

28 OCTOBER 2020

## **PR11-20 | WHITE PAPER: PLANNING FOR THE FUTURE**

I am writing in response to the MHCLG Planning White Paper: Planning for the Future consultation.

The National Association of Local Councils (NALC) is the nationally recognised membership and support organisation representing the interests of around 10,000 parish and town councils and many parish meetings in England, 70% of which are situated in rural areas. Local (parish and town) councils are the backbone of our democracy and closest to local people, providing our neighbourhoods, villages, towns and small cities with a democratic voice and structure for taking action, contributing over £2 billion of community investment to supporting and improving local communities and delivering neighbourhood level services.

### **Summary**

- NALC is urging the government to ensure any changes to the planning regime enshrine a continued strong role for our sector, the closest level of democratic input to planning the future development of communities and places.
- NALC agrees with the government that the planning system could be improved and should have more emphasis on building design and we endorse the recommendations in the [Living with beauty: report of the Building Better, Building Beautiful Commission](#).
- NALC welcomes the government's commitment to retaining neighbourhood planning and given the vast majority of neighbourhood plans are being led by local councils, we are committed to continuing to working positively constructively to ensure they are strengthened, better protected, support is provided, take-up extended, and to take forward the recent report on the Impacts of Neighbourhood Planning in England.
- NALC urges MHCLG to re-think the changes it has proposed in the Planning White Paper and in 'Changes to the Current Planning System'.
- The changes would result in a democratic deficit, do not meet NALC's aspirations for greater devolution opportunities to be offered to local councils, and would not tackle the key issue slowing down the delivery of more housing that was identified by Sir Oliver Letwin in his report [Independent Review of Build Out](#) which he presented to Parliament in October 2018.

- Sir Oliver Letwin identified that the key problem was the market absorption rate, i.e. the rate at which builders were prepared to deliver homes which would ensure their market price in any given local area was not affected adversely. Sir Oliver, whose report was commissioned by the chancellor of the exchequer, expressed support for master planning (which is not mentioned in the current consultation documents) and the use of 106 agreements (which, it is proposed, should be dropped, despite these agreements having delivered significant affordable housing).
- Whilst the narrative in the two consultation documents says much about having a planning system that is fit for purpose, inclusive and which improves public trust, the proposals come on top of a significant extension to permitted development rights and they:
  - Dictate the amount of housing each Local Planning Authority (LPA) has to deliver, based on an algorithm geared to delivering over 300,000 housing units per year – despite a lack of verisimilitude for that over-arching figure and despite falling population projections.
  - Require LPAs to divide all land into one of three (or possibly only two) zones, ensuring that the two development zones ('Growth' and 'Renewal') together are large enough to accommodate the housing they have been instructed to supply, thereby forcing the LPAs to not place land in the 'Protected' zone which would be worthy of being there.
  - Allow only 30 months for the evolution of and consultation on Local Plans and thereafter remove from principal authorities the right to decide on planning applications on a case by case basis and the right of local councils to comment upon them.
  - Abolish Sustainability Appraisals and question the value of the 'Duty to Co-operate' between neighbouring local planning authorities and Strategic Environmental Assessments.
  - Do nothing to strengthen Neighbourhood Plans and stop them from being overturned when principal authorities cannot meet housing numbers or housing land tests and do not tackle the community capacity problem if they have to be reviewed every five years.
  - Do not recommend that a percentage of the income to LPAs from developers is automatically distributed via local councils for the benefit of their local communities.

- Do not align with the climate change agenda (N.B. NALC has declared a climate emergency).

### **Specific NALC planning positions concerning the White Paper**

NALC recently adopted the below specific positions in response to the publication of the Planning White Paper:

- NALC has signed up to the proposition that there is a climate emergency and will, therefore, as a general principle, promote and support moves and policies which help to mitigate it. For instance, NALC supports the need for Local Plans and large developments to be subject to environmental appraisals and it supports energy-efficient homes and more trees.
- NALC will support a planning system which incorporates a significant role for local councils. It will not support any diminution of town and parish councils' statutory right to comment on planning issues at all stages of their evolution, whether they be development planning matters or spatial planning policies.
- NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land and which represents the three pillars of sustainability equally, i.e. social, economic and environmental factors.
- NALC will support changes to the planning system which it perceives will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments. It will not support planning changes which it perceives will work in the opposite direction.
- NALC would support a very much strengthened version of the 'duty to co-operate' between neighbouring local authorities or an alternative policy which made it compulsory for neighbouring LPAs to work in close co-operation with each other on spatial planning.
- NALC does not support an across-the-board extension of permitted development rights in the planning system. Policies on permitted development rights should be the prerogative of LPAs in their Local Plans or Neighbourhood Forums.
- NALC supports the recommendations of the Building Better, Building Beautiful Commission.
- NALC recognises the need for more affordable housing and would welcome initiatives that would enable LPAs and local councils to deliver some. Also, NALC would like to see more housing delivered that is

suitable for the disabled and those with mobility impairments and also a range of different types of tenures facilitated.

- NALC wants to see a fair infrastructure levy system which gives local councils a voice and benefits them financially so that they, in turn, can deliver more for their local communities.
- NALC has concerns about housing tests based on standard methodologies/algorithms. It wants to see a planning system which recognises that every planning application and every location is different.

The Planning White Paper does not meet NALC's policy positions. Nor does it meet NALC's aspirations for greater devolution opportunities to be offered to local councils. The White Paper limits engagement with Local Plans to a six-week consultation period at the preparatory stage and it removes from local councils (as well as principal authorities and the public) the right to engage with planning applications in most instances.

The White Paper expresses a wish to increase the engagement of residents and communities in the planning system. Good engagement already exists through Neighbourhood Planning. The typical level of community engagement in developing a Neighbourhood Plan is dramatically greater than is the case for a Local Plan.

Much important detail is missing from the Planning White Paper but it appears to wish to confine the input of local councils and neighbourhood forums primarily to helping to draw up design codes.

Instead of empowering local communities (something the government has committed to doing) and giving them more say on planning issues, the White Paper seeks to impose centralised development policies and housing numbers from the top down.

NALC cannot support the thrust of the White Paper and it cannot support the majority of the specific land-use proposals. It urges the government to look again at how the planning system can be improved in a way which does not try to impose an overly simplistic framework and which does not prevent principal authorities, local councils, neighbourhood planning groups, other stakeholders and the general public from having a meaningful say in the process.

## Consultation questions

NALC's responses to the consultation questions are as follows:

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

**Up to enactment of the Planning and Compulsory Purchase Act of 2004,** the three words that could have been most closely associated with the planning system in England were:

**(1) Detailed, (2) Reliable and (3) Fair.**

However, that Act of Parliament did away with detailed Local Plans which were a pillar of the system and introduced instead less specific, higher-level Local Development Frameworks. This was followed in 2010 by the revocation of the Regional Spatial Strategies (RSS) which, by then, were functioning well and ensuring that there was a holistic element to Local Plans in any one region. RSS had caused LPAs to operate in close alliance with each other, to understand the 'bigger picture' and to learn best practice from each other. But, following their revocation, LPAs (by and large) returned to silo working. Apart from a few instances where LPAs have come together for financial reasons or, more recently as part of Combined Authorities, most have not engaged in the sort of close co-operative working recommended for plan-making.

Also, in 2012, the reliably detailed Planning Policy Guidance and Planning Policy Statements were revoked, along with much other planning legislation, and replaced by the less specific National Planning Policy Framework which has generated much legal argument and interpretation. This, combined with further deregulatory reforms and a statutory requirement for LPAs to meet formula-derived housing numbers and housing land allocations, has resulted in a system that is hugely different from that of less than 20 years ago. Consequently, the three words which now best describe the planning system are:

**(1) Unspecific (as explained), (2) Misguided and (3) Unfair.**

Misguided because of the way that developers (as described in the Letwin review of 2018) have been allowed to dominate the system, despite objections from LPAs, local councils and communities and unfair because

only developers have a third party right of appeal against planning decisions. Local councils should also be able to appeal decisions.

Any further changes to the planning system must not exacerbate these shortcomings or reduce democratic input and should aim to introduce a robust system of joint LPA working on important spatial planning issues involving roads, large scale infrastructure proposals and matters such as Green Belt and Green Gaps.

## **2. Do you get involved with planning decisions in your local area? [Yes / No]**

Yes – planning is the single biggest issue for local councils in England. NALC has well over 30 planning positions. Though England's 10,000 local councils (NALC's members) are the entities in our sector who are involved directly in planning applications in their areas.

Local councils currently have a statutory role in commenting upon planning applications. They take that role extremely seriously. Local councils are the grassroots eyes and ears of the community. They are often able to offer information about local circumstances that the principal authority is not aware of. They also frequently find themselves reminding the LPA of relevant provisions in Neighbourhood Plans, supplementary planning documents, Parish Plans, Village Design Statements etc. This function has become increasingly important since more local planning authorities have farmed-out planning work to contractors. Also, it needs to be recognised that whenever contentious planning applications arise, the first port of call for objectors is the local council, where one exists. It cannot be overstated how many local councils value their role in commenting upon planning applications. It would be a major loss of their democratic voice if they were to lose this, just as it would be a loss of principal authorities' democratic rights if they were no longer able to make planning decisions.

### **(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]**

NALC does not agree with the proposition that the proposals in the Planning White Paper will *"make it much easier to access plans and contribute [the views of local councils] to planning decisions"*. The proposals would (1) reduce the number of opportunities whereby local councils – and members of the public – could interact with the formulation of the Local Plan, (2) reduce the



time within which it would be possible to interact, (3) remove opportunities to influence the details of planning applications and obligations placed upon developers, (4) remove the opportunity local councils currently have to engage in S106 agreements and secure bespoke provisions for the local community and (5) make the planning system much less specific and less open to influence by the local communities which have to live with the outcomes. Local councils wish to remain statutory consultees and for their comments to be given more weight. NALC also emphasises to MHCLG that the ability for a community to shape its area through neighbourhood planning is an important part of the social role of planning.

**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? [Social media / Online news / Newspaper / By post / Other – please specify]**

Of the more specific options offered, the answers to this question will inevitably vary by local area. However, the point which NALC would make in response to the question is that without environmental resilience and without prioritising biodiversity and action on climate change nothing else can exist. NALC has declared a climate emergency. It believes that serious measures are necessary to address them. Establishing a looser planning system is not the way. Via local councils in parished areas - whatever works to reach local councils in different planning authority areas (all media). NALC again emphasises to MHCLG that the ability for a community to shape its area through neighbourhood planning is an important part of the social role of planning.

**4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / protection of green spaces / the environment, biodiversity and action on climate change / increasing the affordability of housing / the design of new homes and places / supporting the high street / supporting the local economy / more or better local infrastructure/protection of existing heritage buildings or areas / other – please specify]**

Of the more specific options offered, the answers to this question will inevitably vary from local area to local area. However, the point which NALC would make in response to the question is that without environmental resilience and without prioritising biodiversity and action on climate change nothing else can exist. NALC has declared a climate emergency. It believes

that serious measures are necessary to address them. Establishing a looser planning system is not the way.

NALC supports Proposal 24 - to significantly strengthen enforcement powers and sanctions – but not concerning the new planning system being promulgated (which we do not endorse). This strengthening is needed now concerning the current system and should include an obligation on local planning authorities to take action where planning rules are broken.

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

No. NALC asks MHCLG to reconsider its decision to require local authorities to review their Local Plans every 5 years. The concept of Growth Areas, if widely adopted, will lead to large increases in house building with fewer controls than at present. NALC does not agree that Local Plans, which underpin so much of what contributes to the quality of life, should be simplified. We would mount the contrary argument. Having detailed Local Plans that are carefully constructed after extensive research and consultation ensures more certainty and allows for proper democratic input and less challenge by developers. NALC agrees that the country needs more affordable homes but does not agree that the way to achieve them is by further simplifying the planning system. The system needs to be tightened to ensure that developers build-out their planning permissions and deliver the affordable homes they promise at the outline permission stage. In far too many instances, developers apply for and are granted outline planning permission for developments where they offer to provide a significant percentage of affordable homes. However, they then subsequently return to the LPA with questionable viability assessments showing that they cannot afford to deliver what they originally promised and are ultimately granted detailed planning permission for fewer affordable homes or, in many cases, none.

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

No. We believe that this approach risks severely limiting the power given to local communities to determine the best development strategy for their area.

We support the wider use of design codes, especially local codes developed through Neighbourhood Plans. If they are going to receive public support such design codes must be robust and legally enforceable. To ensure there is an



effective level of localism within the system where a design code has been developed through a Neighbourhood Plan this should take precedence over a district-wide or national design code.

Permitted development rights have already been significantly extended, leading to some inappropriate developments in the countryside, some ugly extensions and overly small living units in former office buildings. Now the White Paper proposes to enable “popular and replicable forms of development to be approved easily and quickly, helping to support gentle intensification” - and it makes several references to “gentle densification”.

NALC have concerns about the continued extension of permitted development rights. Those which have already been instituted are changing the characteristics of some villages and neighbourhoods already. Densifying rural settlements may be appropriate in some cases and some locations but it would be wrong to assume that it would work – and be acceptable – across the board. Urban areas are different from semi-urban areas, which are different from semi-rural ones, which are different from rural ones. Every market town, village and sparse rural settlement has its unique characteristics, aspirations and housing needs. It is inappropriate to try and introduce a ‘one rule fits all’ approach.

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

No. There is no crystal-clear definition in the White Paper as to what would constitute the proposed new ‘single sustainable development test’. There is undoubtedly room to improve sustainability appraisals and strategic environmental assessments and how they are judged. For instance, Local Plans should be required to demonstrate how they will reduce greenhouse gas emissions. But, it is not possible to support scrapping SAs and SEAs for an as yet undefined new test.

The requirement in the National Planning Policy Framework (NPPF) for a five-year land supply for housing needs to be either dropped because of the way it has been allowed to override carefully prepared Local Plans and Neighbourhood Plans or amended and clarified in a way which prevents developers riding roughshod over the wishes of local communities and endorsed planning policies. The proposed reduction in local plan tests is not

something to be supported. What is needed is a proper insistence on the present tests.

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

(i) Environmental issues should not be treated lightly and/or in a manner which makes them too easy to dismiss in a 'tick box' manner, particularly at a time when the UK is committed by statute to achieving a carbon zero situation. Environmental capital must be addressed with due care and attention - in all its facets - whether this is in respect of air pollution, carbon sinks, wildlife, trees or whatever. NALC, plus a large percentage of individual local councils have signed up to the concept that there is a climate emergency. Also, along with 35 other organisations, NALC is a signatory to the Charter for Trees which the Woodland Trust instigated. We welcome the government's commitment to ensuring that trees are planted in urban streets, but it is important that not only protections remain for ancient woodlands, veteran trees and other specified trees but also that promises to plant new woodlands are kept. Trees absorb excess water and prevent damage from run-off and mudslides as well as capturing carbon. Also, NALC would like to see environmental appraisals retained as a fundamental part of a sound planning system.

(ii) The 'duty to co-operate' for local authorities has not worked as intended. For instance, LPAs are merely required to demonstrate that they have had meetings or conversations with each other, not that they have necessarily come to agreements and engaged in close co-operative working. However, some version of statutory cross-border working needs to exist to avoid unnecessary conflict and to ensure that, for example, the same jobs and economic benefits are not counted more than once by two or more adjoining LPAs. Planning inspectors adjudicating over examinations in public have tended to accept employment and economic projections without testing too closely the employment and economic projections of those authorities that share boundaries with the one they are examining. Over-counting is not a good practice. It can lead to the release of more land for development than is necessary. In future, those LPAs which fall within Combined Authority areas can be regulated to comply with a duty to co-operate via the area-wide spatial frameworks. Other areas will need to be regulated differently in the absence of regional government.

**8. (a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide a supporting statement.]**

No. A one size fits all approach does not work here. Local circumstances need to be taken into account. Any standard methodology applied across the board carries the risk of being unfavourable in some areas simply because fixed methodologies /algorithms cannot accommodate the vast range of individual local circumstances that exist that need to be taken into consideration in a fair planning system.

This is why it has been considered entirely appropriate hitherto to have teams of professional planners and other specialists come together to draw up Local Plans and then to have them adjudicated upon individually and independently. The danger of inflicting algorithms in circumstances where there is any number of variables has been highlighted recently with their application in the education system. The same mistake should not be made with the complex issue of what gets built where. It has already become apparent that, despite the government's commitment to focus development on brownfield areas, the algorithm proposed focuses significant development on areas which would have to re-allocate green-fields and countryside as 'growth zones' to meet housing targets. Also, it is understood that the intention, once zones and regulations for those zones are agreed, is that computer programmes would largely control planning decisions in future.

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

No - not solely, they are not. There are several factors which should be taken account of (including transport infrastructure). The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to Housing Associations and a failure to make use of empty properties that could be used for housing for local people. There also needs to be a review of all town centres to potentially reduce the retail and commercial areas and re-assigning parts of those areas for residential use. More people living immediately adjacent to town centres would mean more business for the remaining retail units.

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

No. This question assumes that the concept of growth zones is the right one and that the growth zones identified are appropriate and unchallengeable. It is a question posed very much from the perspective of a desire to promote/carry out unhindered development. It is not posed in a neutral manner which accepts that there is an alternative perspective - that of local communities living in or adjoining the proposed growth zones. The concept of zoning in such a simplistic manner is not supported by NALC and therefore the concept of allowing fast-track planning in such zones is not supported. This is also a view shared by the Foundation for Integrated Transport which produced the much-acclaimed report 'Transport for New Homes' in 2018. This would require safeguards if it was to proceed.

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

No. The proposals for these zones are founded on the same questionable principles as those for the growth areas. The concept of zoning in the way proposed is not appropriate and should be dropped. Also, it is understood from the proposals that local authorities would need such an exceptionally powerful reason for refusing consent that they would, in effect, be rendered mute. We are making the case here to MHCLG that if it goes ahead and reduces the timeframes involved in planning appeals, it must factor in the need to ensure that local communities are given sufficient time to take part in the process.

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

No. Local councils would need to be legally consulted regarding new settlements in their area first. The NSIP regime is particularly unfavourable to objectors - as those who have tried to engage with it have discovered. It relies heavily on consultation upfront, which can be ignored, and then - once the formal process starts rolling - the process heavily favours the proponent.

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

No. There is no proven or automatic connection between a speeded-up planning system and a good one and there is no evidence that decision making on the subject of planning would be better for being subjected to the strictest methodologies/algorithms and to being automated. There is any number of aspects to good planning which rely on a combination of professional judgement and local knowledge/discretion. It is difficult to see how a sound system is equitable with a de-humanised one and one which is significantly less democratic than the present system. It is worth quoting the Building Better, Building Beautiful Commission' report of January here: *"councils need radically and profoundly to re-invent the ambition, depth and breadth with which they engage with neighbourhoods as they consult on their local plan. More democracy should take place at the local plan phase"* (page 3). The Planning White Paper exalts this report.

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

Yes. Local Plans can be viewed online now. However, there is a case for greater mapping detail to be made available remotely to the public and there is also a case for all LPAs to adopt the same digitised system. As a broad principle, therefore, the idea is supported – although the point has to be made that improving digitised access will not necessarily increase engagement. When introducing web-based Local Plans - account should be taken of the fact that there are still significant areas of the country where broadband availability would limit access. Care must also be taken when introducing web-based Plans to ensure that some communities are not excluded because of limited access to the necessary equipment to review the Local Plan. Stakeholders will want to feel that they can have an impact on planning outcomes. All that appears to be on offer in the Planning White Paper is an easier way to view planning decisions already made.

What is not supported is the concept of zoning as is currently being consulted upon and of that being the reason/driving force for more accessible web-based Local Plans. Planning authorities should include 'Insert Maps' for all villages, regardless of whether or not they have been allocated development growth in the Local Plan or Local Development Framework. The delineation of

the village envelope is an important tool in development control and in halting encroachment into the countryside.

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

No. Essential components of a Local Plan are that it is a soundly based and reliable tool for the most sustainable allocation of land, arrived at following detailed consideration of social, economic and environmental factors. And there has to be a robust democratic process in place. Sound Local Plans which have been thoroughly researched and not only consulted upon but which have taken into consideration the results of that consultation cannot be produced in 30 months. The land is a finite resource and must be treated as such. Once green fields and important open spaces are lost, they are lost forever. The whole process cannot be rushed if it is to be done well. It should be the case that the objectives of any process should meet the neighbourhood planning process, not the other way round.

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

Yes. NALC supports a strengthened Neighbourhood Plan system. However, the government needs to understand that there is no point retaining neighbourhood plans whilst at the same time introducing ever more criteria which, if the principal authority fails to meet, results in the over-ruling of both Local Plans and Neighbourhood Plans. Currently, Local and Neighbourhood Plans are rendered void if the principal authority fails to achieve centrally set housing land use requirements and/or housing test numbers. Also, there have been other factors which have also been allowed to render Neighbourhood Plans ineffectual. This is not fair to local councils and local communities which have pulled themselves through the challenging Neighbourhood Plan process. The many potential pitfalls are outlined in NALC's publication 'Where Next for Neighbourhood Plans?', published in 2018, which also contains several recommendations as to the way forward (<https://www.nalc.gov.uk/library/publications/2755-where-next-for-neighbourhood-planning/file>).

Neighbourhood plans should be retained; it should be the case that the objectives of any process should meet the neighbourhood planning process,



not the other way round. We agree with Locality that Neighbourhood Plans should not simply become Village Design Statements – their relevance to influence local growth should be retained.

**(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?**

There is already the opportunity within the Neighbourhood Plan process for communities to express preferences on design but, that said, it could be emphasised more. The matter of greater use of digital tools would depend on the competence of the Neighbourhood Forum concerned. However, there is also an issue at the local community level of ongoing capacity and willingness to contribute voluntary time, especially given the current government recommendation – that Local Plans should be reviewed every five years. If Local Plans are reviewed, then any Neighbourhood Plans attached to them would also need to be reviewed. Such a constant turnover of Local and Neighbourhood Plans is not desirable, creates a lack of certainty and causes a major issue of finding volunteers to keep serving on Neighbourhood Forums. NALC would suggest that a Local Plan review period should be 10 years. This process would be aided by granting more time to produce NPs and promoting increased NP grants in the local government and community sectors.

Keynsham Town Council is currently working in conjunction with English Heritage to produce a design guide for their main High Street and conservation area. This design guide will be incorporated into the Keynsham Neighbourhood Plan.

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

Yes. Over the last decade, developers have failed to build out roughly one million homes for which they have planning permission. Figures released in February showed that 2,564,600 homes had been granted planning permission by local planning authorities since 2009/10 – but only 1,530,680 were completed (source: LGA). The problem with the lack of supply of housing does not lie with the planning system. Sir Oliver Letwin, identified in his 2018 review of 'build out' on behalf of the government that the bottleneck on housing delivery was due to "the market absorption rate" – the rate at

which newly constructed homes can be sold on the local market without materially disturbing the existing market price. A most effective way of speeding up build-out would be if there were a financial penalty and a threat of removing permission from developers if they do not build-out within a given period, e.g. five years for a medium-sized development.

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

Other - national organisation. This is a national response on behalf of NALC and therefore is not specific to only one area. However, we agree with the opening statement in the Building Better, Building Beautiful Commission's report of January 2020, 'Living with Beauty', i.e: *"All around us we see ugly and unadaptable buildings, decaying neighbourhoods and new estates that spoil some treasured piece of the countryside or are parasitic on existing places, not regenerative of them."*

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

Other - sustainable planning applications in parished areas. This is a national response on behalf of NALC and therefore not specific to one area. NALC would comment here that it supports the three-legged stool of sustainability, i.e. that social, economic and environmental matters are all given equal weight in policy and decision-making. This needs to happen alongside climate change considerations. Therefore, we can endorse all of the suggestions made in the question as to a more sustainable way forward, i.e. *"More green and open spaces, energy efficiency of new buildings and more trees"*. Also, protect ecosystems to protect food security. Also, we would appeal for a statutory requirement that new developments make adequate provision for health care, education and leisure. The developments in Rothley (Leicestershire) have been very extensive and will continue but with little thought given to the provision of school places, medical facilities and other amenities. Other responses NALC received were mixed.

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

Yes. NALC notes and welcomes the government's commitment to "*effective inputs from the local community*" (page 40). We also look forward to the consultation on further recommendations by the Building Better, Building Beautiful Commission. That said, we find it somewhat puzzling that on the one hand the government has continued to extend permitted development rights but, on the other, is expressing a desire to have higher design standards. These two different approaches do not mesh together coherently. It is also disappointing that the focus is so entirely on new build and not on improving extant buildings. And, additionally, it is unclear from the White Paper how design codes would be enforced and what powers would be available to LPAs in the event of breaches of the code. The existing role of local councils in examining and responding to, planning applications, should be enhanced.

The other key point to make here is that there should be a requirement for design codes to set zero carbon criteria. Every aspect of planning needs to work towards climate change targets.

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

Yes – if this helps enforce agreed planning conditions. NALC very much supports the concept of each LPA having a chief officer for design and place-making but, given the straitened times that principal authorities are working within, we wonder how this might be enacted on the ground. Would it, for instance, be considered acceptable for LPAs to simply give the title to an existing planning officer in addition to their existing duties? We recognise and welcome the government's promise to improve the resourcing of planning departments (para. 3.12), but are deeply concerned to note that this is tied together with "*streamlining plan-making*". There is a need to bolster planning departments, which have suffered during the recent period of austerity. The need, however, is to have more trained planners in post, making professional judgements – not computerised systems which make decisions without taking all the local circumstances into account.

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

Yes. NALC supports this proposal. The government needs to ensure that planning conditions imposed to allow the grant of planning permission is enforced. This does make sense – provided Homes England has regard to local councils when framing its objectives around beauty and design.

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

No. NALC does not support the fact that this proposal is tied together inextricably with the zoning proposals. We do not approve of the proposals for zoning as currently set out. There is a need for planning applications to be found to be premature from the very early stages of neighbourhood plan preparation, depending on the scale and significance of any unresolved objections and the scale of community support. Whilst it is right that the Ministry wants to improve design quality – there is a fear amongst local (town and parish) councils that faster building will mean even less meaningful consultation with themselves, although they are the first tier of local government.

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

Nationally – more affordable housing in parished areas. The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to housing associations and a failure to make use of empty properties that could be used for housing for local people. As stated in response to question 8 (b), there is also the issue of making better use of failing town centres. There is a case for reducing the size of the retail and commercial elements and replacing some areas with housing. This would utilise brownfield land and bring life back to the remaining town centres. However, this needs to happen following a proper master planning exercise – not by simply zoning.

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

Other - but local councils would still then have to yield 25% of IL receipts where they had made NPs and IL regimes should be made mandatory for adoption by LPAs for this to have a chance of working. This is a national response on behalf of NALC. We recognise that each planning application and each area is different. In some instances, more affordable housing may well be the priority, whereas – in others – it may be one of the other aspects listed. It is because every planning application and every set of local circumstances is different that we contend it would not be appropriate to create zones which are governed by a set of generic rules any more than it would be appropriate to do away with the ability of principal authorities and local councils to comment upon individual planning applications. IL would also have to be enforced properly so that residents in parished areas benefitted proportionately.

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

Set locally by the LPA in consultation with local councils who should also receive a percentage of the IL to be used for the benefit of their local communities.

**(c) Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide a supporting statement.]**

More value: the same principle would therefore apply to IL; that there would need to be a fair distribution of monies from IL to residents of parished areas. If local councils can derive more community benefit from IL than from CIL and S106 and the monies can be distributed in a more timely and fair way – then we would support this.

**(d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide a supporting statement.]**

Yes – but this should be the choice of the LPA in consultation with local councils. IL will need to ensure that, broadly speaking, small communities can respond to the impact of development. Borrowing should only be approved if the community will benefit – after consultation with local councils.

**23. Do you agree that the scope of the reformed infrastructure levy should capture changes of use through permitted development rights?]**

No. S106 planning obligations have been a very useful tool through which local councils have been able to obtain community benefits from developers. Local councils must retain the right to play their part in negotiations which can secure new local community assets. The government should first review Part B of the schedule to the Town & Country Planning (Use Classes) Order 1987 (SI 764).

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

Yes. The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to housing associations and a failure to make use of empty properties that could be used for housing for local people. There is a need for more affordable housing in rural and parished areas than ever before. So yes – MHCLG 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. NALC does not support the recent changes to permitted development rights. We concur with the 2018 Raynsford Review final report which called for *“the restoration of development management powers that have been lost as a result of the extension of permitted development rights”*.

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



Yes - In-kind payment. Affordable housing should be secured as in-kind payment towards the Infrastructure Levy.

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

Yes.

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

Yes. The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to housing associations and a failure to bring back into use sufficient numbers of empty properties that could provide housing for local people.

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

No. But the government should give local councils the freedom to spend Infrastructure Levy monies (developers' contributions) on leisure and recreation facilities as they judge to be necessary. Local authorities should be given greater leeway to spend their own IL receipts after consultation with local councils. And local councils should be given more freedom to spend their IL receipts on leisure and recreation facilities as they judge to be necessary for their areas using the Neighbourhood Share.

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

Not sure. Controls need to be in place around what will be substantial sums of money and there may be an argument for having a percentage of the income explicitly devoted to affordable housing. However, there should also be a provision that a percentage of income from development is allocated to local councils which are sharing the burden of housing development and is required to take on ever more community responsibilities.

**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?**

Yes. The needs of disabled people and those with mobility impairments do not appear to have been dealt with in the Planning White Paper, even though there is a shortage of homes for wheelchair users and others with special mobility requirements. This is despite a report by the Equality and Human Rights Commission which highlighted how many disabled people suffer serious deterioration in mental wellbeing because of the unsuitable accommodation they have to put up with.

Should you require any further information on this response please do not hesitate to contact Chris Borg, policy manager, on 07714 771049 or via email at [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk).

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