

# Planning for the Future: White Paper - Consultation Questions and Final Response

## Pillar One – Planning for Development

### Question 1:

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

### Question 2:

Do you get involved with planning decisions in your local area? [Yes / No] If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]Paper

### Question 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]

### Question 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]

### Response to Questions 1-4:

No response proposed.

### Question 5:

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

### Response to Question 5:

No.

Cambridge City Council and South Cambridgeshire District Council agree there is potential to simplify Local Plans, but have significant concerns regarding a number of proposals in the consultation.

There is potential to streamline plans and the plan making process. We support the use of interactive plans, and improved maps and use of GIS. The Greater Cambridge Planning Service is already exploring ways to improve the accessibility of plans, to enable a digital first approach. We have taken significant steps to improve the consultation experience in the last year, with a new Greater Cambridge Planning website. We are making data more available in accessible forms as we develop the new Greater Cambridge Local Plan. There is potential for Greater Cambridge to work with the government to be a pathfinder towards these improvements, and further development of the digital first approach.

With regard to the wider proposals, Cambridge City Council and South Cambridgeshire District Council are extremely concerned about the impact on community involvement and engagement in the planning process, including the impact on the democratic process.

Proposals have been developed by a small group with a relatively narrow focus. Before such significant changes to the planning system are made, they should be informed by a commission, with input from a wider range of experts and stakeholders across a wider variety of fields.

Much of the proposals are part of a quest to speed up housing delivery, but this does not account for the significant number of dwellings with planning permission that remain unbuilt due to a wide range of factors which are nothing to do with the planning system. Instead the government should explore ways to speed up delivery on large sites, by working with developers and landowners as well as local authorities.

The consultation does not take a holistic view of the planning system, and all the other types of development or planning and place making issues that need to be addressed.

A plan making system simply based on three area classifications would lose the ability to develop a vision and shape the development of an area based on the local communities' aspirations. It would lose flexibility to issues arising through the planning process.

This also links to concerns regarding the expansion of Permitted Development, where the planning system is seen as the restrictor of growth, rather than a necessary factor to ensure high quality development, or again to allow local communities to shape their environment.

There are significant complexities that would need to be addressed in a plan system based on a land classification system in order to enable effective land use planning.

Those complexities are not addressed in the White Paper. There are many issues such as flood risk and heritage for example, where it is not clear how the area classifications could address in sufficient detail.

If this type of planning system is being pursued, more should be done to draw on and learn from planning models used successfully in other European countries, and take the best of their approaches.

If the whole area of the Local Planning Authority needs to be assigned a classification, and supported by design guidance and other policy, this will be very complex, and particularly time hungry and resource intensive, particularly at the time the first time a new style plan is produced. This is not reflected in the timetables proposed in the consultation for plan making. Training and support should be provided by the Government, e.g. clear good practice guidance published in good time ahead of legislation coming into force.

There is no reference provided about how planning for Minerals & Waste will be treated, a point echoed by Cambridgeshire County Council. There is also no reference to how planning policy for travellers will be addressed.

We support concerns being raised locally by Cambridgeshire County Council and the Cambridgeshire & Peterborough Combined Authority, and national bodies including the Local Government Association and the District Councils Network. We hope the government acknowledge and respond to the scale of issues being raised.

**Question 6:**

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

**Response to Question 6:**

No.

There is potential for some policy areas to be addressed nationally. Some policy areas do have relatively standard approaches across the UK, and clear national policies could reduce the need for repetition. However, without sight of the draft national Development Management Policies, it is very difficult to determine how effective these national policies would be.

Cambridge City Council and South Cambridgeshire District Council have significant concerns as to whether national policies will adequately reflect local differences and

circumstances, or allow area specific issues to be considered by Local Planning Authorities.

Many local authorities develop local policies because of their desire to enhance their areas or respond to local concerns, such as climate change or responding to particular local needs. Local communities through consultations also have a significant influence on how these policies are developed. The proposals in the White Paper would reduce or even remove the ability to respond to local issues, or the desires of local communities regarding how they will shape their areas. It would reduce the ability to respond locally to climate change, or to respond to local issues such as the need for greater water efficiency measures.

Detailed Local Plan policies are also often a response to local concerns about the impact future development may have. It is not just about the quality of their appearance and design but also retention of local access to local facilities and services. It is not clear how these policy aspirations could be applied in the area classifications of a plan. In light of Covid-19, the need to promote sustainable centres, and protect certain land uses, is paramount.

**Question 7a:**

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 supporting statement.]

**Response to Question 7a:**

No, in the absence of further clarity.

Further details are needed on the single statutory “sustainable development” test, and what this would entail, to understand whether it will adequately consider all the issues that can influence the sustainability of development. The current Sustainability Appraisal / Strategic Environmental Assessment process is complex, and its complexity leads to risk of legal challenge in plan making. However, it does enable a robust scrutiny of sustainability and consideration of alternative approaches to ensure the plan delivers a sustainable approach. If it is watered down too much that level of scrutiny will be lost.

It is currently unclear how the sustainable development test would enable effective consideration of climate change, and contribute to meeting net zero carbon, which the government is required to achieve by 2050 in law. It also needs to be clear how the test would relate to other mechanisms, such as Habitats Directive Assessment.

There is no detail in the consultation on how 'a slimmed down assessment of deliverability for the plan' would be done, or what it would address, including how it would consider major infrastructure requirements (e.g. transport improvements).

On the alternative approach identified, 'Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed', further detail would be needed on the level of this stock, and in what circumstances and via what mechanism it would be brought forward.

**Question 7b:**

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

**Response to Question 7b:**

The Duty to Cooperate is another legal pitfall of plan making, but it does ensure authorities address strategic cross boundary issues in the absence of regional planning. It is not clear in the White Paper how this joined up planning would be achieved. An approach to strategic planning needs to be identified if the duty to cooperate is to be replaced.

**Question 8a:**

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 supporting statement.]

**Response to Question 8a:**

No in the absence of further clarity.

Imposition of a housing requirement on each Local Planning Authority could have some merit in reducing a contentious and onerous aspect of plan making right through the process and at examination, particularly in areas experiencing strong development pressures.

However, it would depend on the ability of the housing requirement to reflect local circumstances, and there is a risk it would not fully reflect local housing need, or constraints and opportunities in the area. It is not clear whether or how such factors would be taken into account in deciding the fixed housing figure.

It also would not allow local consideration or input into the level of housing that should be planned. Imposing a minimum has the merit of allowing local consideration if a higher level would be appropriate. It would take an important decision that impacts greatly on local communities away from them.

The factors listed for distributing homes does not reflect the full range of issues that could be considerations. The Standard Method does not reflect opportunities such as success of the local economy, or reflect opportunities provided by infrastructure. It does not consider constraints to development. The consultation states that adjustments will be made for constraints, but without any detail it is difficult to understand how this would be applied or its impact locally. The solution offered appears to be for 'Mayors of Combined Authorities' to redistribute growth, but this would only be within administrative area rather than considering a housing market area for example. It also goes beyond current role of Cambridgeshire and Peterborough Mayor, who does not have statutory planning powers.

Standard method numbers are updated regularly. It needs to be clear how often figures would be updated, and the impact on adopted plans if national figures changed.

**Question 8b:**

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 supporting statement.]

**Response to Question 8b:**

No.

A list of factors are provided as to how the amount of housing will be determined, but it is difficult to determine what this might result in locally. Affordability is an important factor and is already addressed in the current process of identifying local housing need. Existing urban areas could be a factor, but there are circumstances where urban areas are constrained (for example, due to historic environment issues). There is no mention of some factors that could constrain ability to deliver growth, such as infrastructure availability, or resources availability (for example water availability).

**Question 9a:**

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

**Response to Question 9a:**

No.

The proposals would push work normally done during the pre-application process and Planning Performance Agreements into the plan making process. In effect high level master planning would take place through the Local Plan evidence making process. This would have significant resource and cost implications for local authorities as some of the work that is currently done by developers would fall to local authorities. It would mean additional work to that currently done at the strategic plan making level, and yet the proposal is to speed up the plan making process.

There could be higher risks, as it could mean there wasn't the ability to look at everything that you might through a planning application, for example information provided by developers through detailed site appraisals and technical assessments such as contaminated land. It could potentially provide less flexibility for the development industry if bound by design codes, pattern books and masterplans through the plan making stage. Greater Cambridge has substantial experience in preparing and implementing design codes. Preparing multiple design codes would place a significant burden on Local; Planning Authority resources to ensure they have the skill set and experience to produce design codes, particularly in a high growth area where multiple ones would need to be done at the same time. Site specific design codes will require private sector funding (similar to a Planning Performance Agreement). Doing all this work at the plan making stage could actually slow down the development process.

For large sites, much greater detail will first need to be agreed through the plan making process to ensure important environmental and infrastructure considerations are first considered and linked to the 'Permission in Principle' allocation. This process would complicate rather than streamline the allocation process.

**Question 9b:**

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

**Response to Question 9b:**

No, in the absence of further clarity.

There is limited detail about how new systems would operate in rural areas. For example, the reference to 'small sites within or on the edge of villages' being identified as renewal areas (page 29 of the White Paper) could make it difficult to plan for sustainable development of rural settlements. Also, it is difficult to see how rural exception sites, which deliver significant levels of affordable housing, would operate. Further consideration is required on this point.

Clarification is also needed about what development could be permitted in protected areas such as Conservation Areas. This would need to enable some development appropriate in size/scale/form etc. Similar considerations would need to be provided in Green Belt areas.

**Question 9c:**

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 supporting statement.]

**Response to Question 9c:**

No.

It is important to maintain local engagement and decision-making on proposals which will create new communities, and the Development Consent Order (DCO) process will not provide this. Such a change would appear to be at odds with proposals elsewhere in the paper on placemaking and to support engagement and participation.

Whichever mechanism is used, there is need to ensure local decision making and community engagement, both from existing communities and from within the new communities as they emerge and develop.

It is also likely to take longer unless the DCO process is simplified. Development Corporations could be a method of providing new settlements, but it would need to ensure local democratic involvement with the process.



**Question 10:**

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

**Response to Question 10:**

Not sure.

Agree with the principle of a simpler, streamlined process for development applications which will help provide a level of certainty for Applicants, Architects, Developers and the Local Authority.

Significant time and financial investment in aligning systems and processes between the Local Authority and the Planning Portal will be required. Central government financial support is likely to be required to cover this investment.

A number of the proposals are supported:

- Agree applications and submitted documentation should be fully accessible and machine readable. This information should be shared as open data.
- For major applications, consideration should be given to submitted machine readable Building Information Models (BIM) to the Local Authority. This would not be realistic, nor sensible for smaller applications.
- Agree with use of open public planning data at a national scale to iteratively improve the planning process moving forwards.
- Agree on a digital template for planning notices, consideration should be given to those who do not have access to the internet to prevent exclusion from the application and comments system.
- Agree on the development of national data standards and templates for evidence.
- Agree on standard national planning conditions, however the Local Authority should have the right to alter these on a case by case basis if required, to reflect local circumstances.

Enforcing statutory application time limits should not be introduced until after the proposed digital system has been in place and suitably tested.

We disagree strongly with the principle of an automatic rebate of the planning application fee if an Applicant is successful at appeal. They are paying to engage in a democratic process regardless of the outcome. Planning is also a subjective process and the LPA will normally act in a completely reasonable way in making a planning judgement/decision.

Members of the public should retain the opportunity to comment on proposals. Digital tools should provide opportunities for additional public engagement not less. Support will be needed for local communities, parish councils and residents associations to ensure they are able to take part in such a streamlined and digital process. It will also create challenges, for example related to their monthly meeting process.

**Question 11:**

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

**Response to Question 11:**

Yes, in principle but there are several issues to be considered further.

There is great potential for a digital first approach, subject to detail. A web-based approach has the potential to manage the large amounts of data and present it to the user in a manner consistent with their level of expertise, allowing them to drill down into the detail as required. However, it is still important to remember that information needs to be accessible to all.

Standardisation of the plan process is to be supported, provided it accounts for a variety of scenarios, for example a joint Local Plan between Authorities. A one size fits all approach is unlikely to allow for innovation and regional interdependencies.

The principle of publicly accessible and open data is supported. Local Plan data should only be made available for third party commercial uses where the proposed software application is also made open source on a matching license, thereby allowing for greater change and innovation with the use of public data. Significant training and clear data standards will be required to align data output at a national scale. Significant financial investment will also be required to move towards a digital first plan making process.

To assist in achieving the proposed 30-month plan making timescale, consideration should also be given to the automation and digitisation of the collection of Local Plan evidence base information. This will ensure the evidence is always up to date.

**Question 12:**

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

**Response to Question 12:**

No. It is unrealistic.

Cambridge City Council and South Cambridgeshire District Council have significant concerns regarding the impact on community involvement and engagement in the planning process, including the impact on the democratic process.

Greater Cambridge has taken a strong approach to community engagement in preparation of the new Greater Cambridge Local Plan. There would appear to be less engagement opportunities through the proposed new system. The time period set aside for engagement is extremely short. There would be fewer opportunities to work with the community to develop a spatial vision for the area.

Cambridge City Council and South Cambridgeshire District Council are also concerned about the capacity of Local Authorities to implement and resource the proposals in the short time scales proposed.

It would be very challenging to prepare the first new style plan in the proposed period, as so many new principles will need to be established. Given specific time periods are set out for elements of the process, the time remaining to actually plan appears unrealistically short compared to the scale of issues that would need to be addressed. Time must be also allowed for the implementation of the digital web-based solutions before the 30-month time limit is imposed.

**Question 13a:**

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

**Response to Question 13a:**

Yes.

Neighbourhood planning allows local areas to respond to local issues. The new system should retain this approach, but it is not clear how this would operate within the new system proposed. It would seem the only local issue to consider is local design codes. If the Local Plan process/legislation is to be streamlined, then

presumably the legislation and regulations for Neighbourhood Plans will also need to be streamlined and amended accordingly. Otherwise, this anomaly will create complexity rather than streamline the Local Plan making system.

Many communities having put significant time in creating neighbourhood plans will be very disappointed if their role is significantly diminished.

The same principle applies to the role of Village Design Guides in the plan making process. These have not been addressed at all in the proposals and must be.

**Question 13b:**

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?

**Response to Question 13b:**

Without support many communities are unlikely to have the skills in the community to create digital plans and design codes, therefore neighbourhood plans as well as Village Design Guides will need more support from the Local Planning Authority (or work in partnership, or will have to employ specialists to help). Funding will need to be provided to enable this support.

**Question 14:**

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

**Response to Question 14:**

Yes.

The White Paper suggests that it is the plan making process that is stifling delivery, even though there is very strong evidence to demonstrate that developers are not delivering on planning permissions. Developers should play their part in delivery. The issue of land banking is not addressed, a glaring omission.

Greater Cambridge has a significant stock of sites with planning permission. It is incorrect to see the planning system as the primary constraint to delivery. There

should be much greater focus in these proposals on ensuring delivery or assisting sites to be delivered, working with developers as well as local authorities. In addition, alternative delivery methods should be explored.

It is not clear how the housing requirement established centrally would take account of issues in the local housing market, e.g. the number of homes that could actually be rented out or sold. Developers will not build faster than that rate. The Letwin report clearly identifies this issue and proposes solutions.

More detail is required on the tools that will actually force developers to deliver. What about considering time limits for completion of development rather than just to start the development for example. Should there also be penalties in place for developers not delivering on sites?

It must also be noted that quality must also be maintained. It is not just about delivery.

## **Pillar Two – Planning for beautiful and sustainable places**

### **Question 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]

### **Response to Question 15:**

Other: A mixture of outcomes.

In Greater Cambridge there are some well-designed places which are valued by local communities and/or recognised good practice on a national scale such as Accordia (RIBA Stirling Prize Winner), Clay Farm, Eddington, and Marmalade Lane at Orchard Park ( Cambridge's first co-housing scheme and RTPI Jubilee cup winner 2020) that were led by communities right from the start.

There is also emerging good practice in Modern Methods of Construction on Phase 2 Northstowe where flexible housing modules that can be adapted to customer requirements, a form of large-scale custom build.

But there are also many schemes which are not well thought out, do not address the Climate Emergency, and do little to advance design standards for mass development models.

The White paper refers to popular design which is of concern. The Greater Cambridge area has a hugely variable catalogue of new development design and it doesn't appeal to everyone on all levels. Contemporary, high-quality, sustainable design can be interpreted as 'boxy' 'boring' and 'not traditional' by some residents with different ideas of traditional, modern or vernacular aesthetics. Equally traditional designs are generally pastiche rather than authentic in their function use or detail.

Landscape and sustainability have sometimes been a 'bolt on' rather than integrated.

There is a currently a disparity between the large strategic sites and smaller major and minor sites on how biodiversity net gain is designed into the layout. Large strategic sites have the benefit of size and available open space to create large biodiverse areas that not only provide a net gain in biodiversity but are also deeply embedded into the overall design and layout of the site adding to sense of place and design. However smaller sites (both major and minor) do not always have this benefit and therefore struggle to provide such features. Also the focus on short-term developer profit can be an issue. Without a clear steer from Government or royal assent of the Environment Bill currently sitting in-front of the house this will continue. The mandatory adoption of biodiversity net gain will ensure that all development (large and small) will incorporate such designs into their layout, thus enhancing landscaping and the sense of place within.

**Question 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]

**Response to Question 16:**

Other.

Cambridge City Council and South Cambridgeshire District Council are jointly producing a Local Plan for Greater Cambridge. At the early stage of the plan making process four big themes have been identified:

- Climate change – the plan will contribute to achieving net zero carbon, and the mitigation and adaptation measures that should be required through developments.
- Biodiversity and green spaces –the plan will contribute to our 'doubling nature' vision, the improvement of existing green spaces and the creation of more.

- Wellbeing and social inclusion – the plan will help spread the benefits of growth, helping to create healthy and inclusive communities.
- Great places –the plan will protect what is already great about the area, and design new developments to create special places and spaces

These four big themes must be addressed comprehensively at the national level.

Ensuring that planning maximises its role in responding to the climate and biodiversity emergency and supports net zero carbon is a key priority for the Greater Cambridge Shared Planning Service. At the heart of planning is its role in placemaking and shaping places so that people can more easily make the transition to a zero carbon society.

Planning has a critical role to play in influencing the efficiency of buildings – it is only planning that can take account of local viability and promote a design led approach to reducing the energy demands of buildings and climate resilience such as mitigating the risk of overheating. Delivering net zero carbon needs to be a fundamental aspect of planning for beautiful and sustainable places that all disciplines within the built environment can play a role in delivering.

It is also important that places are designed for walking, cycling and public transport in order to make active travel the natural and obvious choice, and there should be an emphasis on the delivery of inclusive, mixed use development not simply a focus on housing.

Investment in green infrastructure is critical, with useable open space, sufficient land for biodiversity net gain, and green streets with trees to provide shade and temperature mitigation.

The Councils urge the strengthening of standards via Building Regulations, as set out in their responses earlier this year to the Future Homes Standard consultation. The Councils are working with consultants (Bioregional) to develop Greater Cambridge's approach to delivering net zero carbon in the built environment and would welcome the opportunity to share the findings of this work with Government to help inform future national policy and possible pilot projects.

**Question 17:**

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

**Response to Question 17:**

Not sure

Support, if the in-principle approach to allocating development sites is brought forward.

Codes can help the quality of development and they provide certainty for developers. Design Codes, that seek to illustrate visual rules on what is and isn't acceptable are a good tool to guide development. However, they need to be seen as part of a process of development management. They still require design skills in both the development team and the planning authority.

Codes need to be at a local enough level. e.g. a single code for all of South Cambridgeshire or Cambridge City would not be sufficient to address local character and could end up being so high level that it is of little value.

Conservation Area appraisals and/or village design statements may be a useful springboard for local design guides and codes.

Putting them in place is resource intensive and requires strong enforcement. There is potentially a significant financial cost in producing these guides for different areas of the districts. If this is part of the plan making system this would create significant additional costs for Local Planning Authorities. It is not clear how this is reconciled with the reduced income such a system could bring.

How do you create a design code that is machine readable?

The white paper suggests bringing forward codes that consider empirical evidence of what is popular and characteristic in the local area. The term 'popular' is highly subjective, designed by democratic vote and does not always provide the right results. Leadership and developing consensus is key in providing a design response that responds to the existing character/context.

**Question 18:**

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

**Response to Question 18:**

Yes.



It is useful to have a voice for design which is co-ordinated centrally but also needs to be locally driven where skills/talent and expertise is developed that is good for the regions/nation. The government need to ensure it adds value and is grounded in the reality of the planning system.

The principle for provision of support for design coding/masterplanning and delivery is a good one. However, these need to be used efficiently and effectively to areas with the most need/lack of skills and which face growth pressures. Some authorities are also well skilled to offer these resources/services to others in a similar position and a network of options should be considered.

Some mechanism for policing standards should be introduced and has the teeth to rapidly impose hefty fines or some other sanctions to dissuade those developers that would cut corners in the name of profit.

**Question 19:**

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

**Response to Question 19:**

Yes.

As the Government's delivery vehicle for housing and infrastructure, Homes England should be at the forefront of high quality design. It has the power to do this because it is such a significant landowner that it can and must compel volume housebuilders to up their game in this respect.

It would be helpful to see how through its procurement it could allow for more diverse and smaller design teams/ builders to enter into the market to bid for some of their sites/frameworks?

Design should not simply equate to aesthetics or function, but also whether a build is fit for purpose in helping to address the Climate Emergency through the use of new methods, and materials for homebuilding and appropriate to site.

Homes England's strategic objectives must also include responding to the climate emergency and delivering net zero carbon by 2030 as an integral part of delivering high quality design.

Home England's strategic objectives should include a commitment to biodiversity net gain and provision of ecological enhancements such as nesting and roosting boxes within every dwelling/structure built

Long term value should be accounted for in the procurement process rather than short term profit. It should emphasise stewardship, management and maintenance as well as design. These must not be sacrificed in the pursuit of "faster delivery".

**Question 20:**

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

**Response to Question 20:**

No, this requires more careful consideration in our view. This section of the consultation raises lots of uncertainties. For example:

- How is "Beauty" defined? It is too loose and not helpful
- Who decides if the scheme is compliant with these things and therefore goes along the fast track?
- What if views diverge between the Council and the community?
- How do you define "proven popular designs"?
- Who is going to be the arbiter of 'Beauty'?

There is already a precedent for this in principle working with developers which have good pre-app engagement with the local community, local authority, have good skills are responsive to comments. They go faster through the planning system.

However there needs to be checks and balances in any deregulation proposed in this process. How do you control the quality of built product? 'Assemble the component of parts'; especially effects the volume housebuilding industry: evolved and agreed new pattern book developed in accordance with a prescribed code, perhaps? Needs skills/expertise and checks. Who decides on whether the quality is acceptable?

The Greater Cambridge Planning Service has quite advanced sites and design codes in place already and could be a test bed to pilot some of these proposed ideas on its strategic sites?

Perhaps there's a need to look at what detail a design code needs to add to make it more robust for an automatic approval, , based on European Dutch housing models Almere, Amsterdam etc?

The use of a 'pattern book' for permitted development may lessen diversity of design or innovations in sustainability. It could result in standardisation rather than providing the innovation which is desperately needed to tackle the climate change and biodiversity decline. It is at odds with the idea of "beauty".

If a housing developer sells a lot of their standard house types, you could argue that this is a proven popular design, but that doesn't necessarily mean it is good design. The definition for high-quality, beautiful design could be misinterpreted and abused. Using 'replicable and popular' development types does not always mean high-quality design as is found for example in some post war council housing. It needs to be sensitive to the context, constraints and needs of modern lifestyles.

A fast track should focus on responding to climate change, and supporting nature.

### **Pillar Three – Planning for infrastructure and connected places**

#### **Question 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]

#### **Response to Question 21:**

Other.

Clearly the response to this question will depend on local issues. There are many important issues in Greater Cambridge:

- Delivery of affordable housing.
- Environmentally sensitive development supporting climate change mitigation measures and providing high-quality places where people want to live.
- Infrastructure needs to be delivered ahead of, or failing that, in a timely manner to support growth, especially transport improvements to reduce traffic congestion and support more sustainable means of transport.
- Supporting the local economy.

It is notable that digital infrastructure is not referenced in the question, given its importance in reducing the need to travel.

**Question 22a:**

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

**Response to Question 22a:**

No.

It is agreed that the current Community Infrastructure Levy and Section 106 planning obligations are not fit for purpose and that, in principle, they should be replaced with a new system where the contribution is charged as a fixed proportion of development value that is invested in new infrastructure and public services.

However, Cambridge City Council and South Cambridgeshire District Council do not support the proposals put forward in the White Paper for the Levy. It would harm the ability to deliver upfront infrastructure, and it would transfer significant risk onto Local Authorities rather than developers. This will require borrowing by Councils – and raises complexity in the case of two and three tier (Combined Authority) areas. If money was borrowed in anticipation of development being built but that development did not come forward this would cause significant difficulties for a local authority who had borrowed in anticipation. The debt costs likely to be carried by Local Authorities, would need to be charged against the levy – which would reduce the efficiencies provide by the current regime whereby direct delivery (in kind) by developers and opportunities to cashflow infrastructure delivery to limit total debt can be achieved. Confidence in long term levy rates – against which borrowing costs would be set, would also be required over the long term (up to 35 years of delivery for some strategic sites).

Furthermore, Local Planning Authorities do not have the resources to deliver such significant infrastructure, and would still need to work with providers and/or developers to bring such forward. The proposals should consider how developers and infrastructure providers can be held to account by Local Planning Authorities to enable timely delivery, not shift responsibility. This infrastructure levy proposal together with the shifting of significant development management to the plan making stage is a recipe for the proposed future planning process to unravel.

Concern is also raised about the potential implications for local communities and parish councils, who are currently involved in the S106 process and are recognised in the CIL and Neighbourhood Planning regulations as important direct beneficiaries. Communities have an important role to play in shaping decisions about how local infrastructure needs are met and there is a risk that they would be cut out of the process. There are fundamental questions relating to its practical operation including:

- What percentage of development value uplift is proposed being secured as an Infrastructure Levy contribution?
- At what point would the assessment to calculate the quantum of Infrastructure Levy take place?
- Who would fund the assessment?
- What information would inform the assessment?
- Would there be dispute mechanism for parties to challenge the outcome of the assessment?
- How would the Infrastructure Levy remain reflective of changes in market conditions?
- What are the intended triggers for the Infrastructure Levy payment?
- What if development was not completed?
- Who is liable for the individual Infrastructure Levy payment?
- How would on or offsite infrastructure that is required be reflected in the Infrastructure Levy charge?
- If section 106 agreements are withdrawn entirely what mechanism will exist to (a) restricting the development or use of the land in any specified way; (b) requiring specified operations or activities to be carried out in, on, under or over the land; (c) requiring the land to be used in any specified way, i.e. the other basic functions of planning obligations?
- How would you ensure delivery of infrastructure was phased in conjunction with build out of the development which S106 agreements currently secure and are enforceable.
- How would the costs of managing the infrastructure levy and borrowing be covered. In many parts of the Country, infrastructure costs for a growing area represent £Bn's and this scale of investment management requires a significant resource to manage and oversee – e.g. MK Partnerships Business Board.
- What provisions would exist for enforcement – this may have to be against individual home occupiers where developers “disappear.” What provision will government make for those that default?

**Question 22b:**

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]

**Response to Question 22b:**

Not sure.

If it is implemented the Infrastructure Levy could be constructed as a simple percentage of the land value increase that is derived from the grant of planning permission irrespective of geographical area. Such an approach would ensure that the development proposals that achieve the greatest uplift in value will make the greatest contribution. This would bring the Infrastructure Levy in-line with other forms of national tax and similar to the Stamp Duty Land Tax. Furthermore, as with the SDLT, the Government could consider having 2 or more thresholds where the Infrastructure Levy payable increases depending on the uplift value that is derived (e.g. 35% of uplift for the first £1m uplift value achieved and 50% of the uplift where the uplift exceeds £1m). Such rates would be capable of being kept under review and subject to changes or (again in the case of SDLT) a short-term holiday to incentivise development in response to market conditions.

**Question 22c:**

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

**Response to Question 22c:**

The levy should seek to optimise returns for infrastructure alongside the delivery of high quality, low impact development that include affordable homes. The purpose should not be to secure increased “cash” at the expense of quality/environmental impacts or performance or affordable housing delivery. The definition of “value” is therefore important. Our Authorities would seek always to increase the value generated from development for their community.

If implemented, the Infrastructure Levy should therefore aim to capture more “value” overall to support greater investment in infrastructure, affordable housing and local communities. The White Paper references potential to reduce risk on developers. This should therefore be reflected in the scale of funding sought. The potential risk being proposed to be transferred to Local Planning Authorities must be reflected in increased value to them.

A revolutionary approach to land value capture through an Infrastructure Levy provides the nation with an opportunity to consider the impact of all new development on a regional or even national level. Whereas section 106 planning obligations and to a certain extent CIL are only ever capable of addressing the more immediate and direct consequence of development,. Importantly all new developments should be liable to pay the Infrastructure Levy (if the land value increases sufficiently above the first threshold). It is not the case that more value captured nationally would render any particular form of development unviable, it is simply that the pool of those contributing would increase.

**Question 22d:**

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

**Response to Question 22d:**

Not Sure

If the system is implemented Local authorities should be permitted to borrow against the Infrastructure Levy to provide flexibility. However, there are major concerns that this could place significant risk onto local authorities if it is put forward as the only route to upfront funding to support delivery. With funding only secured at the end of a development, the local authority has to take on all the risk if it is to ensure infrastructure delivery upfront, when it is often needed. For areas such as Greater Cambridge, that debt could run to £bn's and have a duration of decades not years. The costs of servicing the debt, together with risks of delivery of levy receipts would mean that managing the financial risks of individual authorities will likely present significant challenges. For this reason – and those matters highlighted above, the Council consider much more work is required on this proposal before it can provide a credible delivery route for infrastructure.

The White Paper does not consider the impact of the increased risk on Local Authorities and their capabilities to service the borrowing or to deliver the infrastructure. More work should be done to discuss this aspect with the councils networks before taking this further.

**Question 23:**

Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

**Response to Question 23:**

Yes.

The scope of a Levy should capture changes of use through permitted development rights.

Permitted development rights enables the conversion of an existing building to residential use. Plainly in such circumstances there are consequences of the development that require direct mitigation (i.e. capacity at the school will need increasing) where currently the cost is borne by the taxpayer. Perhaps more importantly a significant uplift in land value is derived from the change of use being permitted which is not currently being captured by the Government resulting in a disproportionate cost to the funding of infrastructure being borne by non-permitted developments.

**Question 24a:**

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

**Response to Question 24a:**

Yes.

Government should aim to secure at least the same amount of affordable housing under the Infrastructure Levy if implemented, and as much on-site affordable provision, as at present. To do otherwise would do nothing to help deal with the housing affordability crises, particularly in areas such as Greater Cambridge.

**Question 24b:**

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

**Response to Question 24b:**

Not Sure, delivering suitable, high quality affordable housing is a priority for our Councils. If the levy can provide a guaranteed means to ensure the delivery of the



full range of new affordable homes required – then the Council would support the proposal to do so. In practice, provision of payments instead of built development presumes both a supply of affordable homes to “buy” with the levy – and that the levy can allow authorities to deliver the full range of tenures and units required to meet their specific housing needs, through the levy income – noting that different forms and tenures have different physical and spatial requirements. Experience with development to date, highlights how affordable housing delivery is reduced on the basis of viability in areas where a CIL is in place. This reflects the wide range of land values that can exist across a Town or City or an area. Any levy process (see above) needs to recognise the risks that other impacts upon land values/returns and hence levy income may jeopardise affordable housing delivery unless there is flexibility in the way that income can be managed and borrowing risks mitigated.

Whilst therefore it is our view that affordable housing should be secured as in-kind payment towards the Infrastructure Levy, however, it should be within the gift of the local authority to introduce (through the development plan) an alternate approach where the route is determined on a case by case basis or where a development plan has established a threshold above which in-kind provision will operate.

As a broad-brush approach in-kind provision of affordable housing, where the cost of providing those affordable dwellings is recognised in the value uplift calculation, would provide the most certainty to the development industry. However, there are exceptional instances where either affordable housing is best provided for as an offsite contribution (e.g. where the development is for a barn conversion which, due to high maintenance costs, may not be appropriate for affordable housing) or where the local authority seeks to maximise the Infrastructure Levy in order to fund specific infrastructure that (for local reasons) takes greater priority than affordable housing. In those circumstances the local authority should be able to elect, prior to the grant of planning permission, that affordable housing requirements are met through a greater Infrastructure Levy payment.

Additionally, the in-kind model for affordable housing guarantees that the cost of affordable housing is always borne first, whereas through section 106 agreements a decision taker has the flexibility to apportion the cost associated with planning obligations (e.g. affordable housing, onsite infrastructure, offsite contributions) as they see fit having regard to site specific circumstance.

**Question 24c:**

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

**Response to Question 24c:**

Yes.

The Local Authority should be mitigated against risk but this should not be at the expense of delivery of affordable housing.

One of the key priorities for Greater Cambridge is maximising the delivery of affordable housing to meet identified needs. So, it will be very important that a new system did not undermine that and result in a loss of affordable housing provision.

**Question 24d:**

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

**Response to Question 24d:**

Yes.

Paragraph 4.22 of the White Paper proposes that local authorities would work with a 'nominated' affordable housing provider. It is unclear from this statement as to who would nominate the affordable housing provider. The local authority would be best placed to select the affordable housing provider to ensure quality of housing management and would welcome greater control over this. There would need to be further detail as to how this would work in practice.

Paragraph 4.24 of the White Paper would seem to be contradictory to the objectives of the White Paper, to provide good quality, well designed, beautiful places to live. If this is the case, why would there need to be an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality?

Paragraph 4.24 also suggests that local authorities could accept infrastructure levy receipts in the form of land within or adjacent to a site. Whilst the provision of land within the development would be an acceptable form to provide the affordable housing, and would allow local authorities, working with housing providers, to provide a more bespoke offer for the affordable housing, we would be concerned in terms of segregation of the affordable housing to less attractive locations within a development. This could add to the stigmatisation of affordable housing which is in direct contravention to the Social Housing Green Paper.

**Question 25:**

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

**Response to Question 25:**

Yes.

Local authorities should have fewer restrictions over how they spend the Infrastructure Levy. Whilst it may be desirable for a proportion of the Infrastructure Levy / allowance to be ring fenced for the provision of Affordable Housing, the local authority should have absolute discretion (but be accountable for) how it should invest in infrastructure to mitigate the impact of new development but also to improve the environment and quality of life for existing residents (not always achieved through the provision of infrastructure).

There is a strong link between where development occurs and where funding should be directed in the first instance, especially as this often provides an incentive to local communities to allow development in their area. The proposal for a Neighbourhood Share of the Infrastructure Levy to be retained within the locality of the development the spending of which would be administered by a Parish Council or appropriate Neighbourhood Forum is supported but the long term nature of the levy and requirements for borrowing (and the associated risks) is likely to diminish local communities ability to utilise the levy income effectively..

**Question 25a:**

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

**Response to Question 25a:**

Yes.

Affordable housing should be ring fenced in some way to ensure that contributions received under the Infrastructure Levy are not misappropriated by the local authority during periods where there may be other pressures.

## What happens next?

### **Question 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?

### **Response to Question 26:**

There is no reference to planning for travellers in the consultation. It is not clear how the government's Planning for Travellers Sites guidance would be taken forward. Further consideration is needed of how these proposals would impact on the travelling community.