

**NORTH LINCOLNSHIRE COUNCIL**

**LEADER OF THE COUNCIL (PLACE SHAPING AND  
CONNECTIVITY) AND  
ENVIRONMENT AND STRATEGIC PLANNING CABINET  
MEMBER**

**PLANNING WHITE PAPER- IMPLICATIONS AND  
PROPOSED RESPONSE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 The Ministry of Housing, Communities and Local Government have issued a consultation document titled “Planning for the future”. This report outlines some of the of the proposed changes to the planning system and seeks to agree the Council’s response to the consultation.

**2. BACKGROUND INFORMATION**

- 2.1 On the 6th August 2020, the Government published the White Paper: “Planning for the Future”, concerning longer term changes to the planning system.
- 2.2 The White Paper identifies several problems with the current planning system that it intends to address including: that it is too complex; planning decisions are discretionary rather than rules-based; that it takes too long to adopt a Local Plan; it is based on 20th-century technology; not enough focus on design; and not enough homes are being built.
- 2.3 The White Paper seeks responses on multiple components of the planning system in England with a focus on reforming the way planning is structured and achieving the Government ambition.
- 2.4 The vision is for the planning system is to:
- be more ambitious for the places we create, expecting new development to be beautiful and to create a ‘net gain’ not just ‘no net harm
  - enhance democracy and engagement
  - improve the user experience of the planning system

- support home ownership
- increase the supply of land available for new homes
- help businesses to expand with readier access to the commercial space they need support innovative developers and house builder
- promote the stewardship and improvement of our precious countryside and environment
- create a virtuous circle of prosperity in our villages, towns, and cities

## 2.5 Government considers that the reforms will mean:

- Much-needed homes will be built quicker by ensuring local housing plans are developed and agreed in 30 months – down from the current 7 years it often takes. Every area to have a local plan in place - currently only 50% of local areas has an up-to-date plan to build more homes.
- The planning system will be made more accessible, by harnessing the latest technology through online maps and data.
- Valued green spaces will be protected for future generations by allowing for more building on brownfield land and all new streets to be tree lined.
- The planning process to be overhauled and replaced with a clearer, rules based system. Currently around a third of planning cases that go to appeal are overturned. A new simpler national levy to replace the current system of developer contributions which often causes delay – this will provide more certainty about the number of affordable homes being built.
- The creation of a fast-track system for beautiful buildings and establishing local design guidance for developers to build and preserve beautiful communities.

## 3. **OPTIONS FOR CONSIDERATION**

- 3.1 Approve the North Lincolnshire response to the 'Planning for the Future' white paper.

## 4. **ANALYSIS OF OPTIONS**

- 4.1 By approving and submitting a consultation response to Ministry of Housing, Communities and Local Government addressing the questions posed in the White Paper, the Council will be able to shape the future reform of the planning system.
- 4.2 The written response to the white paper is at appendix 1 of the report. It clearly sets out North Lincolnshire Council's response to the white paper through the 26 questions posed in the consultation.

- 4.3 North Lincolnshire Council would like to work with MHCLG as an early adopter and pilot area for this planning reform.
5. **FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**
- 5.1 N/A
6. **OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**
- 6.1 N/A
7. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**
- 7.1 An integrated assessment will be completed once the new planning system is adopted.
8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**
- 8.1 The Council has undertaken various internal workshop events, comments from these workshops have been included in the response appendix 1.
9. **RECOMMENDATIONS**
- 9.1 That the Cabinet Members approve the response and submission to the Government White Paper 'Planning for the Future' consultation issued by the Ministry of Housing, Communities and Local Government, as set out in Appendix 1.
- 9.2 That the Cabinet Members agree that the Council explore in principle working as a pilot authority with central government to develop a new-style local plan for North Lincolnshire.
- 9.3 That delegated authority be given to the Head of Economy and Growth to submit the response at Appendix 1.

**DIRECTOR OF BUSINESS DEVELOPMENT**

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**Background Papers used in the preparation of this report –**

- Planning for the future. White Paper.

## APPENDIX 1

### White Paper Questions

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

Bureaucratic  
Time consuming  
Essential

#### 2(a). Do you get involved with planning decisions in your local area?

Yes – North Lincolnshire Council is the local planning authority.

#### 2(b). If no, why not?

#### 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?

Not answered

#### 4. What are your top three priorities for planning in your local area?

The top three priorities for planning in North Lincolnshire are:

1. Housing delivery: North Lincolnshire Council aspiration is be the best place to live, work and visit. The council aim to delivery high quality housing that meet the needs of the current and future residents of North Lincolnshire.
2. Infrastructure delivery: the critical infrastructure required to deliver additional housing and economic growth need to be delivered alongside new development to ensure the existing infrastructure does not have additional pressures that will have a negative impact on existing local communities. For example, additional capacity is required in schools to meet future pupil requirements.
3. Protection of the natural and historic environment: North Lincolnshire has a rich mixture of natural and historic environment that need to be protected, conserved and enhanced as part of any new development.

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

Yes.

North Lincolnshire Council is very supportive of the proposals to simplify the process for Local Plan preparation. The Council would welcome early discussions to be selected as a front runner / pilot authority as much of the preparatory plan making and

evidence base preparation has taken place for a new North Lincolnshire Local Plan. This means we are in a strong position to move forward with the new streamlined proposals.

The Council is committed to ensuring new homes are built and communities have quality places to live. It is vital that these are delivered through a locally-led planning system with public participation at its heart which gives communities the power to ensure new developments are of a high standard, built in the right places, and include affordable homes. We also need to ensure that new homes are supported by new funding for community infrastructure such as schools, playgrounds and roads.

The Council shares the aspiration of improving the current planning system to provide greater certainty for communities, encourage brownfield development, to deliver better infrastructure and increase local involvement. It is vital that Government fully engages with and takes advantage of the expertise in local government to ensure that their aspirations of an improved system works in practice.

It would be helpful if MHCLG issues further guidance to help clarify the position of local planning authorities who are in the process of preparing a new Local Plan – principally, if they should continue preparing a Plan which would be in line with the current regulations or change course to comply with the emerging guidance. Some local planning authorities have already raised concerns where they are at an advanced stage of the plan-making process and altering course now would be almost as disruptive as starting the process from the beginning. Another matter mandating further guidance is on how this system would navigate the intricacies of site-specific challenges and constraints. These echoes wider criticism of zoning arrangements for over-simplifying land assembly and development, which is an undeniably complex and detailed process even when extricated from the planning system.

The proposed changes are very laudable. Particularly around the simplification of the process, speed of delivery and the removal of the requirement for a significant evidence base. The current system is very time and resource intensive. If the time taken for plan preparation is reduced it will allow local plans to be adopted quicker, engaging the community better allowing them to feel able to greater influence the planning process.

Through the proposals Local Plans will significantly reduce in size, by at least two thirds, following a defined template, with the National Planning Policy Framework (NPPF) becoming the primary source of policies for Development Management and Local Plan policies restricted to clear and necessary site or area specific requirements. A lot of the detail will fall into the specifications of parameters and standards in the design codes and guidance.

There is no reference to what if any effect these changes are intended to have on Minerals and Waste Local Plans, how policies and site allocations for minerals and waste would be applied under the zoning system and how minerals safeguarding can be achieved. The Council would welcome further clarification on this issue.

North Lincolnshire Council does not in principle object to a zoning system replacing the current planning policy framework., the proposed approach is not a proper zoned

system. Labelling all land as one of three types might be rather simplistic in reflecting the mix of land uses that exist in most English urban areas. For example the white paper suggests that existing urban areas will most likely be in the Renewal areas and that Conservation Areas will most likely be in Protected. Conservation Areas tend to cover the historic core of most settlements and this is certainly the case locally in Barton upon Humber or Brigg. If we want to promote appropriate redevelopment in town centres that sympathetically respect the build heritage and delivers real change, it is not clear that this would fit into one of the three categories proposed – particularly as the proposals are not explicit about the ability of the Local Plan to resist permission in principle in locations where this might not be appropriate.

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

To some extent

It would be beneficial if local planning authorities should be allowed to set their own locationally specific development management policies that relate directly to local circumstances and do not replicate NPPF policies. For example, in North Lincolnshire, the current LC14 Local Plan policy for the Area of Special Historic Landscape Interest of the Isle of Axholme is a unique policy that does not just duplicate the historic environment policies in Section 16 of the NPPF.

If national policies are required, they need to carry the same weight in decision making as development plan policies. Some local ‘development management policies’ will still be necessary to set out local mechanisms and approaches to addressing national policy issues – for example local solutions to addressing indirect effects of development on protected habitats.

Any loss of local control over developments would be a concern. It would deprive communities of the ability to define the area they live in and know best and risk giving developers the freedom to develop without addressing local concerns and infrastructure capacity deficiencies.

Overall, North Lincolnshire Council would support the alternative proposal to “allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the NPPF would not be allowed.”

**7(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?**

Yes.

The existing legal and policy tests are very difficult for the public to understand and engage with. The new consolidated test of “sustainable development” is supported,

however it is unclear exactly how this will operate in plan making and at Examination in Public.

Will this make plans easier to get through examination? Our view is potentially, yes, it will be easier without some of the evidential and process hoops. However, our concern is examinations become a series of mini-hearings where objectors and plan makers battle it out on the merits of proposed allocations and parameters on individual sites. This is similar to the way Local Plans were scrutinised prior to 2004. The rules of the examination – and in particular the rules on how promoters behind allocations are to be represented at examination – will be important if the system is to be effective.

A consolidated test needs to ensure that the environmental objective of sustainable development set out in paragraph 8c of the NPPF is applied in full, i.e. to contribute to protecting and enhancing our natural, built, and historic environment. The consultation does not contain sufficient information about what would be included in the new consolidated test as it stands.

The simplification of the sustainability appraisal (SA) process is supported as it should remove much of the 'process' that exists around the SA. Any replacement must however be robust and focused on positive outcomes for promoting sustainable development. The Council recognises that abolishing the Sustainability Appraisal system and developing a simplified process for assessing the environmental impact of plans could make it easier for local planning authorities to deliver Plans, as would a slimmed down assessment of deliverability.

The White Paper states that (p30) 'The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained'. Any consolidated test of sustainable development and proposals to update requirements for assessments (including the environment) must include the historic environment and encompass all heritage assets.

The Council supports the requirement that "Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period" as part of this test.

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

Removal of the Duty to Cooperate is supported as it has not been effective and has delayed plan making. It has worked in relation to housing numbers with our neighbouring LPA's, and there is still a need for strategic planning to make decisions about where growth and infrastructure investment should be focused, and how cross-boundary issues will be addressed.

North Lincolnshire Council is of the view the duty to cooperate will have to continue in some form or this will cause problems. It currently works and makes local authorities work together. It is however extremely resource intensive. Not from cross boundary

working with neighbouring authorities, but from the involvement of other 'prescribed bodies', such as Natural England, Historic England etc.

The White Paper proposes to abolish the 'Duty to Cooperate' while providing no clear indication of the direction or future of strategic planning, beyond a proposal that authorities can participate in joint planning arrangements to "agree an alternative distribution of their [housing] requirement" and a role for Mayoral combined authorities to "oversee the strategic distribution of the requirement in a way that alters the distribution of numbers". Could Local Enterprise Partnership's assist in this process in the absence of Mayoral combined authorities? They could be engaged to produce a Duty to Cooperate to cover all areas. Without a strategic framework is it difficult to envisage how sustainable patterns of development will be arrived at, and how local areas will be expected to align Infrastructure Funding Statements and Infrastructure Levy contributions with strategic infrastructure investment. These issues will need to be addressed in the forthcoming National Infrastructure Strategy and Devolution White Paper.

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

Yes

North Lincolnshire Council agree that the standard method for establishing housing requirements should be introduced to ensure the Government national housing target of 300,000 new homes per year is delivered. It will also provide local authorities with a fixed housing figure to work from instead of the current ever changing household projections.

The exact methodology for the standard method needs to be appropriate and take account of projected demand, ability and desirability to accommodate new development without causing local market saturation or being ignored by developers due to sites not being deliverable.

North Lincolnshire Council would like to work with Government to take into account local environmental constraints to ensure that housing requirement is deliverable and is creating and shaping quality places.

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

No

The inclusion of constraints within the calculation is not sufficiently adequate to appropriately indicate the quantity of development that can be accommodated. Affordability and the extent of existing urban areas alone will not provide a robust basis for calculation.

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

Yes

It is agreed that there would be benefits to automatic outline consents for areas allocated for substantial growth (Growth Areas) provided that effective community engagement can be secured at the plan making stage.

The principle of development has to be fully and appropriately considered at the plan making stage prior to a site being allocated for development. Under the current system no consent is conferred by the allocation of land and as such a further assessment of principle must be undertaken at the decision making stage. This represents an unnecessary duplication and it is not uncommon for a site to be allocated for development as part of a Development Plan and subsequently be refused outline planning permission.

As well as removing this duplication in the current system the proposal for automatic outline consent would potentially make sites in designated Growth Areas more attractive to developers due to the additional certainty and security that the consent will give.

Any constraints should be appropriately considered and identified at the plan making stage to ensure that sites designated for substantial growth are both viable and deliverable.

Notwithstanding the benefits identified above, it is essential that if the local community are not able to engage at the decision making stage in respect of the principle of development that they are able to effectively engage at the plan making stage, when this issue is considered. At present there is limited public engagement at the plan making stage, compared to the decision making stage. Often only a very small and specific element of the local community participate during Local Plan consultation, with a much larger and more diverse section of the community being involved at the decision making stage when specific planning applications are made which affects them. It is important, therefore, to secure effective and meaningful engagement of local residents at the plan making stage.

With regards to the proposed faster routes for detailed consent it is considered that a reformed Reserved Matters process would be appropriate for the majority of sites. However there is no real information within the White Paper as to what this reformed process would look like.

Only the largest sites are likely to be appropriate for LDO's, which would have to be produced alongside the Local Plan to be effective and efficient.

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

Yes

It is agreed that there should be a general presumption in favour of development in designated Renewal Areas. This is similar to the approach currently applied to sites within designated development boundaries. It is also agreed that the strengthening of this presumption in favour and the plan led approach would be beneficial and would provide certainty for all stakeholders in the planning process.

It is considered that an automatic consent route in Renewal Areas would only work in respect of outline consent as a site specific assessment of technical issues will still need to be carried out. A process similar to the current Prior Approval process could

be implemented to consider these technical matters. However the current Prior Approval Process is considered to be too complex and does not offer certainty. There is potential for a fast-track consent route where developments are determined in accordance with site specific policies in the Local Plan. However this would present difficult challenges to LPA's, particularly at the plan making stage. In order for the process to offer certainty the site specific Local Plan policies would have to be very detailed and prescriptive. However should the policies be too prescriptive then they will also be inflexible and this could lead to the majority of proposals coming forwards being different to the plan and as such subject to specific planning applications, which would make the process redundant. For a fast track process to work effectively in Renewal areas the policies in the plan would have to be prescriptive enough to offer certainty to developers and decision makers yet flexible enough to allow for differing requirements of developers and changing circumstances. This will present challenges as the process could be complex. It is agreed that proposals in Protected Areas should be subject to specific planning applications and judged against the policies set out in the NPPF.

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

Yes

It is agreed that there is a case for bringing forwards large-scale residential developments, such as new settlements, forward under the NSIP regime. This provides guaranteed timescales for decision making, statutory requirements regarding consultation and involvement at the pre-application stage and allows for issues that would normally fall outside of the scope of planning (such as compulsory purchase powers) to be considered and determined as part of a single decision making process.

However at present there is no National Policy Statement (NPS) in respect of residential development and it is considered that a new NPS would be required to bring residential development forwards via a Development Consent Order (DCO). Without a NPS in place there will be less certainty for all parties involved in the process and a lack of integration with the Development Plan Process.

There would also be concerns that at present the DCO process is relatively inflexible and any significant changes to a DCO must be resubmitted to and approved by the Secretary of State. Large scale projects such as new settlements that will be delivered over a significant period of time need the flexibility to react to changes in circumstances.

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

Yes

Everybody involved in the planning process would agree with the ambition to make decision making faster and more certain.

It is agreed that new technology can be used to streamline certain aspects including the automation of routine tasks. However it is acknowledged that the planning process needs to be open and transparent and that this transparency would need to

be maintained. The move from documents to data needs to be managed so that the information is still accessible and can be understood by a range of different stakeholders, including members of the public.

The standardisation of technical supporting information would be beneficial and would provide much needed certainty for developers. However this will rely on national standards and guidance/templates being in place.

The proposal to simplify planning conditions and to have standard national conditions to cover common issues would be very beneficial. This would provide consistency across LPA's and provide certainty to developers. However there would still need to be the freedom for the LPA to impose non-standard conditions where site specific circumstances require them.

It is agreed that detailed planning decisions where the principle of development has already been established should be delegated to officers as the detailed technical issues are principally a matter of professional judgement.

The proposal to refund planning fees should an application not be determined within the time limit is of concern. Many planning applications are complicated, with technical issues that need to be considered and resolved. It is not always possible to resolve these issues within the prescribed time limits and this is where extensions of time are invaluable.

Extensions of time are often agreed to allow for additional or amended supporting information to be provided by an applicant or for amendments to be made to a proposal to avoid the refusal of planning permission. It is considered that extensions of time are an effective mechanism that allow for positive and good quality decisions to be reached on often complex and challenging applications. Should this mechanism be removed and an automatic refund of planning fees be implemented it is likely that there will be a significant rise in the number of applications being refused and a marked drop in the quality of decisions being made.

Proposals for deemed consent to be granted are also a matter of concern. Planning applications that are subject to delays in decision making are often the subject of specific technical concerns such as highway safety, flood risk, contamination etc. These issues require proper assessment. To implement a deemed consent route for undetermined applications (similar to that for prior approvals) would require robust restrictions on the type of development allowed. This proposal has the prospect of resulting in a significant increase in the number of planning applications that are refused.

There are also concerns with proposals to automatically refund planning fees where planning committee decisions are overturned at appeal. At present there is a mechanism for applicants to recover their appeal costs where an LPA has acted unreasonably in refusing planning permission. However an appeal being allowed does not necessarily mean that an LPA or planning committee has acted unreasonably in refusing planning permission. There will always be an element of judgement required when making a decision on a planning application and applying the planning balance. Provided an LPA can substantiate its reason for refusal and show proper considerations of the relevant material considerations it should not be penalised should its decision be overturned at appeal, especially where this is often based upon a different weighting being applied in the planning balance based upon personal judgement and interpretation. This proposal could see planning decisions being made based upon fear of financial repercussions rather than planning policy and a balance of material considerations.

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

Yes.

North Lincolnshire Council already uses web-based packages to consult on Local Plans. The Council recognises the need for increased digitisation within the planning process, and particularly to simplify and increase engagement. To maximise these benefits for all participants a single national system needs to be developed and made mandatory for planning authorities and developers to use.

While an increased reliance on digital methods of engagement and involvement may well attract a wider audience to comment on planning proposals, it will potentially disadvantage older people and those in more deprived areas who may have less access to digital means of communication.

The Council notes that there will be substantial resource implications of creating and then transitioning to the new system, and it would be hoped that there would be funding support available from central government.

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

Yes

North Lincolnshire Council is supportive of the 30-month statutory timescale in principle. This will allow Local Plans to be developed quicker and possibly engage greater with the local community. However, 30-months is very ambitious, and this will require local planning authorities to be resourced appropriately to deliver these timescales and a remit for the Planning Inspectorate to deliver examinations within these tight timescales.

The proposed timescales are very ambitious bearing in mind the need for the introduction of new primary legislation, the proposed 'front loading' of community engagement and the greater level of technical work necessary if growth areas will receive automatic outline planning permission. However, the Council would welcome discussions to be selected as a front runner / pilot authority as much of the preparatory plan making and evidence base preparation has taken place for a new North Lincolnshire Local Plan.

North Lincolnshire Council acknowledges the White Paper's point that the current process for Plan-making is too long and drawn out and can lead to Local Plans being out-of-date almost as soon as they are adopted. However, the 30 month window will present challenges, such as cross boundary issues, in-depth public consultation, and the preparation of detailed site-specific design codes.

The Council is particularly concerned that the draft Local Plan process must provide time for amendment of the plan in the light of community and other stakeholders response to consultation before being submitted to the Planning Inspectorate. .

Compared to the current average Plan-making time (seven or eight years), 30 months would represent a dramatic change. However, the proposals elsewhere in the consultation would substantially increase the work needed within the Plan-making process, to front-load much of the decision-making that is currently left to case-by-case decisions through the planning application process. The 30-month proposal is undeliverable in this context.

Instead the Council suggests that government avoid setting a legislative timetable but leave the performance of individual authorities to be assessed through the existing democratic framework. A light-touch reporting regime which helped voters and communities assess pace in their local planning authority could be considered to support this.

To deliver this ambition a change in culture is therefore required. Local planning authorities need to be resourced better, and soon, to allow them to get to grips with these fast-paced reforms and be democratically accountable in delivering an effective planning service. The alternative is that the private sector needs to become involved as a partner in effectively giving sites planning permission, which inevitably comes with its own unique set of challenges and conflicts which would need to be overcome.

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

Yes.

North Lincolnshire Council supports the retention of Neighbourhood Plans but believe they should be re-purposed to avoid duplication and repetition of NPPF and Local Plan Policies. The focus should be on local design codes and locally important planning issues. It would be important to clarify their role in the zoning system proposed for Local Plans, including whether they would be able to change zoning or whether they would be focused on local design codes. Neighbourhood plan groups would need support in delivering these approaches.

Neighbourhood Plans have been a popular local planning tool in North Lincolnshire with at least 13 Plans currently in preparation and one Plan adopted. The Neighbourhood Planning Grants have been essential in this take up and success. North Lincolnshire Council supports the retention of the grants alongside the White Paper objectives.

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

Local planning authorities and neighbourhood planning groups will need additional financial resources to meet the objectives for utilising digital tools and reflecting community preferences. Generally, it is not that the use of digital tools are unwelcome, it is that there is a lack of experience and capacity to deliver innovative digital consultation and approaches. The neighbourhood planning grants could be increased to allow local planning authorities or neighbourhood planning groups to

deliver these objectives. Alternatively, resource could be made available nationally through organisations such as Planning Aid, Planning Advisory Service or Locality.

The Council supports ambitions to provide neighbourhood planning groups with integrated systems to help them connect into work being done by local planning authorities to build wider Local Plans. However, the government must recognise that few neighbourhood planning groups have the resources to make an investment in this area and funding would support this transition.

**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.**

Yes

It is definitely agreed that there should be a stronger emphasis on the build out of developments. A key driving force behind the proposed planning reforms is to deliver much needed development in order to meet the Nation's housing need and to stimulate the economy. Achieving faster planning decisions is meaningless if the developments that are granted permission are not delivered in a timely manner.

It is acknowledged that there are a significant number of planning applications both locally and nationally that have not been delivered. Indeed, if all planning applications were delivered in a timely manner it is likely that demand would be easily met. At present there is no incentive for developers to deliver all consented development as it is in their interest for demand to exceed delivery.

It is agreed that market absorption rates can affect the delivery of large scale residential developments and that a requirement for the inclusion of a range of development types would help to improve the absorption rates by allowing more phases to come forward together.

Further to the above it is also noted that at present it is too easy for developers to implement planning permissions and sit on them for an indefinite period. It is suggested that the issue of land banking and non-delivery of implemented permissions needs to be tackled. There needs to be more pressure placed on landowners and developers to bring consented development forwards and this is not necessarily something that can be achieved via the planning system. Whilst it is possible for LPA's to impose reduced time periods for implementation of developments it is not currently possible to set an end date, or even secure designated build out rates.

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

Design of new developments within North Lincolnshire over the past 10 years have been very similar, national and regional developers usually have standardised house types leading to unsympathetic designs that fail to take account of the local character of the area. The Small Medium Enterprise Housebuilders sometimes have better design due to the house types being standalone, however sale values are low and as a result this can cause viability issues on new development and can have an impact on design. The design of new builds are overall standardised across the

county and don't usually take account of the local vernacular but when pushed, developers will produce better designs, however, this affects viability and impacts on planning obligations. Permitted development and planning relaxations have resulted in poor development as design is not able to be considered

In terms of biodiversity, design is generally poor, leading to a net loss of biodiversity. Some developers now routinely install bat bricks and swift bricks and plant a few trees, but this does not generally offset losses. Sustainable drainage systems with wetland habitat are still rare and habitat creation is either non-existent or small, poor quality and unconnected to wider habitat networks. People living in such developments lack the opportunity for a daily connection with nature.

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

By definition, sustainability cannot have a single priority. It is, by nature, about finding a balance between the sometimes competing priorities of the environment, social issues and economic growth. A robust planning system must address all aspects of sustainability and try and find that appropriate balance between the three factors for the good of the current generation and future generations.

Protecting and enhancing our natural, built, and historic environment is crucial. Heritage assets including archaeology are an irreplaceable resource and damage or destruction irreversible. Plan-making and the development management process has a vital role to ensure the conservation of heritage assets in a manner appropriate to their significance for existing and future generations to experience and enjoy.

In many places, sustaining the historic environment will be key to the regeneration and renewal objectives of our local plan, to safeguard local distinctiveness and character, and to building strong communities invested in their sense of place.

The natural environment is of intrinsic importance, but also provides vital ecosystem services on which we depend.

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

Yes

The increased emphasis on design quality is very welcome: the pressure for more housing without stronger design policies has led to poor placemaking in recent years.

Local design codes will be important to ensure that local character and context is reflected in new development, but will require significant resourcing and training, and the preparation of design codes and masterplans, particularly bearing in mind the importance of community engagement in the process, will take time, not necessarily making the system faster as envisaged.

Design codes need to include the design and management of greenspace and public realm, not only the design of buildings. We consider the role of the historic environment in placemaking and design to be equally as important as architectural heritage. The historic environment has a huge amount to contribute to the government's ambition for beauty, design, and placemaking. The historic environment influences what kind of development constitutes good design in a particular environment. The contribution that the past, local character, and historic landscape and how people relate to their places

needs to be included in the design process. The popularity of archaeology amongst the wider public can be used to engage communities in the wider placemaking and design of beautiful places.

Biodiversity net gain needs to have a central role within design guides, to ensure that local workers and residents have ample contact with nature, that biodiversity proposals reflect local geology, hydrology, soils and existing habitats and to ensure that development proposals deliver more habitat that is bigger, better and joined up.

In relation to design codes and the emphasis on 'beauty' as the principal consideration for emerging proposals could pose problems. Ideas of beauty are not all the same, and are subjective in a similar sense to how 'good' design can be interpreted. 'Although beauty is a virtue of design, it is not the sole purpose of good design which should be of a high quality and meet all three tenets of sustainability (economic, social, and environmental); high-quality homes are more than their appearance and more than 'beautiful'.

Design codes, can be interpreted as widely as the concept of 'beauty', and do not always translate into 'quality'. They would be likely to fail in this pursuit if they are not context-specific and co-designed with residents and local communities. The details on how a national design code will be prepared and implemented are keenly awaited. As the centrepiece of the new planning system, which is to be led by beautiful design, it must be applicable to a wide variety of contexts. A key concern here is that once it is established as a basis for development, opposition against proposals which are designed in compliance with it will be stifled. Therefore, it is critical that all stakeholders are involved and participate in its consultation process before the window of opportunity is closed and not reopened until such a time as the national design code is subsequently reviewed.

Design codes will need to be responsive to the natural, built, and historic environments for their local character and distinctiveness. The pattern-book approach may encourage a one-size fits all approach to design that is not locally responsive or in-keeping with the local vernacular architecture. Design codes need to be local enough to avoid housing estates across the authority looking the same.

Local community involvement will be crucial and Neighbourhood Plans could have an important role to play in producing design codes, as will the North Lincolnshire habitat map, landscape character assessment, historic landscape characterisation and the heritage-based urban characterisation surveys. It would also be appropriate to have a design guide relating to the Isle of Axholme Special Historic Landscape and the local plan policy.

**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.

Local planning authorities would require support to draw up local design codes, as there is little in-house expertise in this area.

New chief design officers should have appropriate powers to secure good design appropriate to the locality. It should be possible to refuse applications on design grounds, if of poor quality.

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

Yes

North Lincolnshire agree that greater emphasis should be given to design in the strategic objectives for Homes England if additional funding is available and it does not make new development unviable.

Homes England should also take design considerations into account in the assessment of Local Authority bids for grant funding, to help provide financial support to proposals for well-designed places.

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

Yes – with reservations

As stated previously (see 17) ideas of beauty are not all the same and are subjective in a similar sense to how 'good' design can be interpreted. If our concerns about the focus on beauty above other design considerations then we could support the proposals for implementing a fast-track for beauty.

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

The council consider all the above are important to deliver a sustainable development. The priority of the specific infrastructure should be considered at local community level to meet existing and future resident's needs. We would prefer that Local Planning Authorities can prioritise specific infrastructure on a site specific level rather than a local authority level.

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

Unsure – need more detail

The current system enables negotiation to take place to ensure that community benefits are secured alongside consideration of viability. The council support the principal of setting a threshold however we have concerns about the threshold being

set nationally and would welcome further detail as to how the Infrastructure Level flat rate charge would be calculated and how this would affect the viability of a development. Also, the viability within each Local Authority varies at sub- local level and further information will hopefully provide detail on how these differences would be identified and calculated to take account of this lower level tier.

North Lincolnshire have previously assessed the use of the current Community Infrastructure Levy system to see if this approach could be used within North Lincolnshire. The results identified most of the authority would be a zero charging zone. North Lincolnshire is a relatively low value area with pockets of high value in the rural villages. Setting a national threshold would mean critical infrastructure is not delivered alongside new development in our most sustainable settlements due to the schemes not being viable. Currently through the S106 process the council are able to negotiate with developers to take a reduce development profit and this enables the council to deliver critical infrastructure to meet the future resident's needs, for example affordable housing.

It is acknowledged that low value development can be rendered unviable through the imposition of a levy, although that development can still have impacts on infrastructure. In areas of poor viability, where no IL could be charged, and the introduction of the IL removes the ability to secure infrastructure through planning obligations, how would necessary infrastructure be secured, including that to address site specific needs?

For example, as a result of a new development site coming forward, extra capacity is needed at a local secondary school. Under S106, the LA could request this site specific need through a planning obligation. Under the reforms, the cost of this would be collected via IL. However, not all areas will be able to support an IL – so how is this need now to be funded?

The Council support the proposal of timing of payment to be occupation as this approach has enabled the critical infrastructure to be delivered within North Lincolnshire. If all payment has to be paid on commencement of the development this would make most major housing development within North Lincolnshire unviable and would stall housing delivery. The council also have concerns about how the Local Authorities can borrow against the infrastructure revenue as the white paper does not provide details on where/ who this money is borrowed from and at what rate of interest/ repayment plan. This will result in uncertainty on the amount of monies to be received and when they will be received, which may hinder LPAs ability to deliver infrastructure

If the council are going to borrow money to deliver infrastructure early there needs to be additional guarantees from the developer that the development will be delivered within a certain time period.

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

There needs to be more detail about how the Infrastructure Levy rate would be set nationally as there is little information on the White paper about how this would work and it is clear there is a significant variety in viability rates across the country. A nationally set rate (either single or area specific) would not be able to adequately reflect this. It would be impossible to have a single rate as it would incentivise development in the South/South-East and East of England where land values are higher and thus developers will get more profit. It is important that land values are taken into consideration when setting rates. Failure to do this could result in builders being deterred in building if the cost was too high or potential over

development of sites if the rate was set too low. Also, if the rate is set too low it would not provide the required funds for the cost of infrastructure within that area

A local rate levy would provide local authorities with greater control on what the rate is and how it is spent to ensure the local infrastructure is delivered to support the new development and the existing local communities. An Infrastructure Levy should be led by information on land values / development viability which vary by (low-level) locality and use. For example, financial returns on residential uses are typically expected to be higher than other land uses, but this may be affected by the former use of the land or condition (brownfield/greenfield) and the local housing market. As such, an Infrastructure Levy's rates should be set locally to reflect local circumstances.

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

More value ideally, but in areas of lower land value numerous developments may have issues with viability which has led to a chronic under delivery of infrastructure. Needs to be a mechanism to redistribute value capture wealth to areas of lower land value otherwise the inequality gap will widen.

The proposal that a proportion of the income from the new infrastructure levy should be earmarked to cover Local Planning Authorities overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities. The infrastructure levy will need to capture substantially more value to provide a robust mechanism to be able to do this.

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

Yes

The council support the borrowing against the levy to deliver infrastructure early in the development however further details are required to identify what the risk would be and loans would need to be guaranteed/ underwritten by the Government, in the event that the Levy receipts did not materialise if site development is stalled or the developer goes into administration etc.

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

Yes

The council support the scope of the reformed Infrastructure levy to capture changes of use through permitted development rights as these developments may contribute to the demand and pressures place on infrastructure but would not make any contribution towards the improvements of that infrastructure. This leads to a differential regime and potentially incentivises poor quality development. Local Planning Authorities will

be able to capture more developer contributions to support the provision of affordable homes and infrastructure.

The council do have concerns about how this will be enforced as this type of development does not need consent. The white paper does not provide any detail on the mechanisms used to secure the contribution and the current Community Infrastructure Levy relies heavily on the developer telling the Local Authority that the development has commenced.

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

Yes

The council agree that the same amount of affordable housing should be secured under the Infrastructure Levy, if not an improvement. On site affordable provision assists in meeting the local housing needs within North Lincolnshire. The council do have concerns about how affordable housing will be secured through the levy and further details would be welcome. The current section 106 agreements provide more flexibility to agree what type of affordable housing tenure is being delivered onsite once the development commences based on the local housing needs information at that time. This also allows new affordable housing products to be used on sites. The Infrastructure Levy approach will reduce this flexibility due to local authorities having to agree the tenure type at the planning application stage.

The council also have concerns about how the affordable housing will be secured in perpetuity. The council support the use of offsite financial contributions as these monies can help to bring empty properties back into use. Further details will hopefully provide information on how this contribution could be used to deliver additional affordable units and how this can be used alongside the Homes England affordable housing grant funding. Also, could monies be used to purchase additional land to assist in the delivery of specific affordable projects that meet the local housing needs?

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

Not sure.

Delivery of affordable housing should be provided on site as this will have the most positive impact on provision and create balanced, sustainable communities.

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

Not sure.

It is understood that under the in-kind delivery proposal, homes will be sold to local authorities or registered providers at a discount and the difference in value between the price sold to the provider and the market value of the unit would be offset against the Infrastructure Levy liability. The Council supports the proposal that if the value of in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments.

If the value of in-kind is not sufficient to cover the levy liability then a proportion of affordable housing units could be allowed to revert back to market units and sold by the developer. This will not provide certainty of delivery of affordable housing that is required in our area.

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

Yes,

There should be a requirement that the scheme meets national standards for affordable housing and the adoption of minimum space standards such as those within the Technical Housing standards issued by the DCLG in 2015. There is a need to ensure that everyone has adequate space to live and thrive to safeguard mental and physical wellbeing and for future generations. There should also be provision for adequate external amenity space and minimum requirements for natural light to all dwellings.

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

Yes,

The principle of local authorities having fewer restrictions to allow them the ability to spend the Infrastructure Levy policy priorities is supported, providing there are controls to ensure that this is not to the detriment of the infrastructure required to support planned growth and the development for which the levy is intended.

The council would like further consideration to be given to the amount of levy that is passed to Town and Parish Councils and these monies will need to be spent on local infrastructure and facilities that support the local community and the new development.

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

Yes

The affordable housing should be ring fenced to ensure that local housing needs are met within the local community where the development is taking place.

**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?**

Aside from ensuring sufficient provision for the elderly, disabled and certain protected ethnic groups (e.g. Travellers), planning decisions and development do not

tend to impact people with protected characteristics differently from other groups. The absence of any reference to Travellers in the White Paper is concerning, especially as planning for this protected ethnic group can be extremely challenging.