

Planning for the Future White Paper (August 2020)

The consultation on the 'Planning for the Future' White Paper contains 26 questions (some with multiple parts). The suggested response to these questions, on behalf of the County Council, is set out below.

1	What three words do you associate most with the planning system in England?
	Complex, everchanging, procedural
2	Do you get involved with planning decisions in your local area?
	<p>Responding as a County Council.</p> <p>This includes our role as: Local Highway Authority, through the Local Plan making process and as a Statutory consultee in the Planning Application process; Lead Local Flood Authority; Waste Disposal Authority, responsible for recycling and waste disposal facilities; Local Education Authority, responsible for the provision of schools. The County Council also has land holdings and, in some instances, has responded primarily as a landowner promoting its own sites. Where this is the case, it is clearly articulated.</p>
2(a)	If no, why not?
	N/A
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?
	<p>It is considered likely that, given the increased scale of growth required in England, and more specifically in Leicester and Leicestershire, local communities will want ease of access through social media and the latest technology. The proposed greater use of, and improvements to, digital technology is welcomed. This should be in addition to and not instead of existing forms of notification on consultations as many in our communities, particularly the elderly, may remain unfamiliar with the use of technology and should not be isolated from taking part and expressing their views.</p>
4	What are your top three priorities for planning in your local area?
	<p>High quality and affordable homes, including providing funding for infrastructure</p> <p>Strong economy – providing a choice of quality employment opportunities</p> <p>Sustainability – reduced carbon and biodiversity enhancement</p>

5	Do you agree that Local Plans should be simplified in line with our proposals?
	<p>Yes, simplified but not overly so. We are committed to pro-active plan making and agree that Local Plans should be visual and map-based and set out site or area-specific growth opportunities, constraints and opportunities. We also consider Local Plans need to be evidence based and identify strategic infrastructure requirements.</p> <p>The current challenges of integrating spatial planning and infrastructure provision/wider transport measures, especially highways and transport (including passenger transport) are significant. In many respects, the development of current Local Plans often leaves too many issues to be addressed at the planning application stage, with the content of Infrastructure Plans pitched at too high a level.</p> <p>The White Paper appears to downplay the amount of work that would be required at Local Plan stage to give the same degree of confidence required for a determination to grant outline planning permission.</p> <p>There appears to be a risk that, in response to this, Local Planning Authorities could seek to reduce levels of work required by dispersing growth across smaller, less complex sites rather than focussing on larger and more complicated sites (especially if forced to comply with strict timeframes). Should this risk manifest itself, then this could have at least two perverse outcomes:</p> <p>Overall it would result in less 'sustainable' patterns of development, as smaller sites are not usually capable of providing the same levels of onsite infrastructure/services as larger sites (e.g. schools, shops, etc.), meaning such sites tend to be less self-contained (with resulting higher proportions of external trips), and;</p> <p>It would be a further barrier to addressing cumulative impacts of growth on highways and transport, schools, healthcare facilities, etc. More often than not, such cumulative impacts are amongst the issues of greatest concern to local communities in respect of new development.</p> <p>Evidence, the analysis of data, is so critical to plan-making and the delivery of infrastructure; providing robustness and the ability to test out options, scheme design etc. Clear, appropriate and proportionate evidence should underpin an open and transparent approach for plan-making and delivery in the new planning system. The shortened timeframe is considered very tight and unrealistic given the proposed front loading for the Local Plan process. Reduced timescales are likely to impact upon community involvement in plan making.</p> <p>Strategic planning and infrastructure planning are intrinsically entwined and need to be incorporated within the Local Plan making process. Strategic planning is essential to deal with strategic and cross boundary issues, many of which are more complex and may require key infrastructure delivery as part of the solution.</p> <p>For example, in supporting the aspiration for communities to grow organically and sustainably the ability to create new communities in new sustainable locations is likely to require current greenfield land being developed supported by new infrastructure.</p>

	<p>To involve existing local communities in this process of determining the location of new key infrastructure and new sustainable settlements the strategic plans as well as Local Plans need to be able to embrace, articulate and host this debate. If new key infrastructure is not planned for early enough it will be unable to support the delivery of future planned growth and is likely to stifle future delivery.</p> <p>A simplification could entail the preparation of a strategic plan at a Housing Market Area (HMA) level where a shared strategic issue/s has been identified and needs to be dealt with to bring forward planned growth at pace.</p> <p>In Leicester and Leicestershire all nine local authorities, together with the LLEP, have approved a non-statutory Strategic Growth Plan, which provides a long-term vision beyond the current and emerging Local Plan periods for the future direction of growth to 2050. This enables all partners to be able to consider and put in place arrangements for detailed business cases, working up outline and detailed scheme specifications and drawing down funding for the key infrastructure such as transport, schools and health early, so that land to deliver the future planned growth can be unlocked by the key infrastructure.</p> <p>A single strategic plan at HMA level would help to address strategic planning issues early, would provide confidence and help to reduce risk to all local authority partners and wider infrastructure providers, and would provide increased certainty for other bodies and developers.</p> <p>Strategic Property Services on behalf of the County Council as landowner</p> <p>Local Plans need to take account of strategic policy drivers at all levels in order to gain a balance between local need and wider national / regional objectives.</p> <p>There needs to be a robust evidence base that will stand up to scrutiny in order to achieve the maximum benefits of plans not just a trade-off between competing views on proposed allocations. To meet the timescales required this would need to be prepared in advance of the plan process beginning and have to rely on a proportion of the evidence being provided by landowner / developers when housing and employment land availability studies are refreshed annually.</p> <p>The system would appear to be geared to a one tier local government structure given the need for a co-ordinated approach to planning and infrastructure (in its widest sense) and the removal of the duty to co-operate.</p> <p>There is a concern that Local Planning Authorities may struggle to deliver within the proposed timescales without additional resources?</p>
6	<p>Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?</p>
	<p>It is helpful to have national standards and this worked well under the now abolished Code for Sustainable Homes and Building for Life standards. There is a risk that this may create a centralised system, promoting 'off-the-peg' solutions, undermining the need for professional judgement. Local discretion and application is essential so that authorities can build upon local distinctiveness and recognise the value and assets of an area's heritage and character.</p>

	<p>The lack of reference in the proposals as to how it is envisaged that infrastructure provision is integrated with delivery of new development is a concern and is not something that it appears could easily be addressed through a national set of development management policies. Local Plans should continue to contain evidence-based policies that provide a robust basis for ensuring that infrastructure is delivered in tandem with growth.</p>
7(a)	<p>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?</p>
	<p>Applying the three pillars of sustainability, economic, social and environment needs to be undertaken throughout planning, and ‘soundness’ in planning terms works on the geography of the matter being dealt with at the time, hence it is difficult to see how a consolidated test of ‘sustainable development’ would work in practice. There is a risk that these changes introduce further subjectivity, vagueness and confusion. A clearer and more measurable ‘test’, which could be understood and applied by local communities is preferred.</p> <p>Without knowing what the consolidated sustainable development test is expected to look like, it is not possible to fully answer this question. ‘Sustainable development’ can and does mean different things to different people. A developer’s view on what is sustainable development will be different from an environmentalist’s view. Also note that the alternative approach Government eludes to about making the existing tests of soundness less prescriptive appears at odds with the overarching desire to make Local Plans more rules based, standardised and clear.</p> <p>Note reference made to “...Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period. Plan-making policies in the National Planning Policy Framework will make this clear.” is warmly welcomed. There is a need to fully integrate growth and infrastructure delivery and to put forward ways of dealing with challenges. Indeed, some of the proposals set out within the Planning White Paper pose very real risks of exacerbating the situation.</p>
7(b)	<p>How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>
	<p>A strategic plan at Housing Market Area (HMA) level could consider and set out how strategic issues are to be dealt with, and other ‘themed’ strategic issues could be identified such as strategic warehousing in the golden triangle in the Midlands and be the subject of a strategic plan which is linked to other relevant HMA level plans. Increasingly, regional and sub-regional initiatives such as Midlands Engine create a framework for more local strategic growth plans to be developed within the wider context. These would identify the need and guide the delivery of infrastructure and further identify areas of housing and employment need reducing the need for a formal duty to co-operate. Clearly, a one tier system would be best placed to deliver this effectively given the likelihood that it would cover a greater geographical area and co-ordinate all the various functions.</p> <p>In Leicester and Leicestershire all nine local authorities, together with the LLEP, have approved a non-statutory Strategic Growth Plan, which provides a long-term</p>

	<p>vision beyond the current and emerging Local Plan periods for the future direction of growth to 2050. This enables all partners to be able to consider and put in place arrangements for detailed business cases, working up outline and detailed scheme specifications and drawing down funding for the key infrastructure early, so that land to deliver the future planned growth can be unlocked by the key infrastructure. It will also enable the L&L HMA to deal with key strategic and cross-boundary issues more easily with neighbouring HMAs.</p> <p>A strategic plan at HMA level would help to address strategic planning issues early, would provide confidence and help to reduce risk to all local authority partners and wider infrastructure providers, and would provide increased certainty for other bodies and developers.</p> <p>At HMA level consideration should also be given to creating bodies across the country similar to the Strategic Planning Group and Members Advisory Group in Leicester and Leicestershire. Giving a 'statutory role' in coordinating the delivery of strategic infrastructure / sites. Such bodies would also need to include representatives of all relevant local and national infrastructure providers and would need to be established at least at the HMA level. Links to Regional Flood and Coastal Committees should be considered with a view to who could be tasked with a strategic input on flood risk in their respective catchment areas.</p> <p>The present Duty to Co-operate system places no obligation on LPAs to agree, although the need to deal with strategic issues was strengthened in the NPPF in 2019. Whatever system is introduced, there will still be a need for authorities to engage with each other and for strategic issues affecting matters beyond the LPA boundary to be considered and resolved.</p> <p>The requirement to engage on cross-boundary matters is inherently more challenging in a two-tier authority structure as this adds a layer of additional bureaucracy and complexity. Not only do local planning authorities have to engage with neighbours, but they also have to work with and convince a higher tier authority that their proposals are sensible and that the strategy is worth taking a financial risk for. While there would still be a requirement to engage with neighbouring authorities in a single tier model, those discussions could be at a sub-regional rather than HMA level. With this in mind, the County Council considers that the abolition of the Duty to Co-operate would work better within single tier council structures.</p>
8(a)	Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?
	<p>This is a sensible approach and moves us closer to how housing numbers used to be calculated under regional and structure planning. This approach could save substantial money for local authorities who currently have to commission housing needs studies and spend a considerable amount of time agreeing the scope, methodology and conclusions arising from this process.</p> <p>It will be interesting to see how constraints will be factored into housing number calculations and what happens if an area is not able to produce a plan to meet the housing numbers it has been allocated, particularly if the Duty to Co-operate has been abolished. Neighbouring authorities are unlikely to want to take an authority's unmet need if nationally set housing numbers have considered constraints.</p>

	<p>This proposal will make local level designations even more important, and concern is expressed at the significant resource that will be required to capture and maintain constraints data at a national level.</p> <p>The importance of character and identity to a specific location cannot be underestimated. For example, the New Forest is a beautiful part of the country with unique character and identity which arguably is second to none. In stark contrast there will be other parts of the country with few or no national level environmental constraints, yet to the communities who live there, the beauty and value could be significant, providing local context for lives lived which are positive and fulfilling. This variation in character and identity is a positive feature of England, and this needs to be embedded and reflected in the new planning system.</p> <p>Clarity is needed about how a site's deliverability, including the necessary infrastructure to make that achievable, would be determined in practice through a streamlined (albeit seemingly less evidence-based) Local Plan making system.</p>
8(b)	<p>Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?</p>
	<p>In some respects, yes, as are the location of major economic generators, some of which are not necessarily located within urban areas.</p> <p>Many economic sectors in 2020 are reliant on good access to labour and work cannot necessarily be undertaken remotely from home. Given this, co-location of new homes to jobs still needs to be embraced by the new planning system and considered alongside the quantity of new homes to be accommodated in an area. The interaction between housing and employment land is significant.</p> <p>Furthermore, the text of the Planning White Paper is rather ambiguous on whether physical capacity to accommodate growth (i.e. whether and how much developable land an urban area has actually got in and around it) will be one of the determining factors, or conversely whether larger settlements with greater depths and breadths of services and facilities will be assumed to be better placed to 'absorb' growth regardless of this?</p>
9(a)	<p>Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?</p>
	<p>Leicestershire County Council is very concerned about the implications for this proposal. Depending upon the detail, there is a risk that an authority would need to anticipate and consider, at a very detailed level, the implications of all the different types and mix of uses that may come forward in a growth area so that infrastructure and other planning requirements are accounted for. This seems an extremely challenging process when the local authority will not be considering a development proposal or be in receipt of a developer's supporting information at that stage. The same concerns are likely to be raised by consultees and members of the public as they will not be able to comment on a specific proposal, or anticipate the issues raised by a particular proposal. As there is unlikely to be developer proposal with supporting information at Local Plan stage, understanding the range of permutations about what might be proposed will be hard to anticipate and difficult to mitigate impacts.</p>

The allocation of land/sites under the current Plan Making system already establishes the 'principle of development' for those sites/locations. Very often however, time is lost at later stages of the planning process due to local communities or other stakeholders seeking to revisit and/or overturn that established principle.

Whilst the White Paper is clear in seeking to eliminate the "outline approval" stage from the planning process in most/all cases, it is much less clear how the issues (and evidence) currently dealt with at the outline application stage would be redistributed to other stages of the planning process (i.e. between the "plan-making" and "reserved matters" stages).

Under the current system, developers have the option to apply for outline of full planning permission, even though their site is allocated for development. This allows them the certainty to seek a planning permission and to understand the full range of conditions and S106 obligations.

Under the present system, the grant of outline planning permission is the main mechanism for identifying a site's specific (as opposed to cumulative) impacts and securing the infrastructure required to address those impacts through planning conditions and/or obligations (e.g. securing safe and suitable access to the site). Under the current system, it is normally too late to deal with these matters at reserved matters stage. Consideration of such matters currently requires multiple assessments, undertaken by various bodies, including developers, local and strategic highway authorities, Lead Local Flood Authorities, etc.

It would be ironic if the White Paper's proposals to streamline the Plan Making process fail to allow sufficient time for such assessments to be carried out and for issues to be addressed, given the White Paper actually states that '*... There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues...*'.

The existing Plan making system very often leaves too many 'outstanding issues' to resolve at outline consent stage, which then slow down a development's progress.

However, the new approach to Local Plans set out in the White Paper runs a very real risk of leaving even more 'outstanding issues' to be resolved at later stages than the current system, adding to, rather than reducing the range of issues that currently need to be addressed at outline application stage.

A more effective change would be to introduce a statutory requirement for Local Plans to set out detailed infrastructure, and other planning requirements when allocating sites and in those circumstances, require applicants to submit a full planning application rather than an outline. This would allow specific planning requirements to be set out as part of allocating sites for development, providing more certainty for all parties and reducing the number of outline planning applications.

The changes propose that 'growth areas' include new settlements and urban extension sites. As such it would be necessary to ensure that strategic masterplans (covering linkages with key infrastructure) and site masterplans would be prepared and be in place as they would be needed to inform quicker determination of detailed planning matters. Without them there would be

	<p>significant concern given the amount of detail currently dealt with through the development management process, and planning inspectors are likely to require more detail in order to be satisfied that detailed planning permission can be granted for substantial sites.</p>
9(b)	<p>Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?</p>
	<p>Leicestershire County Council has some concerns and reservations, and more information will be needed to understand how these proposals will work. For example, clarity is needed on relationship to Environment Bill provisions, biodiversity net gain, offsetting and Local Nature recovery Strategies and resilience to climate change and regulation governing the disposal and development of school playing fields.</p>
9(c)	<p>Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?</p>
	<p>The County Council's preference would be to deliver new settlements through a HMA level strategic plan as this would allow the detailed location, form and design to be considered and planned through the local plan process. This would also allow for local communities to be effectively engaged at an early stage. Experience of NSIP projects elsewhere is that communities can feel disengaged as decisions are being made by people who are not elected as part of a local democratic process.</p>
10	<p>Do you agree with our proposals to make decision-making faster and more certain?</p>
	<p>Most Local Planning Authorities already determine planning applications as quickly as work pressures and resources allow as there is no incentive for delays. Often delays are caused by a requirement for additional information needed from developers, that can take time to assemble. A planning authority will always prefer to seek amendments or further information than to refuse permission. A requirement to make faster decisions should only apply where all the necessary information is available to allow a decision to be made, and that isn't always possible as issues arise in response to consultation or public comments, or where a planning authority are seeking improvements / modifications. It is too simplistic to just shorten determination timescales without understanding this context.</p> <p>The County Council would be concerned if the proposal to introduce faster decisions were at the expense of securing all necessary contributions for infrastructure or if this meant that environmental harm was not being mitigated.</p> <p>Considerable work is undertaken by other bodies to respond and input into planning applications under the current system, most notably Statutory consultees such as Local and Strategic Highway Authorities, the Lead Local Flood Authority and national bodies such as the Environment Agency, Historic England and Natural England. This work is crucial to engage productively with landowners/developers, to help them formulate appropriate development proposals, supported by the necessary infrastructure/services and mitigation. It is equally crucial to ensure that inappropriate developments that do not conform with national and Local Plan policies can be resisted. These are often complicated</p>

matters, meaning that it is not always possible to resolve them within rigid planning application timeframes.

An area of particular concern relates to the White Paper's proposals for enforcing stricter adherence to fixed time periods/deadlines for determination of planning applications regardless of size or complexity. In reality, many strategic sites (especially those of a very large and/or complex nature) require longer and more flexible deadlines due to the inherent nature and quantity of work involved in developing appropriate proposals; alternative timescales are often mutually agreed between developers, the LPA and statutory consultees for this very reason.

Forcing a determination of such schemes within a fixed timescale could have one of several perverse outcomes as follows:

LPA's may feel they have no alternative but to approve proposals that have reached the deadline, even where essential supporting evidence is incomplete and/or there has been insufficient time to identify and agree appropriate packages of supporting infrastructure/measures. This is likely to result in poor quality development proposals 'slipping through the net'.

Conversely, LPA's may simply decide to refuse (or request withdrawal of) applications where outstanding issues have not been fully addressed by the deadline (as opposed to agreeing an extension in conjunction with the applicant, as is typically the case at present). This is likely to increase (rather than decrease) the overall number of planning applications that are refused, as well as those that subsequently progress to appeal, bogging down the system even more than at present.

Additionally, the White Paper's proposals around enforcing adherence to more rigid planning application timescales presume that the LPA or Statutory Consultees are invariably the cause of delays. To the contrary, there are many examples of developments across Leicestershire that have been delayed due to developers or landowners.

By extension, the White Paper's proposals do little to address 'land banking', whereby planning permission is sought by landowners or developers purely to increase the value of their assets/business, without the intent of proceeding to develop the site in the short to medium term. Moreover, even where the landowners/developers have genuine interest in developing a site, delays can be incurred whilst they await the 'right market conditions'. The sunset clauses associated with planning permission typically offer little deterrent to such behaviours, as they can normally be overcome through undertaking relatively minimal works on site.

In short, neither LPA's, statutory consultees or local communities should be 'penalised' where they are not the source of delay; however, it is unclear how developers/landowners would be similarly held to account for failing to meet the more rigid timescales proposed within the White Paper. Proposed reform should recognise the challenges and complexity of the planning process and the work involved by all parties as each strives to overcome hurdles and make positive decisions.

11	Do you agree with our proposals for accessible, web-based Local Plans?
	Yes, the use of new digital civic engagement processes is supported in addition to existing proven effective methods such as exhibitions, public meetings etc. for effective plan-making.
12	Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plans?
	<p>This appears to be an extremely challenging timescale, particularly when considered against the intention to front-load local plan-making. It is important that sufficient time is allowed to fully engage with communities and to carry out all the necessary work that would have been carried out as part of outline planning applications. There is a danger that the Local Plan process is being made too simplistic and that in turn could mean that key planning issues, especially those relating to environmental impact, will be disregarded.</p> <p>The proposed five stage approach with meaningful public engagement at two stages (stages 3&4) does not include sufficient time to undertake the increased consultation outlined in the ambition stated in the Planning White Paper.</p> <p>The Examination stage provides integrity, fairness and scrutiny, and it is considered should be retained as a valuable component of the plan-making process. This is preferred to an audit which risks suboptimal plans being produced by a Local Planning Authority.</p> <p>The planning inspectorate would need to be appropriately resourced to ensure the adoption of plans is not delayed.</p>
13(a)	Do you agree that Neighbourhood Plans should be retained in the reformed planning system?
	<p>Yes, it is important that this relatively new level of plan making is retained as this is the mechanism through which local communities can articulate consensus in their locality about their preferred locations for planned growth and design preferences.</p> <p>There is a risk that the proposal to align neighbourhood planning with the new simplified plan-making process will mean that communities will feel less engaged and less able to influence what happens in their local area.</p> <p>In Leicestershire by Jan 2020 there had been 38 neighbourhood plans made and 85 are in preparation, demonstrating good take up by communities of the preparation of neighbourhood plans. By a community coming together and preparing a neighbourhood plan it ensures that the local community can inform the Local Plan, rather than a select number of strong voices from a community.</p>
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?
	The neighbourhood planning process can be developed to meet the Government's objectives by seeking preferences on scope and appetite within a locality for small plot development, design steer etc. For example, is there appetite within the

	<p>community for modern 'one-off' statement buildings? Is the existing character and identity highly valued and similar designs sought?</p> <p>Town and parish councils and others involved in the neighbourhood planning process, will have detailed knowledge of their local population forming their community. Often those who are of retirement age have more time to give to their community, and this should be supported. As such digital tools need to be used in addition to, not instead of, existing paper-based methods to maximise the number of people in the community able to engage with planning if they wish.</p>
14	<p>Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?</p>
	<p>Yes, agree with measures to enable masterplans and design codes for sites for substantial development to include a variety of development types by different builders to enable them to come forward at the same time. The involvement of Homes England in this process could help.</p> <p>There should be a stronger emphasis on the build out of development so as to mobilise necessary and much needed infrastructure more quickly for the communities that need it. This would help support social and economic growth and facilitate the recovery from the impact of Covid-19.</p> <p>The focus should not just be on build out rates, but also on the time it can sometimes take for a development to begin on site post-planning permission being granted. Any Planning reforms need to address circumstances where, for example, a landowner/developer may have sought planning permission purely to boost the value of their assets/businesses, with little or no intention of commencing development swiftly thereafter. In such cases, developers can currently fulfil 'commencement of development' timescale requirements through undertaking relatively minimal on-site activity, whilst delaying the start of construction-proper until the 'right market conditions' arise.</p> <p>Consider the use of incentives and penalties to complete within a timeframe of start on site. The incentive need not necessarily be financial, for example, entry into a national award for 'beauty and timely delivery' with the kudos and recognition from the award providing the developer with visibility for future schemes. Consideration could be given to a tax-based system to incentivise the speed at which homes are built.</p> <p>The proposed measures should not penalise local planning authorities in situations where developers chose to not develop allocated sites for commercial reasons, in cases of non-compliance there should be sanctions available to the LPA.</p>
15	<p>What do you think about the design of new development that has happened recently in your area?</p>
	<p>There are some superb examples of good design in recent new developments in Leicester and Leicestershire such as the SportsPark at the Loughborough University Science and Enterprise Park in Charnwood Borough, at Lubbethorpe, the new Sustainable Urban Extension to the west of Leicester in Blaby District, the Collingsgate residential development at Coalville in North West Leicestershire district and the mixed use development at Great Central Square, in Leicester City.</p>

	<p>There are also examples of new housing developments that have not been particularly high quality. Sometimes the pressure to build homes quickly often overtakes the need for high quality, sustainable development. National design standards, such as the now abolished Code for Sustainable Homes were helpful as developers get used to national requirements and can apply these in different local authority areas.</p> <p>A careful balance needs to be struck between affordability of homes and their 'beauty', this has not always been evident locally.</p>
16	<p>Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?</p>
	<p>Modal shift to sustainable modes of transport such as walking, cycling and the use of public transport has been a long-term ambition in Leicestershire. In June 2019 the Council signed up to the Climate Change declaration and consideration is being given as to how we can, through our own actions and the services we provide, become carbon neutral by 2030, reducing the impact of climate change.</p> <p>Climate change mitigation needs to be fully embraced wherever possible, accepting that there may be instances where in order to deliver planned growth new infrastructure, such as new roads, will be required to unlock land which is currently inaccessible.</p> <p>In practical terms, as it relates to planning, this means ensuring that all new builds are zero carbon, that they are designed and built to withstand the existing and future extreme weather events (e.g. heat and rain) caused by climate change, that new developments do not increase the risk of harm from climate change, that they result in a net biodiversity gain, preferably on the development site, that they reduce dependency on the motor vehicle and enable the use of active and public travel modes, that they support the switch to electric and other ULEVs for all forms of transport, car, van, HGV, Bus etc. That land is designated in recognition of the natural capital functions it provides be that natural flood management, carbon sink and storage, clean air, human mental and physical wellbeing, provision of biodiversity etc.</p> <p>The beauty street trees bring to the street scene is appreciated though the management and maintenance of trees, surfaces and street furniture needs to be taken into account. In recent years, within the context of austerity measures, street trees have been resisted in schemes in Leicestershire.</p> <p>A key part of sustainability is to make sure that people can live in homes in a sustainable way, with low energy usage / bills. National sustainable construction standards, such as decentralised energy sources (designing homes with solar panels, wind turbines or with high levels of insulation, for example) would help to engrain this thinking in the house building industry and allow these costs to be built in when land owners are negotiating with developers.</p> <p>Establishing the right mix of affordable housing that enables people to live their lives for longer and to maintain independence from entering care systems is also a key priority for sustainability in our area.</p>

17	Do you agree with our proposals for improving the production and use of design guides and codes?
	<p>Yes, quality design is regarded as important; it is recognised it will support quality, transparency and consistency, and should enable the delivery of growth to be more palatable in locations where the concept of growth is not warmly welcomed. It is also recognised that they can give clear guidance on the aspirations the developer has to meet and provides the potential to build homes that meet purchasers' expectations and secure economic returns.</p> <p>Note the challenges presented in two-tier areas, where the Local Planning Authority as one body is free to develop codes that have the potential to impose significant future maintenance liabilities on separate bodies such as County Highway Authorities. In going forward, Government needs to set out clearly how this issue will be addressed.</p>
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?
	<p>RIBA, the RTPI, TCPA, the Building Better, Building Beautiful Commission etc all provide steer and advice on raising the bar with regards to design in addition to the National Design Guide (Oct 2019), the anticipated National Model Design Code and the anticipated revised Manual for Streets. A new body may not be necessary, rather closer and more regular working relationships developed and maintained with these bodies.</p> <p>Many Chief Planning Officers have the expertise and desire to champion design coding and building better places, and if freed up from the regulatory development management process it is likely more resource could be directed to such activity.</p>
19	Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?
	<p>Yes, and for the opportunity for design and environmental standards to not just be more deeply embedded in their activities and programmes of work but for more partnership working with Homes England on our current and future strategic sites.</p> <p>There could be a role for Homes England to monitor design quality and to take steps to engage with local authorities to make sure improvements are embedded in policy and decision making.</p> <p>This could also be achieved through a wider reform of Homes England in order that it was more reactive to the changing needs of the market and better relate to the commercial drivers which influence the decisions of landowners and developers, thereby acting as a more effective link between government and the industry and making an greater contribution to the delivery of strategic objectives.</p>
20	Do you agree with our proposals for implementing a fast-track for beauty?
	<p>This is a highly subjective term as not everyone has the same opinion about what constitutes a 'beautiful' form of development. There is less ambiguity over what is 'high quality' development as parameters and guidance can be set and 'high quality' far less open to interpretation. It is often not appropriate for a building or a</p>

	<p>development to be beautiful, perhaps it is a functional or an employment development. Those types of schemes should not be penalised, however, as they can still be good quality, sustainable, and be sensitively located. These are often more important characteristics than whether someone considers a structure to be pretty or attractive.</p> <p>A focus could be to work with partners, including volume and smaller house builders on the design for Modern Methods of Construction (MMC), to ensure locality variation which is appropriate to local character and identity is achieved.</p> <p>There is a risk that fast-tracking ‘beauty’ will open the door for developers to argue that their scheme is beautiful when this might not be agreed by the local planning authority or local community.</p> <p>It is necessary for development to be of high quality and well designed and where possible complement existing built development. However, there is a need for a degree of individuality and variation that adds to the attractiveness of a place as opposed to local stereotyping which would have a negative impact.</p> <p>Furthermore, good design is about getting the right balance between form and function. Function should be at the heart of considerations, as it is not enough for a building to look good if it doesn’t perform as it should for the users of the building, both inside and outside as well as in its function of addressing climate change, improving biodiversity and protecting the environment.</p> <p>There appears to be a risk that in fast-tracking beauty other matters, such as infrastructure provision and flood risk mitigation, will be marginalised and/or overlooked.</p> <p>The concept of master planning for growth area sites is welcomed and supported, but the White Paper is lacking clarity on how masterplans should be brought forward in parallel with streamlined Local Plan development. Masterplans can be challenging to develop and difficult to agree. This is especially the case for many larger sites with multiple landowners and/or developers, where decisions are often driven by the particular interests of the individual landowners/developers (i.e. the financial attractiveness and/or viability of specific parcels of land) rather than by what makes most sense for the site as a whole, for example where best to allocate land for a school or to provide for the routing of transport infrastructure.</p> <p>Sometimes it is not appropriate or necessary for a development to be beautiful. However, if it is high quality, sustainable, sensitively located and accords with policy, that should still be a form of development that could be fast-tracked.</p> <p>A beautiful building isn’t necessarily high quality, sustainable or in an appropriate location.</p>
21	When new development happens in your area, what is your priority for what comes with it?
	<p>As a County Council in a two-tier area we provide advice to the relevant district council in Leicestershire on infrastructure funding required to support the proposed development should it be granted planning permission. This is frequently extensive given the County Council is the Local Highways Authority, requires funding for schools (extensions or new schools), etc. as a direct result of the proposed development.</p>

	<p>County Councils rely upon district councils to secure the requested funding through their negotiation with the developer or their agent. This often causes conflict and tension in a two-tier system, especially where a district council prefers to allocate funds towards infrastructure not provided by the County Council. The County Council supports the delivery of increased affordable homes for communities.</p> <p>Up to date robust evidence is very important. If evidence undertaken to support the Local Plan can provide a steer as to the relative importance of the priorities in a certain area then it would enable a fairer, swifter and more appropriate outcome to be achieved.</p>
22(a)	<p>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?</p>
	<p>The amendments to the developer contributions process, based on land value, could be positive but there is a risk that this is too simplistic as the infrastructure costs for different schemes varies considerably. This could put severe financial pressure on local authorities, particularly where infrastructure needs to be constructed early. A mechanism for cross funding to areas where infrastructure is required would be needed.</p> <p>Within Leicestershire itself significant variations in land values exist, so although the principle is attractive the way in which it would operate is important, with the need for flexibility to fund infrastructure where it has been identified in a strategic plan / Local Plan.</p> <p>There is concern that while the cost of infrastructure across the country is relatively consistent, the value of land is substantially less in northern counties, such as Leicestershire, compared with the south of England. This means that the money available to improve infrastructure will be less.</p> <p>There is potential in two tier areas for the levy to be spent on infrastructure which hasn't been prioritised by all partners. This is a significant risk for the County Council which is responsible for the costlier forms of key infrastructure, namely new roads and schools.</p> <p>It is unclear how Conservation Covenants fit in – (proposed in Environment bill to allow establishment of offsetting sites).</p> <p>In principle the concept of a consolidated CIL looks attractive. However, for a system to work on a national level local authorities would have to cede control to national government and rely on it to distribute the funds to where their need had been identified in local plans. This would require a full nationwide CIL assessment to be up to date at all times which is unrealistic.</p> <p>It would also be impractical to charge on the basis of the uplift in development land as this would penalise smaller sites which attract higher values whereas land within large developments, which require the greatest level of infrastructure attract a lower end price even when current S106 costs are ignored.</p>

In order to level up the disparities between regions there does need to be a mechanism that allows additional funding to be diverted to poorer areas as developments in those areas would generate far less revenue than wealthy areas.

Overall CIL appears to work best for the single tier model based on a roof tax per plot. By taxing the risk exists that it becomes unattractive for some landowners to bring forward land for development.

The County Council would wish to ensure protection against short-term drops in land values. Strong indexation requirements will need to be built into the proposals to compensate there are delays in bringing forward development.

The County Council strongly opposes a minimum threshold for contributions to avoid developers making decisions to avoid paying infrastructure costs.

The reforms need to include strong mechanisms to penalise developers who don't pay the levy. This might include interest on delayed payments and full recovery of costs, alongside other measures such as restricting occupancy until payments have been made.

Whilst the current Section 106 system is imperfect, this is perhaps a reflection that more time is needed at the Local Plan development stage to ensure matters of contributions and site viability are resolved rather than leaving this to the latter stages of determining planning applications. The proposed Infrastructure Levy may allow such problems to be 'papered over' at the planning determination stage, but this may store up other problems, for a later stage, especially if there is a threshold below which the levy would not apply or if there is a decoupling of the amount of money raised by the proposed levy (be that in a high or low land value location) from any assessment of the actual infrastructure costs required.

There is a risk that local communities could be impacted more severely by new development under the proposals that at present, for instance if sufficient money is not secured to fund infrastructure and community facilities. . This risk is greatest in two tier local authority areas, where Local Planning Authorities are not responsible for providing key public services in respect of roads, passenger transport, schools, waste disposal and other services.

It is unclear whether the proposed levy would only apply to off-site infrastructure provision, or conversely how it would take account of new on-site infrastructure that also provide wider benefits (e.g. a development road that also provides a bypass around a settlement).

It is unclear how the proposed levy would interact with works directly delivered by developers on behalf of Highway Authorities under Section 278 of the 1980 Highways Act (In Leicestershire this section of the Act is used to enable developers to work on the public highway as if they were the Local Highway Authority. The landowner/developer funds and undertakes all works themselves, bearing responsibility for all risks and liabilities. No financial contribution is paid to the authority, beyond fees to cover its reasonable costs, e.g., in respect of site inspections).

Any new system of charging should be mandatory on all LPA's rather than optional to avoid ambiguity in the system.

22(b)	Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?
	<p>The preference would be to set locally at the Housing Market Area (HMA) level, enabling funds to be shifted within wider county area to where the priorities lay regarding the delivery of key infrastructure.</p> <p>If rates were set nationally, there is the potential for a more equitable and fairer tariff. However, rates would need to reflect local variations in the development land market to avoid situations where areas with low land values having very little money for infrastructure whereas those with high land values being able to invest heavily in infrastructure.</p> <p>In many respects rates set locally within specific guidelines would probably work best on the basis that the levy was a per plot charge not a tax. The challenge is bringing forward sites with low land values while still securing the necessary funding for infrastructure. For this reason, the wealthier areas need to fund infrastructure in the less affluent areas.</p> <p>In two-tier areas, if the LPA were responsible for setting the rate of the local levy, it may choose (and for good reason) to set one that is too low to cover the costs of infrastructure provided at the County level, such as new roads, schools, flood management infrastructure or waste recycling and disposal facilities. Equally, the LPA may have different priorities for spending the funding raised through the levy to other bodies responsible for infrastructure/service provision. It is essential that reforms work for all types of planning authorities. Agreement of rates by upper tier authorities is essential to reflect where the financial risk is the greatest.</p>
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?
	<p>The proposals need to ensure that income generated increased compared to the existing system, to make sure that local or national government doesn't have to subsidise growth.</p> <p>Proposals need to make sure that the contributions secured reflect increasing costs in relation to matters such as increasing construction costs, higher build standards (such as zero carbon aspirations) and supporting those residents who need additional support from local services, such as special education and social care requirements</p> <p>A development can only proceed if the infrastructure needed to support can be funded by the developer as local authorities rarely have access to other funding sources.</p> <p>The levy should seek to capture sufficient funds to meet the required levels of proposed future infrastructure investment whilst still leaving the scheme viable. This is not an easy balance to strike and is often the reason why S106 negotiations take so long to resolve. The benefit of S106, on the other hand, is that this allows for compromise and agreement to be reached. If a system is introduced that does not allow local flexibility and compromise, there is a risk that sites that need development and regeneration will not come forward because they will be unaffordable.</p>

22(d)	Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?
	<p>Local authorities already can borrow for infrastructure. Formalising this in relation to developer contribution will be welcome to ensure that the costs incurred in advance of development can be recovered with greater certainty. To make this attractive to local authorities it is important that borrowing is underpinned by developer commitment / security and an additional uplift to reflect borrowing costs and risk.</p> <p>It is not a desirable position that infrastructure is put in place before a development, which never materialises.</p> <p>In two tier areas the highest value infrastructure requirements are delivered by the County Council, often in its role as Local Highways Authority or Local Education Authority. Under current local governance arrangements, the risks to the County Council are considered significant. At present there is no arrangement to share risks with district councils even though it is the district councils that make planning application decisions. Borrowing increases the risks borne by the County Council.</p> <p>It is unclear what would happen in situations where the amount of levy expected to be received doesn't equate to the amount that essential infrastructure is expected to cost. Under the existing S106 provisions, that can be negotiated as part of the agreement. Authorities will be reluctant to borrow if income is not expected to secure prompt and full repayment through the development process. There should not be a scenario where local authorities have to bid to some shortfall fund to 'top-up' the levy amount raised, for example in an area where because land values are low, the sum raised by the proposed levy is insufficient to meet the area's infrastructure needs to support development and properly mitigate its impacts.</p>
23	Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?
	<p>Yes, full funding is required for infrastructure to support planned growth. Given change of use through permitted development rights will lead to more people being service users of the transport network, schools, health centres etc the reformed Infrastructure Levy needs to capture funds through this route.</p>
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?
	<p>Both on-site and off-site affordable housing provision is required to increase the overall provision for our communities; it is the overall quantum that is important in sustainable locations so those who occupy the new affordable homes have access to jobs, services and green spaces.</p> <p>Given the current shortfall in affordable housing there is a continued need for both on-site and off-site provision. The aim should be to meet the target level of need identified in a LA area whilst delivering viable development opportunities. For this reason a comprehensive viability appraisal should be undertaken in respect of the overall local plan housing allocation as part of the plan process to identify potential delivery risks.</p>

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?
	<p>The County Council prefers for affordable housing to be delivered by developers, who are more suited to delivering housing, rather than payments being made to local authorities to deliver schemes. County Councils have a role to play in delivering social care.</p> <p>An exception to this would be the scenario where a small development is not suitable for affordable housing. In this instance an in-kind payment should be made to allow addition affordable housing to be secured in a different location.</p> <p>The result of either securing the affordable housing as an in-kind payment or as a discounted right to purchase will have a similar effect on the amount of funding available to fund other infrastructure in that both options will impact the GDV of the development site in the same way as affordable housing secured through a S106.</p>
24(c)	If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?
	Yes. For example the in-kind payment should be assessed on the basis of a set proportion of the sale price of the market plots based on floor area.
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. The overall site will need to be built out in accordance with an approved design guide which will form part of the planning conditions thus securing the quality of development.
25	Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?
	<p>Yes, this is essential</p> <p>As a minimum there is a need for flexibility around timing of spend and what money is spent on. The timing between when a planning permission is granted (or land is allocated in a local plan) and when infrastructure is required can lead to significant change in requirements. Flexibility is important as some schemes will need to subsidise the cost of infrastructure on other schemes.</p> <p>Greater flexibility will give local authorities more control over the delivery and funding of infrastructure to support growth. Payments need to include a degree of flexibility to address increases in infrastructure construction costs, slow house building, and any borrowing needed.</p> <p>There is potential in two tier areas for the levy to be spent on infrastructure which hasn't been prioritised by both authorities. This is a significant risk for the County Council which is responsible for the more expensive forms of infrastructure, namely new roads and schools.</p>

	<p>In Leicester and Leicestershire all nine local authorities, together with the LLEP, have approved a non-statutory Strategic Growth Plan, which provides a long-term vision beyond the current and emerging Local Plan periods for the future direction of growth to 2050. This enables all partners to be able to consider and put in place arrangements for detailed business cases, working up outline and detailed scheme specifications and drawing down funding for the key infrastructure early, so that land to deliver the future planned growth can be unlocked by the key infrastructure.</p> <p>This presents a difficult situation where so many partners are involved, as it requires commitment and steadfastness of all partners to the longer term to invest funding in early yet essential preparatory work, prior to delivery of the infrastructure in the medium to longer term. A difficult 'ask' when there are other pressing priorities on spend for all partners.</p> <p>A strategic plan at HMA level would help to address strategic planning issues early, would provide confidence and help to reduce risk to all local authority partners and wider infrastructure providers, and would provide increased certainty for other bodies and developers.</p> <p>Local authorities should be bound to deliver the infrastructure required as a minimum to support the growth /allocations detailed in the local plan and mitigate identified impacts. Without this safeguard in the two tier system County Councils could be left to fulfil its statutory functions unsupported by CIL funding.</p> <p>Any funds secured over and above that could be used to deliver the net gain to which the white paper aspires with the local authority free to determine how it is spent.</p>
25(a)	If yes, should an affordable housing 'ring-fence' be developed?
	<p>Affordable housing should not be ring fenced or prioritised above other infrastructure, such as new roads and schools, as they are equally important to creating sustainable development. It should be for the local authority responsible for delivering infrastructure to determine how money spent rather than being constrained by a 'ring-fence'.</p>
26	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?
	<p>The elderly, those with conditions which mean ICT is difficult or not appropriate to use and the less affluent, could be negatively impacted by the proposals in this Planning White Paper if the digital technologies are a replacement rather than an addition to existing means of communication and community engagement.</p> <p>There should be no adverse impacts to individuals or groups having protected characteristics.</p>