types of land. Each type would have a distinctly different planning system:
  - Growth is land identified for substantial development (the term 'substantial' is to be defined by policy) and could be new settlements, urban extensions or areas for redevelopment. These will be automatically granted outline planning permission upon adoption of the Local Plan.
  - Renewal is land within existing built up areas where small scale development would be appropriate, this could be infill development or development in town centres or rural areas. A statutory presumption in favour of development would be granted for specific, suitable uses in these areas.
  - Protected areas are those places of environmental or cultural character that would warrant more stringent development controls, such as Conservation Areas, Local Wildlife Sites, areas of flood risk or important areas of green space and areas of open countryside not designated as growth or renewal. Within these protected areas development

proposals would need to apply for planning permission which would be determined using nationally described development management policies in the NPPF.

- 2.3 All these areas would be shown on an interactive web-based map including the data and policies along with the types of development considered suitable in the growth and renewal areas, with cross reference to the NPPF.

**Question 5.**

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

**Proposed answer - No**

**Supporting statement to the response**

Making Local Plans more accessible, easier to use and quicker to produce is supported. Interactive web-based Local Plans is welcomed although this is already common practice. However the proposal that land can be zoned for only three categories ('growth', 'renewal' and 'protection') is considered too restrictive and simplistic to reflect the complexity of the areas that local plans will cover. There would also need to be a significantly greater amount of technical work undertaken at plan making stage if growth areas were to have automatic outline planning permission.

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

- 2.4 With the primary focus of plan-making on identifying areas for development and protection, it is proposed that the Local Plan would be restricted to clear and necessary site or area-specific requirements, such as height, density and scale. The consultation paper states that these plans should be in a format that can be machine-read so that development can be automatically screened to speed up applications. The NPPF would become the primary source of policies for development management.

**Question 6.**

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

**Proposed answer - No**

**Supporting statement to the response**

There is some benefit in having national development policies for a consistent and streamlined approach, however for the NPPF to be the primary source it would need to be significantly expanded and subject to suitable consultation to enable communities to be engaged in and inform the development management policies against which applications will be determined.

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

- 2.5 The white paper proposes a simple sustainability test underpinning plan preparation rather than the current test of "soundness". This test would result in the abolition of the current need for sustainability appraisal and removal of the requirements of the duty to co-operate (although the white paper does say further consideration will be given to how strategic cross boundary matters will be managed).

**Question 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 environment impact?**

**Proposed answer - No**

**Supporting statement to the response**

Greater details are needed before a judgement can be made.

**Question 7(b).**

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

**Supporting statement to the response**

It is essential that strategic and cross boundary issues are addressed, particularly for infrastructure planning, but to also integrate economic and environmental priorities. The duty to co-operate offers a formal mechanism to ensure that areas are properly planned to take account of strategic and cross boundary issues. It is not clear from the proposals how the Government intends this to take place. It is also unclear how the proposals for the Ox-Cam Arc would fit into the new planning system.

**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 use land more effectively, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.*

- 2.6 The paper sets out the proposal for binding housing targets to be set for each local planning authority area at national level, rather than the current system in which a standard national methodology for deriving housing targets is expected to be used. It is proposed that the new binding targets will take account of environmental constraints. There would no longer be a continued requirement to demonstrate a five year supply of land for housing although the Housing Delivery Test would be retained in order to check that delivery was taking place.

**Question 8(a).**

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

**Proposed answer - No**

**Supporting statement to the response**

Greater detail is required on how the national housing targets would be derived but standardisation of the process for setting housing targets could helpfully reduce the time it takes to establish the amount of land to release in each area. It will be important that the establishment of housing targets takes into account the individual development needs of an area or the local constraints and allows proper democratic input.

The Council is deeply concerned with revised standard methodology for establishing housing requirement figures consulted upon as part of the 'Changes to the current planning system'.

**Question 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?**

**Proposed answer - No**

**Supporting statement to the response**

The extent of existing urban areas and affordability are useful indicators that could inform the quantity of development to be accommodated, however a variety of other factors need

to be taken into account such as the specific circumstances of individual settlements or localities, including development opportunities and constraints.

Assumptions in the Planning White Paper that affordability correlates to a constrained supply of land represent an oversimplification of the housing market, as greater supply does not necessarily result in reduced house prices, indeed the opposite appears to be the case in Corby where high levels of housing delivery have been achieved and substantial amounts of housing is committed in the Local Plan and planning permissions, but local incomes have not kept pace with rising house prices, resulting in deteriorating affordability to local households. And this will result in an even greater need for affordable housing in the area unless the type of employment within the Borough changes dramatically to more skilled.

**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.*

- 2.7 For those areas identified in the local plan as being suitable for growth outline planning permission for the principle of development would be granted on adoption of the said plan. The implication is that as long as proposals comply with the relevant rules, there would be no need to submit a further planning application to test whether the site can be approved, rather planning would rest on resolving matters of detail.
- 2.8 In renewal areas, it is proposed that there is a general presumption in favour of development established in legislation. For pre-specified forms of development planning permission is automatically granted if the scheme meets design and other prior approval requirements. Other types of development would require permission to be sought through a faster process focusing on local plan descriptions and the NPPF. Alternatively, permission could be granted as a Local Development Order or Neighbourhood Development Order.
- 2.9 In protected areas, as applies now, development proposals would be subject to a planning approval process and tested against the development management policies in the NPPF.

**Question 9(a).**

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

**Proposed answer - No**

**Supporting statement to the response**

Automatic outline permission is likely to be acceptable for small to medium sized growth areas, provided local authorities have sufficient resources to identify significant constraints at the plan making stage. This is similar to the current site allocations process, whereby there is a presumption that sites allocated in Local Plans will come forward for development, with land uses and the principle of development outlined. There is some evidential requirements at this stage but it is typically less than that associated with preparing an outline planning application. Trying to front load all of this in the Local Plan will have substantial resource implications and may dilute the involvement of local communities.

Significant growth areas such as large sustainable urban extensions or new settlements are often built in phases over several years and whilst an overall framework can and should be established for the development at the outset details of individual phases ought to be dealt with as they are developed to ensure they reflect developments in design and technology e.g. low carbon solutions.

**Question 9(b).**

**Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

**Proposed answer - No**

**Supporting statement to the response**

The white paper provides no sense of the scope or content of the nationally described development management policies in the NPPF that will be used to determine proposals in 'protected areas', and therefore it is not possible to form a judgement on their merit at this stage.

Proposals for 'renewal areas' would feature a complex mixture of permitted developments, permission in principle, and traditional development management. It is unclear how some of these processes would work because the white paper offers no detail but it is considered that it would be helpful to consolidate these processes and have one simple planning application route to gain consent when required.

**Question 9(c).**

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

**Proposed answer - No**

**Supporting statement to the response**

If a local authority supports the delivery of a new community within its area, decisions about its form and design should be managed locally. Removing this to a national decision undermines democracy in the planning process.

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

- 2.10 The Government has pointed out that there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit. Greater digitisation and software will automate routine processes alongside standard application forms and data-sets and templates, so that as much as possible can be 'read' by computer, to give an immediate answer as to what development would be allowed, rather than weighing up various policy considerations.

**Question 10.**

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

**Proposed answer - No**

**Supporting statement to the response**

Proposal 6 seeks to further streamline planning processes, and whilst the modernisation of procedures, standardisation of validation requirements and templates for supporting documents could potentially be welcomed, the focus on making faster decision making by way of set deadlines gives rise to concerns about the consequent quality of decisions and achieving sustainable planning outcomes for local communities. Planning decisions often involve consideration of complex interrelated matters which require professional judgement to weigh up the benefits of a proposal against the harm and standardisation and automated processes runs the risk of removing the ability for full consideration of issues.

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

- 2.10 Local Plans are to be much shorter, no longer containing long lists of policies but instead a core set of standards and requirements. They are also proposed to be much more visual and map-based, on a standardised template based on latest digital technology. The evidence

expected to support local plans will be simplified. It is envisaged that this will improve engagement in the process.

**Question 11.**

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

**Proposed answer - Yes**

**Supporting statement to the response**

Proposal 7 has the potential to improve access to data and make plans easier to understand and engage with. This could be a welcome development provided that issues of digital exclusion and resourcing implications are addressed, particularly in deprived areas.

**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 sanctions will be considered for those who fail to do so.*

2.11 Proposal 8 sets out a binding period of 30 months for local planning authorities to produce a new style of Local Plan, with sanctions if local planning authorities do not meet this requirement, including direct intervention by the Secretary of State to take over a council's Local Plan. The shortened process will comprise the following stages:

- Stage 1 [6 months] – Call for sites/areas under the three categories with ‘best in class’ public engagement.
- Stage 2 [12 months] – Local authority prepares its Local Plan.
- Stage 3 [6 weeks] – Local authority submits the plan for examination and publicises the plan for consultation with ‘best in class’ engagement. Responses will have a word limit and those seeking changes must explain how the plan should be changed and why.
- Stage 4 [9 months] – Planning inspector examines the plan against the sustainable development test and makes binding changes where necessary. All those that submitted comments on the plan would have a ‘right to be heard’.
- Stage 5 [6 weeks] – Local plan map, key and text are finalised and adopted.

**Question 12.**

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

**Proposed answer - No**

**Supporting statement to the response**

Without further details about the proposed process and the work that each stage would entail, it is difficult to understand how the restricted 30 month statutory timetable could realistically be achieved.

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

2.12 Whilst the proposals recognise the importance of neighbourhood plans, their role is to be revised and detail is not contained in the paper at present.

**Question 13(a).**

**Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

**Proposed answer - No**

**Supporting statement to the response**

Proposal 9 proposes the continuation of neighbourhood plans. However there is a lack of clarity about the scope and power of such plans in decision-making and it is unclear how

neighbourhood plans would fit into the new zonal approach due to absence of detail in the white paper. There is a real risk that the current effort devoted to neighbourhood plans could be bypassed and neighbourhood plans become superfluous due to development management policies being set nationally, and a local plan defining all land within its area for growth, renewal or protection, and with design codes also outside this process, there would be nothing left for Neighbourhood Plans to do. Furthermore, if local plans are to be made every 30 months then volunteers would need to be found to keep the neighbourhood plan process alive as well. Neighbourhood plan groups would need support in developing digital approaches. It's vital that the government clarify their role in the zonal system proposed for Local Plans, including whether they would be focused on local design codes.

**Question 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?**

**Proposed answer - No**

**Supporting statement to the response**

Neighbourhood Plans already offer opportunity to include detailed locally distinctive design and development management criteria. Any changes to the system should continue to allow locally directed policy making to be supported and encouraged. It is likely that specialist skills required to develop a neighbourhood plan in line with the White Paper objectives are not available and that more pressure and resources will be required from the Local Authority to assist. Consideration should be given to increase funding to neighbourhood forums and parishes to enable them to secure specialist consultants and to Local Planning Authorities to provide resources to assist them.

**Proposal 10:** *A stronger emphasis on build out through planning.*

- 2.13 Proposals will be brought forward to incentivise faster delivery, but master plans and design codes for substantial development sites should include a variety of development types to allow more phases to come forward together.

**Question 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?**

**Proposed answer – Yes**

**Supporting statement to the response**

Measures to secure timely build out of developments, and to prevent housebuilders sitting on land with planning permission would be supported although it must be recognised that whilst the planning system can affect delivery, there are a number of other factors including market absorption rate and infrastructure provision that can delay housing delivery.

**3. Pillar Two – Planning for Beautiful and Sustainable Places**

- 3.1 Pillar Two of the Planning White Paper brings forward 8 specific proposals that seek to give effect to the recommendations of the Building Better, Building Beautiful Commission in order to “set clear expectations for the form of development which we can expect to see in different locations”.

**Proposal 11:** *To make design expectations more visual and predictable, the Government expects design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.*

- 3.2 Local design guides and codes prepared with local communities either by the local authority as part of the local plan process, by a neighbourhood planning group or by an applicant. For the design guidance or code to be binding 'effective community involvement' needs to be evidenced.

**Question 17.**

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

**Proposed answer – Not Sure**

**Supporting statement to the response**

Proposals to help deliver high quality development that is distinctive and that encourages community involvement from an early stage is very welcome. Design codes would be one effective method of influencing what design can be approved. However producing detailed local design codes and involving the community would be a highly intensive and time consuming exercise. The proposal would not be possible without significant additional resources for their implementation and unlikely to be completed quickly. Government should recognise and address these resource issues.

**Proposal 12:** *To support the transition to a planning system which is more visual and rooted in local preferences and character, the Government 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.*

- 3.3 The Government is exploring the options for establishing a new expert body to assist in the effective use of design guidance and codes as well as monitoring. The consultation paper also states that proposals for improving the resourcing of planning departments will be brought forward later this year. The paper proposes that each authority appoints a chief officer for design and place-making to provide vision and integration across council functions.

**Question 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?**

**Proposed answer - No**

**Supporting statement to the response**

The establishment of a new body would be one way of helping to address the skills and resourcing issues that local authorities are likely to face. However, the specific remit of such a body would need to be defined before we could comment further.

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

**Question 19.**

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

**Proposed answer - No**

**Supporting statement to the response**

Greater emphasis on design quality must not be at the expense of other key policy objectives such as achieving policy compliant levels of affordable housing or securing low carbon outcomes. There is also a danger that modification of Homes England's strategic objectives will only impact on outcomes from Homes England sites or grant funded



schemes. It needs to be considered how Homes England can assist on other private sites where viability issues can affect design quality.

**Proposal 14:** *The Government intends 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.*

- 3.4 The NPPF will provide a positive advantage and greater certainty of approval for schemes which comply with local design guides and codes. In Growth areas legislation will require a master plan and site-specific design code agreed as a condition of the permission in principle granted through the plan-making process. Further changes to permitted development in Renewal areas to allow for standard building types that reflect local design preferences. Prior approval would remain for aspects of design to ensure that the development is right for its context as well as other planning considerations such as flood risk and access.

**Question 20.**

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

**Proposed answer - No**

**Supporting statement to the response**

The planning system should not be focused on aesthetic beauty, (however it is defined) but be about ensuring high quality sustainable development.

**Proposal 15:** *The Government intend to amend the NPPF 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.*

- 3.5 This proposal relates to amending the NPPF to include a simpler and effective approach to assessing environmental impacts. This includes reference to local, spatially specific policies and the role that these can continue to play in issues such as identifying important views, improving public access or identifying areas to accommodate woodland or renewable energy. This includes a commitment to make all new streets tree-lined.
- 3.6 No questions are asked about this proposal.

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

- 3.7 The proposals include making the environmental assessment process faster to speed up delivery with the environmental aspects of a plan or project considered early in the process. It is anticipated that there will be a reduction in the need for site-specific surveys due to better availability of national data. Again there is little detail and no specific question on this proposal. There is however reference to a further consultation in the autumn.

**Proposal 17:** *Conserving and enhancing our historic buildings and areas in the 21<sup>st</sup> century.*

- 3.8 The Government envisage that local plans clearly identify the location of internationally, nationally and locally designated heritage assets as well as locally important features. It is recognised that many historic buildings will need to adapt to changing uses and the paper wishes to see more of these buildings have energy efficiency measures to support zero carbon objectives. The consultation refers to reviewing and updating the NPPF with regard to listed buildings and conservation areas to ensure their significance is conserved while allowing sympathetic changes.

- 3.9 There is little detail to this proposal and no questions asked to require a response.

**Proposal 18:** *To complement the Government's planning reforms, they will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver their world-leading commitment to net-zero by 2050.*

3.10 The proposals commit to reviewing and speeding up the implementation timetable for the Future Homes standard and setting of national standards through building regulations.

3.11 No questions have been included in the white paper for this proposal.

#### 4. Pillar Three – Planning for Infrastructure and Connected Places

4.1 Pillar Three of the Planning White Paper brings forward 6 specific proposals.

**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.*

4.2 It is proposed that the current Section 106 and CIL regimes are replaced with a new, consolidated 'Infrastructure Levy'. This would mean that affordable housing would be included in the single levy payment rather than being negotiated separately. This would be levied at point of occupation, and include a minimum threshold below which the levy is not charged to prevent low viability development becoming unviable. The levy will be charged for all use classes. Revenues would continue to be collected and spent locally. To better support the timely delivery of infrastructure, the Government would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

4.3 The Government suggest this approach would help better capture increases in land value and provide greater certainty about the level of developer contributions expected alongside new development.

##### Question 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?**

**Proposed answer - No**

##### Supporting statement to the response

The proposal to replace the CIL and Section 106's with a new, consolidated Infrastructure Levy has some merit in simplifying the approach to developer contributions and reducing the time and effort of negotiations, but the method working it out will be crucial. It is proposed that the new infrastructure levy will be paid on completion rather than becoming due on permission and that it will be based on the value of development when occupied. This will result in uncertainty on the amount of monies to be received and when they will be received, which may hinder Local Planning Authorities ability to deliver infrastructure. The new levy payments are proposed to be based on a proportion of development proceeds above a certain level, so it is likely they will still not provide sufficient funding for all the infrastructure required. In addition, in areas where development viability was more favourable, a higher level would be paid. This would result in a disproportionate amount of levy being collected in some areas but no mechanism is suggested to redistribute this to areas where infrastructure need is greatest or where development is less viable. Furthermore, Section 106 agreements are used not only for securing funding, but also for in-kind provision and land transfers; it is not clear how these would be achieved under the proposed changes.

##### Question 22(b).

**Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area specific rate, or set locally?**

**Proposed answer – Locally**

##### Supporting statement to the response

Allowing for local variation is important in order to maximise the potential gain from development in the more viable areas and avoid blocking development in the less viable areas, though setting the rates would reduce the burden on local authorities.

**Question 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?**

**Proposed answer –** More value

**Supporting statement to the response**

The Infrastructure Levy, if introduced, should aim to capture more value to support greater investment in infrastructure, affordable housing and local communities.

**Question 22(d).**

**Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in the area?**

**Proposed answer -** Yes

**Supporting statement to the response**

Any opportunities that the proposed changes to the planning system present to deliver infrastructure more effectively would be supported. Borrowing against the Infrastructure Levy in advance of collection should allow local authorities to implement their Infrastructure Delivery Plans more effectively. However there will be a need to mitigate the risk with both timing and value of final payment. These risks may limit the Council's ability to borrow against the Infrastructure Levy to forward fund infrastructure.

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

- 4.4 The scope of the Infrastructure Levy would capture changes of use which require planning permission, even where there is no additional floor space, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base, and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, it is proposed the exemption of custom and self-build development from the Infrastructure Levy will be maintained.

**Question 23.**

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

**Proposed answer -** Yes

**Supporting statement to the response**

Development provided through permitted development still has infrastructure requirements and should contribute in the same way as other developments. If permitted development rights continue to be expanded, this will be especially important. There will however need to be an appropriate mechanism to inform local authorities of this type of development so that the Levy can be collected.

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

- 4.5 Affordable housing provision is currently secured under Section 106 planning obligations and CIL cannot be spent on it. With Section 106 planning obligations removed, it is proposed that

local authorities would be able to use funds raised through the Infrastructure Levy to secure affordable housing. The proposals are that this could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so.

- 4.6 The consultation acknowledges the measures would be needed to ensure developers are not rewarded for low-standard homes under the Levy and local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality. Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.

**Question 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 housing provision, as at present?**

**Proposed answer - Yes**

**Supporting statement to the response**

There are acute needs for affordable housing and any changes need to ensure that they at least maintain if not markedly increase the provision of affordable housing to match local needs.

**Question 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?**

**Proposed answer – Not sure**

**Supporting statement to the response**

It is extremely difficult to state a preference between these options without knowing the full details of how these would work in practice. There appears to be advantages and disadvantages to both. Local authorities should be provided with the flexibility to secure affordable housing through whichever method is more appropriate locally.

**Question 24(c).**

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

**Proposed answer – Not sure**

**Supporting statement to the response**

No comments.

**Question 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?**

**Proposed answer – Not sure**

**Supporting statement to the response**

Affordable housing providers generally have their own requirements in terms of standards such as space standards, accessibility standards, and energy ratings etc. which mean that the affordable housing units are usually built to a higher standard than the market units. It

would however make sense to standardise this approach and roll out these standards for all new homes both market and affordable so that there is a consistency of approach and everyone can benefit from a quality home.

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

- 4.5 More freedom could be given to local authorities over how they spend the infrastructure levy; for example allowing them to spend receipts on their policy priorities, including improving services or reducing council tax, once core infrastructure obligations have been met.
- 4.6 The Government has highlighted the importance of there being a strong link between where development occurs and where funding is spent.

**Question 25.**

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

**Proposed answer – Yes**

**Supporting statement to the response**

It is unlikely that authorities will receive more funding than is necessary to provide 'core infrastructure obligations' and there is a risk of separating the infrastructure benefits of development from the communities in which it takes place.

**Question 25(a).**

**If yes, should an affordable housing 'ring-fence' be developed?**

**Proposed answer – No**

**Supporting statement to the response**

The balance of affordable housing and other infrastructure will vary depending on local authority's circumstances and this should be for the local authority to determine.

**Proposal 23:** *As the Government develops their final proposals for this new planning system, they will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of their reforms.*

- 4.5 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.
- 4.6 It is recognised that different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country.

**Proposal 24:** *The Government will seek to strengthen enforcement powers and sanctions*

- 4.7 The government proposes to strengthen existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system, but other than citing issues associated with unauthorised encampments and developments located in flood risk areas, there is a dearth of detail.

**5. Options to be considered (if any)**

- 5.1 As well as responding to the consultation, the other alternative options considered and rejected:
- Do nothing – this was rejected given the fundamental implications of the proposals will have on the future planning of Corby and wider North Northamptonshire.

- Respond differently to the Planning White Paper – this was rejected as all the proposals have been carefully assessed by officers in consultation with partners in North Northamptonshire and the key issues set out in this report reflect the discussions and concerns these proposals will have on the future planning of Corby and wider North Northamptonshire.

## 6. Issues to be taken into account:-

### ***Policy Priorities***

The report and changes to national planning policy could impact upon the priorities of the Council.

### ***Financial***

The Planning White Paper indicates that in developing the final proposals for the new system a “comprehensive resources and skills strategy for the planning sector” will be developed. The proposals set out in the Planning White Paper, if taken forward by the Government, are likely to have significant implications for how planning services are funded in the future.

### ***Legal***

It is within the remit of the Committee to agree responses to Government consultations on planning related matters on behalf of the Council. Otherwise the report does not raise any other legal implications which require comment.

### ***Performance Information***

None directly linked to this report.

### ***Best Value***

None directly linked to this report.

### ***Human Rights***

None directly linked to this report.

### ***Equalities and Sustainability***

None directly linked to this report.

### ***Risk Management***

There are no specific risks arising from this information report.

## 7. Recommendation

- 7.1 It is recommended that Members note the report and agree the proposed responses to the consultation.

### **Background Papers**

North Northamptonshire Joint Planning Committee, 3 September 2020

### **Officer to Contact**

Terry Begley  
Principal Planner