Waldringfield Parish Council

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White Paper: Planning for the Future

Consultation response by Waldringfield Parish Council

(28/10/20)

Summary

The current planning system is not the main reason why not enough homes are being built – there are many other reasons including: developers sitting on planning permissions and land-banks, the state of the economy, the sell-off of council houses without allowing Councils to spend the money on new housing, etc. etc. Many of the aspirations in the White Paper are already contained in the current NPPF, and do not need further change. We don't doubt that there is room to improve the current planning system but most definitely not by the top-down, government imposed housing numbers onto local planning authorities (LPAs) as proposed in this White Paper.

Whilst we welcome aspirations for increasing efficiency and transparency, the proposals in this White Paper are primarily focussed on speeding up the process at the expense of public engagement, and vital local planning authority input. The proposed top down legal structures will remove the checks and balances of local knowledge and expertise resulting in inappropriate and poorer quality developments. We object to the top down imposition of housing numbers, without fully taking into account local circumstances, and without public consultation.

Public consultation will be allowed in only two of the five proposed stages in the production of the Local Plan and the "right to be heard" in the Public Examination is under review. We strongly object to these proposed changes.

The White Paper contains an element of wishful/naive thinking that 'prop tech data' will be a magic bullet that will improve public engagement and resolve complicated and nuanced questions – it won't, and there is a danger that the planning process will descend into a series of standardised tick-boxes which will fail to address local people's real and relevant concerns.

The use of presumptive permissions contained in the Local Plan, rather than determining planning applications individually, will result in less scrutiny, less opportunity for public involvement and a far greater danger of inappropriate and poor quality developments. Also the suggested merging of Growth and Renewal areas is very concerning.

We are worried that the changes will result in a relaxation of the requirement to build affordable homes, particularly in the rental sector.

There is a big variation in quality of LPA's local plans and systems, but this is surely an argument to improve the ones that are sub-standard, rather than jettisoning the whole system.

We object to the proposal to remove the Duty to Cooperate – this ensures decisions that cross LPA boundaries are consistent, so development decisions made in one LPA do not conflict with those made in a neighbouring LPA. Removal of this requirement would increase the chances of conflicting and inconsistent development decisions.

It is worth highlighting at this point that many of the questions in this consultation document are ambiguous, asking if we agree with a proposal which in fact includes several alternatives. Also, several questions contain dubious assertions within the question. Equally disturbing is that many of the proposals within this White Paper are not covered by any questions. Is this an example of a 'prop tech' approach?

Introduction

There are no questions on this section but we have given our comments on several assertions within individual paragraphs that have not been included in the questions sections:

§1.3 *"[The planning system] is too complex***"** We agree, although the NPPF greatly simplified this.

"Planning decisions are discretionary rather than rules-based" This is not strictly true. The NPPF provides rules which must be followed. An element of discretion is necessary to cater for local variations.

§1.12 The 'wish list' is just that with no indication of how these 'wishes' will be delivered, for example simply wishing to "*foster a more competitive housing market*" isn't going to solve the problem of affordability. Little is mentioned regarding increasing the supply of affordable housing, particularly in the rental sector.

§1.13 Modernisation of the day-to-day operation the planning system is commendable, but it must not exclude people who do not have access to modern technology. "*Residents should not have to rely on planning notices attached to lamp posts, printed in newspapers or posted in libraries*." There is nothing wrong with these methods – their removal would exclude residents who do not have access to modern technology. In any case, the NPPF already requires plans to "*be accessible through the use of digital tools to assist public involvement and policy presentation*" (NPPF §16e).

"Proposals" (§1.15 – §1.29)

§1.16 This states that: "*we will streamline the planning process with more democracy taking place more effectively at the plan making stage*". Streamlining the process and increasing democracy are both worthy goals, but the White Paper's proposals to "*streamline the process*" do so at the <u>expense of democracy and public engagement.</u> For example public engagement with Local Plans will be allowed via only two public consultations, and those will have very prescribed parameters.

§1.16 also states: "*Our reforms will democratise the planning process by putting a new emphasis on engagement at the plan-making stage".* This is simply not correct - there is already a requirement for LPAs to put all stages of the Local Plan out to public consultation. These new proposals restrict public consultation to two stages only – in other words public engagement is reduced and the planning process becomes less democratic.

§1.18 "*Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits*" We thoroughly approve of this, but the details contained in the actual proposals are extremely sketchy and limited.

"*Expect design guidance and codes ... to be prepared locally and to be based on genuine community involvement rather than meaningless consultation*" How do you guarantee the former and eliminate the latter? The characterisation of consultation as meaningless is absurd - if that is the case the rules (as stated, for example, in the NPPF §16.c) would have clearly not been followed and the Plan would fail at the Examination stage or be open to legal challenge.

§1.19 "*This reform will enable us to sweep away months of negotiation of Section 106 agreements and the need to consider site viability*". We approve of the removal of the need to consider site viability. This is regularly used by developers to water down the affordable housing requirements. If a site isn't viable the developers should not have applied for planning permission in the first place.

§1.21 "*Our proposals will greatly improve the user experience of the planning system*" There is no explanation of how this improved user experience will be achieved.

§1.23 "*Local Plans will be developed over a fixed 30-month period with clear engagement points, rather than the current inconsistent process which takes seven years on average*." With such an extreme compression of the process it is difficult to see how local plans could be produced to the same standard of comprehensiveness and degree of public engagement as the current process.

"*And with more land available for homes where they are most needed, ... communities will be able to grow organically and sustainably, and development will enhance places for everyone*." This is simply wishful thinking. There is no reason to believe that the proposed system will produce more '*organic*', '*sustainable'* or '*enhanced'* developments - on the contrary, with housing numbers forced on local communities from the central government the result is likely to be the opposite.

§1.24 "*A reformed system that is based upon data, rather than documents will help to ...*" Data is not a magic bullet that will automatically provide better solutions than 'documents'. It depends on the quality of the data, and how it is interpreted. The interpretation (i.e. placing the data into its proper context) will inevitably have to be held in a document.

Pillar One – Planning for development

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

Who on earth is this question aimed at? This question is pointless and juvenile.

Q2. *Do you get involved with planning decisions in your local area?*

Yes, the Parish Council is a statutory consultee. Waldringfield Parish Council (WPC) has good relations with our LPA, who provide training, seminars, forums etc. The planners are very helpful. Their planning system is already fully electronic and works well.

Q2(a). *If no, why not?*

N/A

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

This is an example of a misleading question in that it contains a contentious statement.

We don't agree that the proposals will make it easier to access plans. Our LPA system is already electronic and all the data and associated documents relating to Local Plans and to planning applications are online. Parish councils and individuals can sign up for email notification of new plans and applications. This makes communication faster but discontinuing paper plans can make site inspections very difficult. Tight LPA response times to planning applications can mean that the Parish Council has to convene special meetings to discuss applications in public and submit comments on time, and this can be very difficult to organise. We would wish to continue to access Local Plans and planning application documents online and to be informed of planning applications for our area via email as is currently the case.

Q4. *What are your top three priorities for planning in your local area?*

The environment, biodiversity and action on climate change / Provision of affordable homes / The design of new homes and places.

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

This is an example of a badly worded question as there are a number of different proposals listed.

Three alternatives are proposed and it isn't clear which of these the question is referring to. In any case our answer to all three is '<u>No</u>'. There is a case for simplifying Local Plans, but allowing automatic permissions is fundamentally wrong – it is undemocratic and gives too much power and autonomy to developers. We are particularly concerned about the option described in §2.11, which <u>would result in automatic permissions being given in both Growth and Renewal areas</u>.

§1.16 states: *"[Local] Plans should be significantly shorter in length, and limited to no more than setting out site- or area-specific parameters and opportunities.*" If outline approval for a development is automatically secured at the Local Plan stage, and the Local Plan is limited in scope as described, then the planning process becomes virtually non-existent and essential constraints on developers will disappear. Setting out '*parameters and opportunities*' is no substitute for a thorough assessment of a Local Plan.

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

This is another example of a badly worded question as there are a number of different proposals listed.

The alternative option described in the last sentence of §2.16 (essentially retaining the current system) is the only one that is acceptable. We agree that development management policies can be nationally set out, so long as LPAs are free to decide their own variations to take account of local circumstances.

Q7(a). *Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of "sustainable development", which would include consideration of environmental impact?*

This is another example of a badly worded question as there are a number of different proposals listed.

No. It is claimed that: "*A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process.*" (§2.18) In other words shortcutting the assessment, which will inevitably result in less thorough consideration of environmental impacts and poorer decisions. No details are provided of how the environmental assessments would be made other than they wouldn't take as long, because it would be "*a simplified process*" (§2.19). Since the stated aim of these changes is to increase the rate of house building, it is reasonable to assume that these checks will be changed in favour of developers, increasing the likelihood of unsuitable and inappropriate developments.

We also object to the proposal to remove the Duty to Cooperate. The Duty to Cooperate ensures decisions that cross LPA boundaries are consistent, so development decisions made in one LPA do not conflict with those made in a neighbouring LPA. Removal of this requirement would increase the chances of conflicting and inconsistent development decisions. To rectify this problem, it is stated that: "*further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for*" (§2.19). This is far too vague, and fails to cover developments that are not major infrastructure or strategic sites.

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

Why remove the Duty to Cooperate? Whatever is put in its place will inevitably involve cross boundary cooperation, so will be a Duty to Cooperate in all but name (but will probably be less effective).

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

This is another example of a badly worded question as there are a number of different proposals listed.

No, we are totally opposed to the government imposing top-down housing numbers onto local planning authorities and restricting public engagement to only 2 of the proposed 5 stages of Plan adoption.

In order to answer this question more fully we need to unpick some of the assertions within the preceding "proposals" in this section. To do so we have to return to statements in The Introduction and the first set of "proposals" it contains.

It is stated in §1.3 that "*although it is a statutory obligation to have an up to date Local Plan in place, only 50 per cent of local authorities (as of June 2020) do".* Later in the same section it states that "*Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England".* That illustrates the effectiveness of the Local Plans of the 50% of LPAs that have a Plan in place. (Since the 50% of LPAs with Adopted Local Plans provided 62% of the Government's ambition for 300,000 homes, if all LPAs had had Adopted Local Plans the Government's target would have been exceeded by 25%.) We say that rather than "*replace the entire corpus of plan-making law in England"* (§1.16), the government should be focussing on ways to ensure that the remaining LPAs meet their current statutory obligations and have an up to date Local Plan, and should not, through this proposed legislation, emasculate all LPAs across the country including those that are functioning very well.

We are opposed to this top-down approach to housing requirements. Local authorities are far better placed to determine housing needs in their area than some algorithm based diktat from central government.

The Alternative option §2.28, whilst allowing the LPA a degree of flexibility does not remove the fundamental flaw of introducing top down imposed housing numbers.

§1.8 states "*We have democratised and localised the planning process by abolishing the top-down regional strategies and unelected regional planning bodies."* If top-down regional strategies were so abhorrent why propose to introduce new top-down central government control?

A vital and substantial detail is of course missing from this White Paper, and that is mentioned briefly in §2.29.

We are being asked to comment on a standard method for establishing housing requirements whilst the consultation on the mechanism for calculating that "*standard method*" is still being evaluated. This is rather like commenting on a recipe without knowing the ingredients. We responded to that consultation as follows:

"We also object to the specific proposals concerning how these national targets will be calculated, described in 'Changes to the current planning system' (Aug. 2020):

- The appropriate base line should be the latest household projections averaged over a 10 year period. The base line should not include an arbitrary percentage of the existing housing stock. Clearly the existing housing stock should be one of the elements taken into account when calculating the residual housing need to be planned for, but not as a simple percentage.

- The 0.5% figure (of existing stock for the standard method) is entirely arbitrary
- The workplace-based median house price to median earnings ratio should be averaged over three years to take account of short-term anomalies, both up and down
- The proposed standard method appears to focus only on affordable housing to buy to the exclusion of affordable housing to rent"

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

Not on their own, there are many other factor to consider. These are covered in the recent Changes to the Current Planning System' (Aug. 2020) consultation.

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

No. We strongly oppose this proposal.

Again we need to look at other sections of the White Paper rather than just the preceding proposal paragraphs.

Of great concern to us is the option outlined in §2.11: "*Alternative options: Rather than dividing land into three categories, we are also interested in views on more binary models. One option is to combine Growth and Renewal areas (as defined above) into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it."*

Our response to this question must therefore take account of the fact that this binary approach to combine "Growth and Renewal" is under consideration.

If outline approval for a development is automatically secured at the Local Plan stage, and the Local Plan is limited in scope as described, then the planning process becomes virtually non-existent. Planning becomes a meaningless tick-box exercise, and public engagement is severely curtailed.

The problem is the word "*automatic*". By-passing the existing requirement for planning applications to be assessed and determined by the LPA, in consultation with other interested parties such as local residents, Parish Councils, environmental groups, etc., is totally unacceptable and undemocratic. The level of scrutiny possible in the Local Plan will inevitably be less than that possible for individual planning applications.

"*Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development*." (§2.30). It is already the case that where the Local Plan has identified land for development there is a presumption in favour of development (NPPF §10-14), i.e. the principle of development has been established where there are no good reasons for refusing it. However, there may very well be good reasons for refusing development, but that will not be possible under these proposals. It is simply not good enough to assume that outstanding issues will be resolved without the sanction of refusal.

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

For Renewal areas: No. We oppose the proposal to fast track the process and that automatic consent would be given in most cases.

"*In both the Growth and Renewal areas it would still be possible for a proposal which is different to the plan to come forward ... but this would require a specific planning application.*" (§2.34). If the proposed development isn't in the Local Plan, or conflicts with it in some way (e.g. by proposing more houses than the Plan specifies), then it would obviously require a specific planning application, and one would assume from the above paragraph that the presumption in favour of development would not apply.

For Protected areas, Yes we agree with the proposal described in §2.35.

"We will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved." (§2.36). This paragraph relating to public consultation appears to be an afterthought and lacks any of the detail included under other topics in this section.

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

Only with the full support and agreement of the LPA.

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

There are a number of proposals, more detailed elsewhere in the White Paper, and most of them relate to larger scale developments.

Much of what is suggested regarding online and digital access is already in place in many LPAs, and that is certainly the case for our LPA. It is already made clear to applicants what documents are required to validate an application and all the documents are available online. We would therefore have a neutral response to these sections – however, for the following:

We do not agree with: "*The well-established time limits ... should be a firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now.*" (§2.38). Whilst no-one wants delays, when they do occur there are usually perfectly good reasons (often the reason is lack of resources in the LPA's planning department – the solution is to provide LPAs with more resources and better funding). No mention is made of Parish Councils, which normally meet once a month, and are of course statutory consultees. The timescales are already very tight, and often require extraordinary council meetings, held in public, which are difficult to arrange at short notice.

In our experience faster decision making will not necessarily result in faster delivery of housing, since the main hold-ups are not in the planning process but in the actual building out of developments.

We do not agree with the proposal squeezed in to §2.39 i.e. to extend the practice of delegated decision making to planning officers where the principle of development has been established, in other words for developments within the proposed "Growth" areas and in all probability the "Renewal" areas as well. These applications would almost certainly be for major developments and would require input from the elected representatives on the LPA. The current criteria for delegation of decision making in our LPA are perfectly acceptable.

We do not agree with *"... where applications are refused, we propose that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.*" (§2.41). This proposal is appalling – it shows extreme bias in favour of developers, who will be encouraged to appeal every time they are refused an application.

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

We don't disagree with much of what is being suggested regarding online access to Local Plans. There is nothing wrong with modernising the way plans are produced and distributed, and improving accessibility is always good. However, care should be taken not to exclude people who do not have digital access. Also, there does seem to be a strong reliance on digital methods as a 'magic bullet' which will solve all sorts of problems (some of them imaginary), and a downplaying of the importance of the expertise of planning officers and democratically elected representatives on the LPA's planning committees and in Parish Councils. Our LPA already puts all planning applications and associated documents online. Whilst there is a case for encouraging others to follow suit, this does not require an extensive (and no doubt expensive) overhaul of the entire system. The opinion of a single PropTech SME (§2.45), should not carry such disproportionate weight.

"By shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled. making it easier for people to understand what is being proposed where and how it will affect them." (§2.45) There is no reason to suppose that "*digital civic engagement processes"* will be any more enabled because information is held as '*data'* rather than '*documents'* (which are simply data in a different form). It is patronising to assume that people can't understand what is being proposed, assuming it is presented clearly. And, as we have already pointed out, this should all be available online currently.

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

No. Some of the suggestions regarding Local Plans within this section are extremely worrying. "*Under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission. Under our proposals, this would be shortened to 30 months*" (§2.48) With such an extreme compression of the process it is difficult to see how local plans could be produced to the same standard of comprehensiveness and degree of public engagement as the current process.

- *Stage 1 [6 months]* This happens after the LPA has been told how many houses to plan for – there is a public consultation but not on the numbers, only on the sites.

- *Stage 2 [12 months]* The 'preferred options' consultation has been removed, so the public no longer have the opportunity to comment on the merits of the various options.

- *Stage 3 [6 weeks]* Since the LPA simultaneously submits the plan to the Secretary of State for Examination and conducts the public consultation, there is no public input into its content before it is with the Inspector. The Examination (Stage 4) does not consider the merits of the various options or the LPA's final decisions, it simply applies the statutory tests to the plan.

  "Comments seeking change must explain how the plan should be changed and why" It is far more difficult to challenge a choice of development location that has already been made and worked up into a coherent plan than to decide between the merits (or disadvantages) of competing options. There is a danger that the LPA's choice will become a fait accompli.

  "*Responses will have a word count limit*." This is likely to hamper people's ability to argue their points effectively (depending on the size of the limit).

"... the automatic 'right to be heard' could be removed so that participants are invited to appear at hearings at the discretion of the inspector." (§2.53) We strongly oppose this suggestion - it is extremely worrying and is fundamentally undemocratic. It also conflicts with stated aim to: "*give neighbourhoods and communities an earlier and more meaningful voice in the future of their area*" (§1.12).

"*A further alternative could be to remove the Examination stage entirely, instead requiring Local Planning Authorities to undertake a process of self-assessment against set criteria and guidance. ... However, there is a risk that this option wouldn't provide sufficient scrutiny around whether plans meet the necessary legal and policy tests."* (§2.54) Now we really have moved into Kafka territory. The previous proposals are predicated on the alleged inability of LPAs to meet their statutory obligations, and yet here it is proposed that the LPA is not subject to external scrutiny. We agree with the last sentence in this quote, but it is an understatement – scrutiny is likely to be non-existent; it is allowing the LPA to mark its own homework.

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

Yes.

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

Neighbourhood plans already do this (for example, there must be a referendum).

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

Yes. The current constraints on developers are too lax. Penalties via a higher infrastructure levy process should be introduced. We suggest incentives are given to promote the use of high quality pre-formed buildings to speed up construction.

Pillar Two – Planning for beautiful and sustainable places

Q15. *What do you think about the design of new development that has happened recently in your area?*

This depends on the LPA. In our LPA it is generally very good, but elsewhere they are all too often mediocre, at best. Houses are squashed too close together with inadequate green space. There is too often a bland, soul destroying uniformity of design, which makes housing estates look indistinguishable from dozens of others throughout the country, possibly because of the "design/pattern book" approach..

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

All of these, plus protection of wildlife and natural habitats.

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

Yes, so long as they are not used to impose a uniformity of design, i.e. they should be flexible enough to allow for creativity and diversity and allow for local variation and influences.

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

We are wary of the proposal to establish a new arms length body reporting to the government – there are already organisations with expertise in architecture and landscape architecture that can fulfil this function. Perhaps their influence could be enhanced? The quality of a design is highly subjective, which is why the top-down imposition of design 'standards' is suspect, and the knowledge and informed views of local people is so important.

We are in favour of requiring each authority to have a suitably qualified chief officer for design and place-making.

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

Not sure. Is it the intention to make Homes for England the arms length body reporting to the government?

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

We consider anything that is described as a "*fast track for beauty*" as suspect, particularly when it includes "*allowing the pre-approval of popular and replicable designs through permitted development*" (§3.19). We agree with the desire to improve design standards. However, the '*fast-track*' element of this is likely to undermine local people's opportunities to have their say, and there is a danger that it will impose a uniformity of design and stifle creativity, particularly if it removes the opportunity for LPAs to set their own design codes.

There are no questions on Proposals 15-18 Why Not? These cover some of the most pressing issues regarding climate change and the environment and yet only two pages have been allocated to them – hardly reflecting the claim that "*Sustainability is at the heart of our proposals"* (Q16).

§3.25 "... *we also think there is scope to marry these changes with a simpler, effective approach to assessing environmental impacts*" It is difficult to evaluate this as little detail is given, however we are worried that '*simpler*' could turn out to be '*simplistic*', especially given the desire to compress the planning process, reduce public consultation opportunities and the reliance on '*data'* as opposed to '*documents'*.

§3.28 "*National and local level data, made available to authorities, communities and applicants in digital form, should make it easier to re-use and update information and reduce the need for site-specific surveys*" It is difficult to see how "*the need for site-specific surveys*" will be reduced. The data won't just appear out of nowhere, it needs to be gathered, which means the need for site-specific surveys will remain. For example, how do you assess the impact of a development on biodiversity without an ecologist visiting the site and doing a field survey?

Pillar Three – Planning for infrastructure and connected places

Q21. *When new development happens in your area, what is your priority for what comes with it? More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space.*

All of these in principle, but it depends on the location and what is already in the area.

Q22(a) *Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?*

Various options are proposed and it is difficult to choose between them. Our main concern is that with the removal of S106 agreements not enough emphasis is placed on affordable housing, particularly for rent.

Q22(b) *Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?*

There should be a national template with local variability

Q22(c) *Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?*

More value.

Q22(d) *Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?*

Yes.

Q23. *Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?*

Yes, with the right safeguards. There are some very bad examples of recent change of use developments. Developers can make large profits from this.

We oppose the suggestion: "*However, we will maintain the exemption of self and custom-build development from the Infrastructure Levy*." (§4.19). Why? We see no reason to exempt self and custom-build. If the reason is to protect the viability of small scale conversions, then this is taken care of by the threshold: "*the new Infrastructure Levy would only be charged above a set threshold*" (§4.16).

Q24(a) *Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?*

Yes, with more emphasis on the rented sector.

Q24(b) *Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?*

Neither if this reduces the ability to deliver affordable rented homes.

Q24(c) *If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?*

Not sure.

Q24(d) *If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?*

Not sure.

Q25. *Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?*

Yes, but affordable housing including for rent should be ring fenced.

Q25(a) *If yes, should an affordable housing 'ring-fence' be developed?*

Yes, if it includes an appropriate level of homes to rent.

Delivering change

§5.28 "*we want to see local planning authorities place more emphasis on the enforcement of planning standards and decisions*"

We agree.

What happens next

Q26. *Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?*

No.