

## PLANNING WHITE PAPER (PLANNING FOR THE FUTURE) – RESPONSE TO CONSULTATION

To:	Environment and Sustainability Committee
Meeting Date:	15 <sup>th</sup> October 2020
From:	Steve Cox - Executive Director Place and Economy
Electoral division(s):	All
Forward Plan ref:	N/A
Key decision:	No
Outcome:	To allow the Executive Director: Place and Economy to finalise the submission of the Council's technical officer response to the Planning White Paper consultation by the Government's deadline of 29 <sup>th</sup> October 2020.
Recommendation:	To allow the Executive Director: Place and Economy, in consultation with the Chair of Environment and Sustainability Committee, to finalise and submit the Council's technical officer response on the Government's consultation on the Planning White Paper in order to be able to meet the Government's deadline of 29 <sup>th</sup> October 2020.

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# 1. Background

- 1.1 The Government's White Paper, Planning for the Future, was published on 6<sup>th</sup> August for a 12 week consultation ending on 29<sup>th</sup> October. The purpose of the White Paper is to set out the Government's proposals for reform of the planning system.
- 1.2 The proposals if implemented would result in wholesale changes to the plan making, development management and infrastructure funding processes. These could result in significant impacts on the County Council in its statutory planning function (minerals and waste), services providing functions as statutory consultees and stakeholders (e.g. highways, Lead Local Flood Authority (LLFA), archaeology, public health) and those services that benefit from developer contributions (e.g. transport, education).
- 1.3 The response that has been prepared has canvassed the views of service areas engaged in the planning process. The full response is set out in Appendix 1. This paper provides an outline of the main proposals in the White Paper to provide context to the Council's response. The White Paper can be accessed here:

[White Paper hyperlink](#)

# 2. Main Issues

- 2.1 The White Paper's five key objectives for the planning process relate specifically to plan making, decision making, infrastructure funding, resources and training. They are:
  - To streamline the planning process with more democracy taking place more effectively at the plan-making stage, and replace the entire corpus of plan-making law in England to achieve this.
  - A radical, digital-first approach to modernise the planning process - moving from a process based on documents to a process driven by data.
  - To bring a new focus on design and sustainability.
  - To improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions.
  - To ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres.
- 2.2 These objectives will be delivered by a range of proposed reforms which are set out in the White Paper under three 'Pillars';

## Pillar 1 – Planning for development

- A new approach to plan making including a simplified role for local plans based on zones, rules based policies and site specific design codes. National policy will replace local development management policies and a new centralised standard method for

determining housing requirements will be introduced. The local plan 'Soundness' tests will be replaced with a single sustainability test.

- A streamlined development management process with automatic planning permission for schemes in line with local plans with much of the detail that is currently considered at outline deferred to a remodelled reserved matters stage. Decision making that proposes to be faster with stronger deadlines and sanctions for local planning authorities for non-delivery. A greater use of digital technology, data management and geographic information.
- A streamlined, more engaging plan-making process by imposing a 30 month timescale for the preparation of local plans.
- Speeding up delivery of development by ensuring that on large scale sites a wider range of development models and different builders can operate.

#### Pillar 2 - Planning for beautiful and sustainable places

- Creating frameworks for quality by introducing locally prepared binding design codes supported by a national body and establishing a chief officer for design and place-making in the Local Planning Authority (LPA).
- A fast track for beauty to incentivise development that complies with national policy, local codes or expanded permitted development.
- Effective stewardship and enhancement of our natural and historic environment by amending the National Planning Policy Framework (NPPF) to ensure that planning can mitigate and adapt to climate change and maximise environmental benefits, a quicker, simpler framework for assessing environmental impacts and enhancement opportunities and facilitating ambitious improvements in the energy efficiency standards for buildings.

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

- A consolidated infrastructure levy where there would be a mandatory nationally-set rate based on a proportion of development value. The current Community Infrastructure Levy (CIL) and the planning obligations system (Section 106 agreements) are proposed to be abolished. The scope of the levy is proposed to be expanded to include changes of use through permitted development. And would be used towards affordable housing with any on-site provision being off-set from the levy. The LPA would not be bound by the current CIL tests and would potentially have more freedom on how the levy is spent, albeit this is currently unclear on how this would work in a two-tier authority area.

2.3 The Government has stressed these are significant and fundamental reforms that challenge how we do planning in this country. Implementing them will require major primary and secondary legislation, revised national policy and transitional arrangements for existing planning permissions. Significant resources, especially investment in skills and information technology, will need to be deployed. The Government wants the system in place and new local plans prepared by the end of this Parliament.

### 3. Alignment with corporate priorities

3.1 The Government's consultation paper is focussed on seeking improvements to the existing planning system which aligns in principle with the four corporate priorities set out below.

3.2 A good quality of life for everyone

There are no significant implications for this priority identified at this time.

3.3 Thriving places for people to live

There are no significant implications for this priority identified at this time.

3.4 The best start for Cambridgeshire's children

There are no significant implications for this priority identified at this time.

3.5 Net zero carbon emissions for Cambridgeshire by 2050

There are no significant implications for this priority identified at this time, although a recognition of the need to meet the net zero carbon agenda has been identified in the consultation document.

### 4. Significant Implications

4.1 Resource Implications

There are no significant implications within this category.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

There are no significant implications within this category.

4.3 Statutory, Legal and Risk Implications

There are no significant implications within this category.

4.4 Equality and Diversity Implications

There are no significant implications within this category.

4.5 Engagement and Communications Implications

There are no significant implications within this category.

4.6 Localism and Local Member Involvement

There are no significant implications within this category and members were notified of the consultation when it was first published.

#### 4.7 Public Health Implications

There are no significant implications within this category.

**Have the resource implications been cleared by Finance?** Yes

Name of Financial Officer: Sarah Heywood

**Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?** Yes

Name of Officer: Gus de Silva

**Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law?** Yes or No

Name of Legal Officer: Fiona McMillan

**Have the equality and diversity implications been cleared by your Service Contact?**

Yes

Name of Officer: Elsa Evans

**Have any engagement and communication implications been cleared by Communications?** Yes

Name of Officer: Sarah Silk

**Have any localism and Local Member involvement issues been cleared by your Service Contact?** Yes

Name of Officer: Emma Fitch

**Have any Public Health implications been cleared by Public Health** Yes

Name of Officer: Iain Green

## 5. Source documents

Source documents

White Paper: Planning for the Future, Ministry of Housing, Communities and Local Government, August 2020.

Location: [White Paper hyperlink](#)

## **Appendix 1: White Paper (Planning for the Future) - Cambridgeshire County Council Response (1 October 2020)**

This paper is the Council's response to the Government's White Paper (Planning for the Future). It has been prepared by officers of the Council and represents a technical response to the views across a wide range of Council services engaged in the planning process. The response was discussed at the Council's Environment and Sustainability (E&S) Committee on 15<sup>th</sup> October 2020 and approval was given for the document to be finalised by the Executive Director: Place and Economy, in consultation with the Chair of the E&S Committee, in order to meet the consultation deadline of 29<sup>th</sup> October 2020.

The paper is structured around the "Three Pillars" set out in the White Paper and responds to the specific questions posed.

### **General Comments**

There is no recognition of the fundamental way that planning and the natural environment are linked. Better, more sustainable land use planning is required to deliver local authority's statutory duty to conserve biodiversity (Section 40 NERC Act 2006) and deliver ecosystem services. There is no evidence in the document of how any of the changes will have a 'better' impact on the planning system.

The White Paper seems to focus on 'housing delivery' rather than the whole 'planning system' and appears to remain silent in relation to industrial, commercial, retail and waste and minerals. In doing so it also fails to acknowledge the existing 'land banking' issue in planning consents for housing development, or the successes that exist in the planning system, particularly those within Cambridgeshire.

From a minerals and waste perspective, it is difficult to see how these planning elements fit within the document or vision; for example if an area was identified for 'Growth' how would a waste facility sit within it, or equally in a 'Protected' area how would minerals and waste proposals sit within that idea, e.g. would they be exceptions? Noting that the housing delivery is dependent on the mineral industry to provide the building materials and the waste industry to deal with waste arisings to ensure proposals count as sustainable development, the paper currently misses out the beginning and end requirements that will support this delivery.

The document talks about accelerating planning decisions without any detailed information on this, so it can only be assumed this would be done through lowering standards / requirements, which is likely to impact the environment the most. How does this interact with the Environment Bill and net-gain obligations?

The focus on housing numbers, speed of delivery and aesthetics fails to address the fundamental purpose of planning which is places and people.

The white paper has failed to address some of the biggest drivers of health inequality and poor health outcomes such as housing, transport, access to jobs and services and how places work and how people use them. There needs to be clear recognition that historically, planning has enabled places that actively work against adopting unhealthy behaviours and lifestyles. As part of an overhaul of the planning regime, Government should be looking closely at its list of statutory consultees. Public Health and Environmental Health are currently not statutory consultees in their own right but form part of the consultation responses from Upper and Lower

Tier local authorities. This engagement much relies on locally agreed processes and working relationships, which can vary across the two tier system resulting in health and wellbeing not being adequately addressed.

## **Pillar One – Planning for development**

### **A NEW APPROACH TO PLAN-MAKING**

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

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

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

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

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

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land:

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

There is a good case to be made to simplify the plan preparation process which could limit the range and scope of the policies contained in the plan. Plans however need to be effective and deliver positive outcomes as well as being efficient to prepare. The zoning approach proposed in the White Paper offers a very simplified version of zoning codes similar to those that exist in the United States which run to hundreds of pages and can take years to enact and are highly inflexible once in place. There is a concern that, even with nationally imposed development management policies, replacing the current discretionary approach with a rules based zoning approach could also lead to delays and legal challenges. Whilst it may provide certainty there is a risk that this is achieved at the expense of flexibility.

The allocation of land into three categories fails to acknowledge that ecosystem services, including biodiversity and green infrastructure, are found both within and outside of 'protected areas'. There is no clarity what mechanism will be used to achieved this and how adequate weight to importance of assets in each of the category areas, such as biodiversity sites. There isn't any clear hierarchy of protection identified for sites that are of greater strategic importance. More worrying is the fact that the level of protection of the 'protected' zone is not clear, and that some development would still be permitted.

Irrespective of how the process is constructed, it is absolutely key that local and strategic, multi modal transport impacts can be fully assessed and understood, and key mitigation secured through the process.

A binary approach of combining growth and renewal areas into one category has the potential to significantly increase flood risk to new and existing communities without extremely robust policy and mitigation.

Having three zones (Growth, Renewal and Protection) is a crude allocation for land-use. Is there a limit on how large or how small a zone can be? For example, can a Protection Area (say a

Conservation Area) also have sub-areas of 'Renewal'? If not opportunities to develop problem sites within a Conservation Area could be missed. Time and again heritage has been shown to be a driver for high quality change within schemes of renewal and growth.

The three types of land do not recognise the potential of the historic environment as a positive driver of growth. The current NPPF led system emphasises a significance led approach to protecting the historic environment that also underlies Historic England's 'constructive conservation' approach. This allows the potential of historic environment to create well-designed places by protecting what makes places special whilst allowing new development that is sympathetic and well-designed.

The proposed three part division also does not recognise that the historic environment is all around us not neatly packaged as designated heritage assets and that undesignated archaeological assets in particular may only be recognised following archaeological field evaluation and are often protected through the planning process rather than by designation.

The White Paper is silent on the two tier structure in place in many areas of England. Unless this White Paper will go hand in hand with a local government reorganisation that takes away such structures, then there needs to be an explanation of how mineral and waste development will be incorporated in the local plan making system by lower tier authorities. Also how will sites suitable for minerals and waste development be identified e.g. will they be in a zone for 'Growth' and/or 'Renewal' and how will their suitability be assessed. Is there potential for plans to have different 'Growth' areas that would mean that minerals and waste development would be acceptable in some and not in others? Also is there an expectation that the design codes for development in these zones would also capture minerals and waste uses? At present none of these issues appear to have been considered or explained in the White Paper, as the focus has been put on housing delivery which not only excludes minerals and waste uses, but also heavy industrial and commercial practices.

Going a step further it is not clear if waste sites will need to have planning applications if such development is captured as appropriate for 'Growth' or 'Renewal' areas? The White Paper will need to be clearer on such matters, including how minerals and waste applications for proposals beyond the zones will be assessed, and if a more rigorous planning application process would be expected? If so, then there is a concern that minerals and waste permissions may become even harder to achieve than is currently the case.

### Growth Areas

It is proposed that areas of flood risk will be excluded from the automatic outline approval, 'unless any risk can be fully mitigated'. This is a very high level statement which needs further clarification, namely on the following points:

- Does this cover all sources of flood risk? If not, it needs to (surface water, fluvial, groundwater etc.)
- What does 'fully mitigated' mean? Who would propose and approve the mitigation and at what stage in the planning process? Many developers claim they can mitigate flood risk, but this is not always possible and needs to be addressed within the planning system.
- Local Plans rely on strategic flood risk assessments for flood risk information but the quality of these varies depending on available budget and the quality of the brief to the consultants. Furthermore, flood risk information can become out of date very quickly so reports such as Strategic Flood Risk Assessments (SFRAs) cannot be relied on in isolation.



### Renewal Areas

There is no mention of flood risk in this section. It is important that flood risk is considered in the same way as for growth areas.

Many areas of previously or already developed land are in areas of flood risk, therefore it can't be assumed that all redevelopment or renewal is acceptable on flood risk grounds.

### Protected Areas

The inclusion of areas at 'significant' flood risk within protected areas is welcomed. However further clarification over the definition of 'significant' must be provided. It also needs to be confirmed whether this covers all sources of flood risk (surface water, fluvial, groundwater etc.).

In the NPPF Heritage Assets are either designated or non-designated. Many non-designated assets are unknown, because they are archaeological sites as yet undiscovered or because they are heritage assets for which the true significance is not yet recognised. Defining areas for 'Protection' will not be straightforward. If it were possible it would require a lot of additional research and if this additional research was to be done by the LPA this would be costly.

Given that minerals only exist where they geologically exist, their safeguarding is essential to future resources. The White Paper needs to address this and explain how mineral development and the safeguarding of mineral will take place within the proposed zones. There is, for example, an opportunity to say that development has to take into account the prior extraction and use of these materials as part of any development (unless technical or environmental issues would prevent it) that would avoid the unnecessary sterilisation of these resources. This would avoid the need to negotiate on such matters at a late stage and ensure that the viability of development takes account of resources that exist in the area.

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

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

The development management policies are in local plans because the local authority, the community and ultimately an Inspector has determined that they are necessary. If these are to be replaced by NPPF policies what process will be adopted to ensure that they are sound and fit for purpose. LPAs should be able to add their own policies if local circumstances deem them necessary and NPPF fails to address the local issues.

The NPPF is currently very vague on protection and enhancement of ecosystem services (including biodiversity and green infrastructure). This would require a significant overhaul to adequately protect and enhance these features through the planning system, should existing detailed local plans be removed. It must be underpinned by the 25-year Environmental Plan and Environmental Bill; and, give adequate weight to strategic schemes, including Local Nature Recovery Networks, local Natural Capital Plans and local authority initiatives (e.g. Green Infrastructure Opportunity Mapping).

The proposal to have supplementary planning documents or design codes across local authorities or particular sites is welcomed, if this includes protection of and development of ecosystem

services. However, significant resources would be required to allow local authorities to write adequate documents to protect natural environment within the timescales proposed. There is also concern about discrepancy between local authorities, which have conflicting priorities.

Many areas of England do not have a water shortage but East Anglia (and especially Cambridgeshire) are particularly affected by water shortage. There are currently no effective national water resources or water quality policies in the NPPF. Generic national policies could cause significant environmental harm and unsustainable development.

Whilst it is possible to see a benefit for having a standard set of development management policies, it is unclear whether this will cover minerals and waste development and how planning for quarries and waste facilities will integrate with the new system. In particular as mineral development is constrained by where the resource exists in terms of its geology, it is difficult to see how it will ever fit into a zoning system of 'Growth', 'Renewal' and 'Protection'.

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

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

A statutory test for sustainable development is supported but it does need to test sustainable development in its very broadest sense and not just housing supply and delivery. Whilst the current sustainability appraisal process is flawed and the case for removing it is strong, the Government will need to provide a workable alternative. The current soundness tests do serve a purpose in respect to validating the legality of the plan and its conformity with national policy. The planning process is absolutely key to ensuring that future development is sustainable and safe. It allows us to integrate land use and transport planning, creating places and corridors that 'work'. Any new planning system must serve to achieve the overarching objective of safe, efficient and sustainable places and corridors.

Will a single 'sustainable development test' for Local Plans include heritage matters? Proposals to replace 'existing tests of soundness' and to update requirements for assessments (including on environment). However, 'environment' on p.22 only then refers to natural environment. There is only occasional mention of the historic environment in the white paper and when mentioned it is buildings/historic area focussed – see proposal 17.

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

The Duty to Cooperate was a poor attempt to fill the gap left after strategic planning and does not satisfactorily address cross boundary issues. However, the White Paper fails to set out how strategic matters will be addressed.

Without a national or regional steer, it is unclear how waste management be built into the new system, e.g. net self-sufficiency, the Proximity Principle and the Waste Hierarchy? The same is also true for mineral production through a MASS (managed aggregate supply system) calculation. Moreover, is the expectation that the new system will allow for circular economy considerations to be taken into account in decisions on new development?

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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

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

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

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

One of the Government's objective is to encourage more small and medium-sized enterprises (SME) firms into the housebuilding sector and it is accepted that a simplified planning process may assist. In terms of small scale development, subject to a locally determined threshold, the automatic approval may work providing there is adequate opportunity at the detailed stage to evaluate and approve technical matters. In respect of large scale development which operate on longer timescales and require more rigorous evaluation the case for the automatic approval is less strong.

In Cambridgeshire we have already built flexibility into our approach to support housing delivery, for example, our transport 'monitor and manage' approach breaks large masterplan sites into bespoke, controlled phases, allowing early development to proceed with local mitigation, prior to the delivery of the required strategic solutions, which we know can take time to develop. It is unreasonable to suggest that planning is holding up the delivery of housing in Cambridgeshire. Many consents have been issued, with market forces being the key driver of build rates. Indeed, there are challenging sites that can't be immediately consented, but these are for very good reasons – fundamentally, that the proposals would result in severe harm until the transport context changes.

The broad classifications proposed may have some practical applications, but the automatic outline consent of large strategic sites creates some major issues:

- The current application stage (whether outline or full) is where the key, granular technical assessment occurs. This assessment is absolutely key to understanding development impacts and understanding the multi modal solutions required.
- This stage is also where the planning gain negotiation happens, it is critical that the local authority has suitable leverage to negotiate. Mindful that other financial resources are ever diminishing. The proposed infrastructure levy would not replace this. The outline planning stage is where a Lead Local Flood Authority has the opportunity to ensure sustainable surface water management is incorporated into the development. The granting of automatic outline approval presents a risk that surface water or flood risk is not appropriately addressed early enough.

A major problem with this proposal is the ability to conduct evaluation and assessment of archaeological impacts, as at allocation stage there is often no polluter to pay under the established 'polluter pays principle'. Who would do the evaluation or pay for it? Previous Government guidance in PPG16, PPS5 and NPPF has always emphasised the priority and desirability of preservation in situ of important archaeological remains, but if evaluation is not carried out before sites are given permission in principle, this would no longer be possible. This seems to have been overlooked in these proposals.

Not knowing about archaeology early in the process does not speed things up or increase the certainty for developers as the Government is seeking to achieve. It does exactly the opposite, storing up problems for later where they become more expensive to deal with and delay construction and in the worst cases potentially put whole projects at risk of no longer being viable; whereas if planned into development early, remains can be preserved in situ, or factored into costs when planning the scale of development and assessing viability.

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

New towns and other large scale developments should be determined at the local level although different delivery and implementation models should be encouraged. Government should support and resource local authorities to manage large scale developments.

The Nationally Significant Infrastructure Projects (NSIP) process looks at the national interest of a scheme and often fails to adequately address local importance. Following recent Development Consent Order (DCO) decisions and implementation of the schemes, it is clear that the local authority has very little control over the decision making or implementation process to ensure local requirements are met.

NSIPs are currently excluded from the requirement set out in the Environment Bill for majority of developments to deliver mandatory net gain for biodiversity. This is a significant concern. The use of the NSIP process already has local communities feeling that they have no control over such proposals and this is the Government taking away local democracy – so this element of the new planning process needs to be clearly set out.

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

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

The objective to speed up decision making is a sound one. However, the current determination periods are entirely arbitrary and should be reviewed especially in light of the proposed automatic approval and the current lack of clarity regarding the application requirements for the detailed stage. When this is known target determination periods can be set, possibly taking into account IT and digital enhancements when the Government delivers them.

The refund of the planning fee is a blunt tool which will force planning authorities into making poor decisions, not necessarily to the benefit of the developer who may rather want the extra time to negotiate rather than take a refusal. Equally the rebate of the planning fee at appeal is not necessary since the Inquiry and Hearing procedures already allow for the award of costs for unreasonable behaviour on the part of any party.

The 'greater standardisation of technical supporting information, for instance about local... flood risk' is concerning as this will reduce the ability for a Lead Local Flood Authority to provide detailed and site specific comments on planning applications.

Many flood risk issues are locally specific and depend on factors that cannot be accounted for in a standardised manner. By reducing the ability for local comments to be made, the flood risk across developments may increase. Many flood risk issues need addressing as early as possible in the design process as they have implications for the size, scale, nature and layout of a development. The detailed design stage is too late for site-specific comments to be provided.

Presumably, this means the Historic Environment Record (HER) being made available more widely to developers as part of the information made available on interactive maps. This could be an excellent idea to ensure heritage issues are considered early.

The proposal suggests introducing standardised conditions. Some specialisms already have standardised conditions so that would be fine in principle, so long as all elements of the planning system are considered when producing such conditions.

Whilst we welcome proposals to remove the need for public notices in newspapers, there is a concern that over reliance on electronic consultation and the removal of site notices for example has the potential to disadvantage certain sections of the population that will need to be considered in the equality assessment in line with relevant legislation.

The White Paper is not clear on who will develop and procure the new software and IT systems. Councils have existing contracts and would need a notice period prior to new software being introduced. Furthermore, such a system needs to take account of all planning application requirements, and not just those surrounding the housing / lower tier applications, so any new system would need to ensure that it covers all the requirements of minerals and waste planning. The White Paper places emphasis on digital, data driven planning, which is welcomed and it links well with the evidenced-based approach that underpins planning. However, it is important that the data driven approach for a new planning regime is not just focussed on planning matters, but works on a platform that can draw in a range of other data, intelligence and evidence where appropriate e.g. real time air quality monitoring, health indicator data etc.

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

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

In a similar vein to the response provided to question 10 above, this will depend on what the proposed digital technology and template would consist of. Local Plans already include proposals maps, where in the case of mineral and waste allocations in a two-tier authority area these are supplied to the district or city council to be viewed as part of the development plan, so it is difficult to see how this proposal would change the existing system. Alternative options for those that are unable to use web-based software also needs to be considered from an equality perspective.

#### **A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS**

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

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

Faster plan making would be welcomed, provided there is appropriate resourcing of local planning authorities. As noted above, it remains to be seen how the evaluation of impacts such as transport, health, flood risk and archaeology would fit within this process, and how minerals and waste planning is to be included in these proposals.

The statutory 30 month timescale for new Local Plans is extremely ambitious considering all the frontloading that is expected to be achieved.

The first time a draft plan with all the proposed zoning would be seen is at the point it is submitted to the Inspector (Stage 3), which would suggest to local communities that it is a fait accompli.

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

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

Neighbourhood Plans are important in ensuring new development is rooted in local distinctiveness and sense of place. Communities also need to feel they are driving development in their area and such plans should be able to counter the increased centralisation of planning proposed in the White Paper.

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

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10: A stronger emphasis on build out through planning

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

Once a development has approval, delivery of the housing rests entirely with the developer. The developer should face penalties for any delays in delivering the Government's housing targets, particularly if the local authorities are investing in infrastructure upfront to support the anticipated development.

Pillar Two – Planning for beautiful and sustainable places

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

**Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

CREATING FRAMEWORKS FOR QUALITY

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

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

It should be possible to refuse permission because design is too poor quality, even if the density or use is appropriate. This is the only way to drive up standards so that poor quality schemes do not get permission.

The proposal to have supplementary planning documents or design codes across local authorities or particular sites is welcomed, if this will include protection of biodiversity / green infrastructure and development of ecosystem services. However, we are concerned the current proposal is unrealistic given timeframe and resources currently available to local authorities to deliver comprehensive assessment of all key areas / sites across the local authorities in Cambridgeshire. Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

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

To do this there also needs to be proper investment in design skills and expertise within LPAs. This should include conservation officers who probably more than anyone else understand the local character of their areas. Too many LPAs no longer have conservation officers, and in these areas the lack of understanding about sense of place and local distinctiveness is likely to be a real barrier to this new approach without investment and political will to change.

Much could be sorted out by trained officers scrutinising plans at an early stage of their development to improve the design. New chief design officers should have access to comprehensive training in the historic environment, in order to understand the local vernacular of the places they cover, and their role should involve working closely with colleagues in historic environment teams including archaeological officers, conservation officers, architects and building control.

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

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

Strengthening the Homes England objectives is a helpful proposal and welcomed. The detail to inform this needs to place significant weight on design quality for health and wellbeing.

**A FAST-TRACK FOR BEAUTY**

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

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

Aspiration for beautiful places and good design is positive, although detail is needed as to by whom and how this will be determined. How will the contribution of the historic environment to

beauty be recognised? Worrying that applications which meet the requirements of beauty might be fast tracked and miss consideration of other impacts.

There are concerns that the “Fast track” for beauty and permission in principle will be superficial aesthetics at the expense of good design. There are concerns that the new design guides and codes, will not take into account local transport and health needs, there is little information on the content of these design codes, or how will they be produced and who will be involved in their production.

Designing beautiful places has huge potential to pick up on development and place making across the life course i.e. creating homes and places that are accessible to all and adaptable from birth enabling people to develop well, live well, work well and age well.

## EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

We support proposal 15, however, the current NPPF is currently very vague on requirements for biodiversity protection etc. Wording of the NPPF would need to be strengthened to ensure this will be delivered through the planning process. It must be underpinned by the 25 year Environmental Plan and Environmental Bill, but should also give weight to strategic schemes, including Local Nature Recovery Networks and local Natural Capital Plans and well as local authority initiatives (e.g. Green Infrastructure Opportunity Mapping). It must also set out hierarchy of protection identified for sites, habitats and species that are of greater strategic importance.

It is unclear how the proposals will work with new schemes coming on-stream in the near future such as Biodiversity Net Gain and Environmental Land Management.

National planning policy is pushing for more Sustainable Drainage Systems (SuDS) to be considered in developments; however the ability for comments to be made on the implementation of some of these policies would be taken away.

Flood risk is increasing with climate change and by allowing some developments through permitted development rights means this risk of flooding may not be adequately or appropriately managed.

The commitment to urban tree planting is positive. Something to ensure the trees survive and are maintained is also needed, otherwise there is a danger that they may be removed fairly quickly and the costs are shifted to the Local Authority when / if they adopt the roads. Urban trees are costly for Local Authorities to maintain sustainably.

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

We support proposal 16, provided that sufficient information is secured to adequately assess the level of the impact on these habitats / species, based upon the latest evidence. It must be



underpinned by the 25-year Environmental Plan and Environmental Bill, but should also give weight to strategic schemes, including Local Nature Recovery Networks and local Natural Capital Plans and well as local authority initiatives (e.g. Green Infrastructure Opportunity Mapping).

This provides an excellent opportunity to reform how planning process and Natural England licensing for development (e.g. European protected species) work. Currently, it's a poor system, whereby a scheme requires planning permission in order to be submitted to Natural England for a licence. But then, could be refused by Natural England and therefore, the approved planning permission unviable. There needs to be better earlier engagement with Natural England and an agreement in principle that if planning permission is granted, what Natural England would expect from the developer. And whether, it is appropriate for the local authority to condition submission of European Protected Species (EPS) license or letter from Natural England that a license is not required (as recommended within BS42020:2013).

The issue of archaeological evaluation needs to be considered early in the plan making process or it will lead to delays as unexpected archaeology being found too late in the process may require rethinking of plans already in place. This will lead to greater costs and delays for developers rather than less. It will also lead to worse outcomes for our nation's heritage as the time and resources will not have been factored in to record or protect them early on in the process as in the well-functioning system already in place.

The White Paper ignores that planning and the built environment, when done poorly, can be a driver for inequality. The lack of any equalities impacts assessment on the white paper compounds this and is a poor approach to planning reform. It has not included how the proposed regime affects vulnerable communities and protected populations. The proposals would benefit from a health impact assessment to identify both the opportunities and the unintended impacts on people and communities.

The white paper has failed to recognise the role of planning, place-shaping, built and natural environment in determining health and wellbeing. The emphasis on sustainability is welcomed as this is intricately linked to population health, however the white paper has failed to acknowledge this link.

There are concerns about the proposed changes to "impact assessments" and we would strongly urge the inclusion of health impact assessment methodology as a distinct part of the new assessment process. The opportunity to strengthen the role of health impact assessments in Land Use Planning has been missed. It is already difficult to require health impact assessments, either as part of a local plan policy or as part of a planning application as there is no adopted statutory requirement (unlike devolved in the nations) and there is no guidance in the NPPF. Impacts on Human Health were strengthened by the revised Environmental Impact Assessment regulations 2017, which do require consideration of human health (although it does not prescribe how this should be assessed). However, not all planning applications are subject to an Environmental Impact Assessment and the proposals to reform the Impact assessment requirements may further weaken the approaches that should be taken to ensure all developments fully address health and wellbeing considerations.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

The Planning (Listed Buildings and Conservation Areas) Act 1990 should be replaced or amended to retain the level of protection but also to update aspects such as enforcement powers and LPA

powers notices for buildings at risk, as these are currently weak in the case of the first and overly complicated in the case of the second, meaning that they are rarely used.

How would a heritage asset in a growth or renewal areas be protected, especially considering that not all heritage assets are known about? How would setting heights properly consider the setting of heritage assets?

The approach set out does not appear to allow for or recognise that at the stage of local plan making it is not normally possible to identify previously unrecorded non-designated archaeological sites without field evaluation.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

We welcome MHCLG's acknowledgement that the planning system needs to meet the challenges of climate change and deliver the Government's net zero emissions commitment.

Future Homes Standard - sounds like a useful supporting step for this and we welcome the suggestion it will apply to all new homes. Given the need to reach net zero by 2050, and the likelihood that returning to Future Homes Standard properties at a later date to fully decarbonise them is likely to have a higher cost to society than targeting net zero from the date of build, would a more ambitious target than "up to 80% lower carbon emissions" not be better value?

As the Government's Clean Growth Strategy indicated heating contributes around 32% of UK emissions and fossil fuel heating needs to be phased standards for new homes should require low carbon heating e.g. via ground or air source heat pumps or connection to a district heating network.

Permitted development - Extending existing permitted development rights for air and ground source heat pumps to systems above the current microgeneration (45kWthermal) limit would also be helpful in decarbonising existing properties, in particular social housing and other multi-residence properties with shared heat sources. New, specific permitted development rights for district heating schemes, whether or not these form part of a new development, would also be a way planning reform could help achieve the decarbonising of heat in buildings.

Associated carbon emissions from transport - The impact of housing developments on transport carbon emissions should also be considered in planning e.g. via provision of electric vehicle (EV) charging facilities at residences or on-street, or as a minimum, adequate electrical connection capacity to enable these later; and access to public transport to enable communities to live more sustainably. How does this fit in with the Department for Transport's (DfT's) Transport Decarbonisation Plan which is looking to put more onus on the Local Authority to ensure delivery of sustainable transport infrastructure in new developments?

Facilitating ambitious improvements in energy efficiency standards for buildings is welcomed as this can directly improve health by tackling fuel poverty, however the White Paper does not outline the details on how these standards will be improved, what this looks like in practice and where any financial viability burden of achieving these higher standards lies.

## Pillar Three – Planning for infrastructure and connected places

### **Q21. When new development happens in your area, what is your priority for what comes with it?**

#### **A CONSOLIDATED INFRASTRUCTURE LEVY**

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

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

How will the Infrastructure Levy (IL) work in multi-tier authorities and therefore who 'owns' the income and sets the spending priorities? Concerns relate to challenges around the implementation of CIL, whereby the district authorities effectively own and manage the monies and therefore the County Council would need to ensure it receives a fair share.

Will a new model of income require a new approach to infrastructure delivery? If different levels of income are likely, infrastructure such as schools may have to be provided differently i.e. in-kind or fewer but larger primary schools. Specifications may have to change to reflect changed income levels or the Council may need to seek other forms of funding to support expectations.

The current mechanisms allow us to negotiate essential funding for specific strategic and local schemes, without which; sustainable development could not be achieved. It is fair to say that we already face funding challenges. Our networks are already at capacity and we are struggling to maximise transport receipts from developers, with Planning Authorities often directing the viability constrained planning gain towards affordable housing. Planning obligations are key to ensuring that developments 'work'. These need to be specific and deliverable. By negotiating them through the current application process, we offer the developer greater autonomy in discharging obligations directly, paving their own way for quicker, sustainable development.

It is hard to see how the Section 106 (S106) legislation could be removed and consolidated into a new 'Infrastructure Levy', especially as the S106 process is far wider than just seeking contributions from developers. In the case of mineral and waste development they often cover much wider environmental matters, which needs to be taken into account when assessing this element. Furthermore, when looking at a system that will be assessing the final development values and increase in land values from planning permission, how will this be assessed for minerals and waste development – particularly in the case of the former where applicants often only have the mineral rights and the final land value is different to the value of the minerals and may go back to either agriculture or nature conservation?

The minimum threshold may render all or some local authority areas as not generating any IL. The minimum threshold removes the need for viability assessments, which in themselves may have indicated reduced or nil contributions. The new approach provides for a more efficient approach to managing viability.

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

Will the IL raise about the same, more or less income? It is impossible to answer this question without knowing what potential income the IL will raise. Only that traditionally the County Council has punched above its weight in the south of the County with S106 income and therefore there is always a risk that a lower income stream prevails and/or that the balance of affordable housing is prioritised above other infrastructure.

The County Council operates across five local authority areas and therefore if different local authorities adopted different approaches, this could dilute a consistent approach and income across the County area. As with S106 obligations, different developments may make different contributions to infrastructure if national or local rates are set, or none at all if the minimum threshold is not reached.

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

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

Will the Council want to take the risk associated with forward funding against future IL income? The Council has always forward funding some infrastructure to ensure timely delivery of schools for example so this provides another opportunity to secure funding in a different way.

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

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

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

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

Will affordable housing receive the lion's share of the IL at the expense of other infrastructure provision (such as schools and highways)? The new approach advocates achieving the same or more affordable housing than the current approach. Will the County infrastructure be compromised to achieve even higher levels of affordable housing?

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

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

**overpayment risk?**

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

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

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

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

Delivering change

Making sure the system has the right people and skills

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following elements *[cost of the planning system including fees and development contributions, funding for planning staff, workforce planning and skills development (including training) and digital enhancement and capability]*:

In addition to skills and training, there needs to be suitable funding arrangements in place to enable planning departments to resource and implement the new system.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

Any ability to strengthen existing enforcement powers and sanctions will be welcomed by local communities, but concerns over resourcing of such functions and whether this will include mineral and waste development will also need to be considered.