

Northumberland County Council Response to Planning for the Future White Paper Consultation - August 2020

Pillar One - Planning for Development

Questions

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

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

[Yes / No]

2(a). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

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

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

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

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

The Council have not provided response to questions 1-4 as they are aimed at the wider public.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

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

[Yes / No / Not sure. Please provide supporting statement.]

Not sure

It is evident that there are issues with the current Local Plan making process. Northumberland County Council does not defend the status quo and acknowledges that there is scope for improvement, not least in improving effective engagement of local communities, and in making planning more responsive and adaptable to change. The

Council is supportive of the premise that we should have a plan-based system and is not wholly against 'a form' of zonal planning.

However, the Council's view is that while the White Paper is ambitious and correctly identifies some of the key challenges, it fails to fully appraise what are the shortcomings and disadvantages of the current system (despite previous government and academic reviews) and instead invents a whole new approach. That is not to say the Council does not acknowledge that the proposals are very much work in progress. We welcome the opportunity to comment at this early stage.

Northumberland is a rural County and it is difficult to envisage how the proposed three types of land: Growth areas; Renewal areas; and areas that are Protected would be applied in its, or any other rural setting. The Council acknowledges there may be scope for identifying 'growth' areas. Indeed, the Council has already implemented such an approach previously by preparing Local Development Orders for large scale strategic employment sites around the Port of Blyth. (The Orders have had very limited success, discussed later in our response). However, it is unclear how such an approach would be appropriate in the County out with our urban area, which covers a very large area and comprises many small rural settlements and some larger market towns. The white paper suggests the 'protected' category would be reserved for specific areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. However, it then goes on later in the document to suggest it may also apply in areas of open countryside. In effect, we assume that this would likely mean an intricate zoning approach in rural areas, where in the most part areas would be protected but there would be areas at the edge or within certain settlements which may be identified as growth or renewal areas. In a rural context these would not amount to more than 'sites', which is akin to what the plan making process already does i.e. in allocating sites, albeit there could be different consenting regimes. The Council would also welcome the consideration of health impact during the designation process so that a public health net gain can be achieved, and adverse impacts can be avoided or mitigated.

Such an undertaking would be time and resource intense, yet simultaneously the white paper seeks to speed up the plan making process. To achieve the government's objectives of streamlining planning and improving engagement, we consider there must be greater emphasis on 'front loading' the process i.e. via plan making to provide greater certainty down the line. In doing so, it is important to recognise that access to resources to engage digitally is not equally distributed in our communities and COVID-19 has demonstrated the inequalities experienced by some in accessing services, education and employment due to digital exclusionⁱ. The Council's consideration of suggested timescales is discussed later in our response.

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

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

No.

The Council considers there may be merit in some development management policies to be set out nationally. The Council agrees that there should not be unnecessary repetition of policies. However, it does not support all such policies being set in this way. If an objective is to improve democracy in the planning system, there must be local influence over the specific development management matters in a locality. Our areas are unique and face unique challenges and opportunities. We are concerned that an overuse of nationally set policies would not be sufficiently aware of the local context or would have enough focus on levelling up our communities both nationally and within local authority areas. We would like to see any national general development management policies retain the existing requirements for health and safe communities in the National Planning and Policy Framework and adopt and strengthen existing locally agreed Policy Planning Guidance such as hot food takeaways and the requirement for health impact assessments.

This is also discussed in our response relating to Neighbourhood Plans. It is unclear at this stage, in the context of the wider changes, what the role of Neighbourhood Planning could be beyond influencing design and we are concerned about the capacity of communities to take part in this process equally. Communities from more affluent areas are more likely to take part and develop a Neighborhood Plan. Consideration needs to be given to methods of engagement, skills development and ensuring that health inequalities are not further exacerbated.

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

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 / No / Not sure. Please provide supporting statement.]

Yes.

The sustainability appraisal process is too cumbersome. The same end could be achieved by a simple sustainability set of tests and then matching the results against what consultees would wish to see however we are disappointed by the lack of a clear focus on health and wellbeing and climate change in the proposals.

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

Northumberland County Council considers there to be an important role for planning at a strategic, sub regional or regional level. The Council is wholly committed to working

collaboratively with its neighbouring authorities, as evidenced in the devolution deal for the North of Tyne and our continued work with the North East Local Enterprise Partnership. Joint working offers great strength in delivering our collective ambitious vision for the social and economic prosperity, and wellbeing of our communities. In the absence of the Duty to Cooperate, the Council considers there to be an imperative role for the combined authority. We must align not only our housing numbers, but our broader strategic priorities and planning is central to this. On the assumption that the government would resist any regional level plans there needs to be an alternative channel for such arrangements such as a Planning Board bringing together the respective authorities.

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.

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes, but need clarity as to what extent different constraints can be factored in and thus could justify a discounting of the Local Housing Need-based housing requirement generated through the new standard methodology (e.g. by proportion of the authority's land area affected by the restrictive environmental constraints and Green Belt coverage listed in footnote 6 of the current NPPF), some of which may have a greater degree of restriction on development than others.

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?

[Yes / No / Not sure. Please provide supporting statement.]

Yes. But must also factor in the extent of land constraints too (Green Belt and other protected environmentally sensitive areas. Also need to recognise that affordability is unlikely to be significantly affected by simply providing more housing - it is a misnomer that it will result in any significant reduction in house prices to bring them down to more affordable levels.

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.

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

Not sure

This would be dependent upon the process by which growth areas were defined and their extent. Where there can be a rigorous plan making process, including effective engagement, the Council supports the principle that full permission could be achieved through streamlined and faster consent routes. However, the focus must still be on the likes of robust traffic and environmental impacts rather than a shifted focus on purely securing good design and addressing site-specific technical issues. Until such time as more detail is provided by MHCLG it is difficult to provide a considered response as to the ways in which detailed planning permission could then be secured. The Council does not support such areas being identified nationally and would wish to identify them locally, including through community engagement.

The reserved matters process for agreeing the issues which remain outstanding can be a cause for delay. The Council is open to ideas of how processes can be effectively streamlined whilst ensuring critical issues are not overlooked. One delay can be in consultation processes to get technical input such as environmental protection, albeit these are important.

The use of Local Development Orders to be prepared by the local planning authority, potentially linked to a master plan and design codes is similarly plausible. However, the Council would express caution. If land was identified as a growth area, the principle of development would have already been accepted. Thereby any use of Local Development orders would only be useful if they provided a reasonable degree of detail above and beyond the principles of acceptable development in order to negate the need to address these at reserved matters. Our own experience is that these can be resource and time intensive for local authorities to produce. It would simply not be practicable to develop these alongside a new Plan and design guides unless there were considerable additional resources in planning departments. But even with additional resource, we would need time. Furthermore, the feasibility of LDOs will depend upon the local setting and development types. Where development is employment led or mixed use it can be impossible to foresee the potential forms of development which could come forward. Some developers reported to us that they would prefer the planning application process to provide greater certainty/security and to avoid having to alter their development to be within the parameters of the Order.

We recommend a pilot program which is properly resourced with capacity, technical support and evaluation to review lessons in both process and outcomes is used to identify potential unintended consequences.

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

No

Whilst the Council accepts there may be a case for growth areas, the white paper suggests that all other land would either be a renewal or protected area. However, there is a lack of clarity as to whether protected areas would be reserved for specific areas such as 'Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space', or it would apply to areas of open countryside. This is critical to understanding the potential implications. As with the proposed growth areas, the Council does not support these being set nationally.

There are existing permitted development rights which the government has progressively extended. The suggested renewal areas seem to potentially go considerably beyond this. We would like to understand more about the potential consenting regimes, e.g. whether they would be akin to reserved matters or prior approval. These processes are not always any easier than a regular planning application. There would need to be clarity about what is required and processes before we can fully respond to this.

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 / No / Not sure. Please provide supporting statement.]

Not sure.

If new settlements are to be true communities it is likely that an approach like the early New Town Development Corporations will be needed - not for the planning and determination of the plans, but for the delivery of the projects. Such bodies would need to have significant funding capabilities as well as powers to assemble land to deliver the services and infrastructure.

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

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

[Yes / No / Not sure. Please provide supporting statement.]

No

The validation of applications can certainly be a cause for delay. The Council is currently reviewing its validation list to ensure only necessary material is submitted to be able to assess the application. We are not wholly against a more standardised process. In our experience applicants fail to submit the right information no matter how clear validation requirements are made. National data standards and templates may offer part of the solution. There must not however be an erosion of what is required to fully appraise a development. Without the right checks in place there will be poor quality, unsustainable development with potentially significant adverse impacts on the wider community and

environment. The Council would like to see would like to see relevant and established frameworks such as Health Impact Assessment forming part of the national information requirements list to ensure more certainty and consistency across plan making. Local authorities should retain flexibility in determining the range of methods for gathering information through digital and non-digital ways to meet different needs of the population.

The Council does not support the automatic refunding of planning application fees if they fail to determine within time limits. The causes of delays need to be better understood. The white paper seems to assume that local authorities are exclusively responsible for delays when in fact it is more complex than failing to process applications on time. The Council particularly opposes the suggestion that some types of application would be deemed to have consent if time limits were breached. Again, this would be more likely to lead to unacceptable development than a speedier planning process.

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

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

Yes

The Council is keen to embrace new ways of improving engagement and understanding of the planning process. Using the latest digital technology has endless possibilities and the Council welcomes the government's emphasis on this throughout the white paper. The Council similarly supports a standardisation of web based Local Plans if this may improve understanding and transparency. To harness any opportunities beyond standard mapping systems, already used, requires sufficient resourcing of planning departments with the right software packages and support systems.

It is also important to recognise our obligations to ensure the planning system offers equality of opportunity to engage. Although as a society we are increasingly reliant upon internet communications, given the rural extent of our County there remain areas with no or limited broadband connection. While the government and the Council are working proactively to address this challenge, there remain areas with limited provision. Northumberland also has a particularly ageing population and there are some of the more elderly groups who do not use web-based resources. Although we are keen to move away from all paper-based documents there remains real resistance to this. There is a risk that these communities are further disadvantaged in respect of engaging in the planning process. These views are echoed by our local town and parish councils.

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.

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

[Yes / No / Not sure. Please provide supporting statement.]

No

The Council does not oppose the principle of expediting the plan making process. However, the Council would urge the government review the evidence of the causes of delay so that these may be tackled. The White Paper cites that on average it takes seven years for a local plan to be adopted and this is part due to the amount of evidence. The Council does not dispute this is a real issue but there many other factors. If the proposals put forward in the white paper are taken forward, there will need to be a far greater emphasis on plan making. Whilst Plans may reduce in size, if the development management policies are imposed nationally rather than being locally defined, the nature of what is being proposed is time and resource intensive. Arguably more so than the current system. Subject to other measures it may be that future iterations of plan may be developed to a much shorter timescale. However, the 30-month timetable is wholly unrealistic for the first iterations of a radically new planning system. Even with a very different examination regime, slimmed down tests of soundness there is simply not enough time to effectively and robustly categorise land, produce meaningful design guides and / or Local Development Orders and ensure appropriate engagement. Self-assessment could be acceptable for slight changes to Plans – e.g. to reflect changed Government Policy – but would not work for a full Local Plan.

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

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

Yes

It is clear from the take-up of neighbourhood planning both nationally and specifically in Northumberland, that communities are buying into the concept of neighbourhood planning and that there is enthusiasm and passion at a local level in terms of having a say over how communities continue to develop. The communities which have taken up neighbourhood planning in Northumberland have a clear sense of what is important to their area and their communities and what they wish to protect, as well as what development they feel that they need. Northumberland County Council is therefore very supportive of any measures to retain neighbourhood plans in the reformed planning system.

However, it is disappointing that the consultation document has been devoid of any real detail about how neighbourhood plans themselves would change in terms of their remit and what they can/can't include. From the proposed changes to Local Plans, it is assumed that the scope of what neighbourhood plans can do may be significantly reduced. If development management policies are to be determined at a national rather than Local Level, while Local Plans are to categorise land into growth, renewal or protected areas, the obvious question is what will the role of Neighbourhood Plans be? They may no longer

provide 'a powerful set of tools for local people to plan for the types of development to meet their community's needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area'.

Other than where improving design is a neighbourhood planning group's main objective (which has not been our experience) there seems to be limited scope for Neighbourhood Plans to address community needs.

The Council has great admiration for its communities who have and continue to choose to commit their personal time to help shape their local areas. The consultation is likely to significantly hamper the progress of Neighbourhood Plans until more detail is known. Since the consultation on the White Paper was announced, the County Council has been approached by many neighbourhood planning groups seeking clarification of what the proposals could mean for them. Some groups are very keen to prepare a Plan but are now understandably reluctant. Whilst the Council acknowledges the proposals are at early stages it considers, given the status of Neighbourhood Plans as part of the statutory development plan, more detail should have been offered.

Within proposal 9, the White Paper sets out the intention to allow neighbourhood plans to cover very small areas, even individual streets. Northumberland is entirely parished. It is not clear whether such small neighbourhood areas would be utilised in parished areas, or whether the use of multiple neighbourhood areas at this scale would be considered acceptable in a parish, given that the Parish Council would, at least under the current system, need to be the qualifying body for any neighbourhood area within their parish. In our extensive experience we have found that parishes are an appropriate geographic area for neighbourhood planning and, contrary to what may be a more urban-centric or city-based opinion from government regarding the creation of small neighbourhood areas, several of our parishes have worked together successfully by joining together to create larger multiple-parish neighbourhood areas where there are evidently similar land-use planning matters to address.

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?

While the references in the consultation document to the increased use of digital technology to increase engagement and also aid in the design of documents themselves should be seen as a positive step to increasing opportunities for engagement, there is a very real concern that the ability to utilise such technology will be out of reach for many neighbourhood planning groups in Northumberland and elsewhere. There are a number of reasons for this: Northumberland is very rural in nature, with some groups still not having access to superfast broadband. While the roll-out of this technology has been very good across the county, it can still be a barrier to some.

Additionally, many of these groups are not well-versed in using technology at this level. The COVID-19 situation in 2020 has highlighted a gap in use of technology in neighbourhood planning groups, even in terms of some groups not having the capability to meet virtually to be able to continue their hard work on preparing plans during lockdown.

The level of use of technology envisaged in the White Paper will almost certainly be out of the reach of many of our neighbourhood planning groups, whether due to expertise, technology available, or even the available time of the volunteers who prepare neighbourhood plans. Similarly, the level of use of technology envisaged highlights a gap in the County Council's ability to support such technology. It is likely that specialist IT staff would be required to ensure that such technology can be developed and utilised; the County Council already provides a high level of support to neighbourhood planning groups, but such technical requirements will present further challenges and create new costs.

Consideration should be given to the development of digital engagement systems at a national level that can then be accessed by neighbourhood planning groups. This would allow groups to utilise the technology for their own consultations, but would also need to be accessible by Local Planning Authorities so that they could utilise the same technology and contacts as neighbourhood planning groups to avoid using different communication and consultation methods at the Regulation 16 publicity stage. Critical to the success of introducing new tools is that the government commits to fully funding investment in the provision of appropriate hardware, software and training resources for Local Planning Authorities and for local communities.

The Council supports the development of innovative ways of communicating, engaging and presenting information as a means of expressing and discussing community aspirations through the neighbourhood planning process. However, we do have some concern that the government's fixation about the use of digital technology and its dominance in the agenda being set by government somewhat misses the point about the purpose of planning which is essentially about meeting needs through place shaping in the interests of communities and the local and wider environment. Digital tools may be helpful in some circumstances, but they should be recognised as a tool rather than an end in themselves. Consideration needs to be given to the methods of engagement and skills development to ensure any inequalities are not exacerbated.

Proposal 10: A stronger emphasis on build out through planning

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.

This issue is pertinent in Northumberland where there are a high number of housing permissions, but these are not always being brought forward by the development industry. It is not clear how this would be implemented, and we will await further details. The suggestion of substantial developments including a variety of development types by different builders is rarely relevant in a Northumberland context.

Pillar Two – Planning for beautiful and sustainable places

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

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Other

The Council welcomes the focus in the white paper on design. Housing design is largely dictated by large scale housebuilders with standard products and often standardised layouts. We should be striving to move away from ubiquitous housing estates and ensure development positively responds to its unique setting. Design codes could be a great help in overcoming this.

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

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Other.

The Council views 'sustainability' as a much broader concept than environmental sustainability, however environmental sustainability is clearly critical. The council's declared climate emergency and wider government agendas set ambitious targets for being carbon neutral, for example the assessment of carbon neutral and passive house design principles are now forming part of the business case for new school build projects.

The UK has stated a commitment to achieving the UNs Sustainable Development Goalsⁱⁱ and we would like to see the planning process support this broader definition of sustainable development. The focus should therefore be broader to include reducing inequalities, creating job opportunities for young people, providing basic infrastructure, access to education and food security.

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.

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes, provided that the requirement for design codes is accompanied by enough funding to bring in expertise and knowledge. It may not be enough for a design code to be authority wide. Design is among the issues that neighbourhood plan groups have been most interested in influencing and there is an opportunity to give neighbourhood planning a proper 'niche' instead of duplicating local plan style policies that many do at present. Consultation should include town and parish councils.

Education and Skills already closely follow DfE Building Bulletins and facilities output specification in the design of new school buildings and would be keen to continue to explore further use of design guides and codes.

We would like to see the setting out of a collaborative process for producing local design guides and codes, including the involvement of public health and NHS organisations. The Council would also like to see greater use of accreditation schemes for quality developments, such as the Essex Livewell Development Accreditation schemeⁱⁱⁱ as well as ensuring the national framework of quality embeds the NHS Healthy New Towns program legacy guidance^{iv} – Putting Health into Place and continues to reference the Building for a Healthy Life development benchmark in the National Planning Policy Framework.

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.

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

The Council fully supports an increased emphasis on design. Good design allows us to create places which improve life for everyone. The concept of a chief officer for design and place making is laudable. However, this needs to be resourced. Design is a specialism for which post graduate courses (often following planning or geography degree courses) take at least one year to complete. These professionals with such specialist skills do not exist in all authorities and / or may not have operate at a senior level. Resource for recruitment and or comprehensive training is likely to be necessary. In addition, there are far wider resource requirements which need to be factored in. The need to produce potentially many design guides/codes; to monitor and enforce those guides; to potentially produce Local Development Orders; and to advise Neighbourhood Plan Groups on design, is collectively a big undertaking; particularly in an authority the size of Northumberland. This post will need to be funded to a level whereby the position will have real influence within the Local Authority hierarchy but will need to operate independently of the Authority's own land and financial interests and preferably be based in the planning department.

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.

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

[Yes / No / Not sure. Please provide supporting statement.]

No. Homes England have financial and house delivery targets to meet which require them to pursue development on sites that they control but which are not necessarily in the best locations for place making. They should be subject to design codes, not dictating them.

Homes England may be better concentrating on providing support and design skills to local communities to help them embed good design in neighbourhood planning. This could be an extension of their previous role (as Homes and Communities Agency) in providing design and master planning support to local planning authorities (their ATLAS group).

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.

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

[Yes / No / Not sure. Please provide supporting statement.]

Not sure.

The government should be developing a national debate and appropriate policies on ‘design’ as a holistic process rather than concentrating on beauty. This is a rather archaic concept and design should be about how places function, how people get to and move around places, and how buildings and spaces serve to meet the needs of communities rather than being only about beauty.

The Council’s Education and Skills group try to balance the competing objectives of providing practical spaces within tight budget envelopes. Any proposal to facilitate fast-tracking of planning would be welcome to support the council's statutory responsibility for providing school places. The delivery of projects often comes under significant time pressure.

Whilst the Council would support the recommendations of the “Living with Beauty” report which contain a strong focus on buildings which promote health and wellbeing, the central role of communities in the planning process and the value of green spaces, we would welcome and stronger emphasis on health equity and inequalities^v which are often not

routinely considered as part of the Public Sector Equality Duty. Specifically, the impact of low incomes, digital exclusion, and living in rural areas on the ability to equally benefit from these proposals.

We are concerned about the further expansion of Permitted Development (PD), where councils and communities have not been able to have their say on a range of developments that shape the environment, they live in. Research highlighted the poor health outcomes of those living in homes created through PD^{vi}, and yet PD has been expanded further.

Pillar Three – Planning for infrastructure and connected places

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

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Other

The Council considers there should not be trade-offs between a development being supported by enough infrastructure, providing affordable housing and being well designed. These are all integral to make development acceptable and sustainable. We must dispel any suggestion that local authorities are seeking more than what is necessary. Through consultation we find repeated concerns from communities that development will only compound pressures on existing infrastructure such as GPs. Education and Skills group would continue to require appropriate contributions towards education infrastructure where pupil yield from new housing impacts local schools/academies and SEND provision. We would like to see greater priority given to creating environments which enhance health, make healthier choices easier and provide access to good quality homes, employment and education more equally.

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.

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

[Yes / No / Not sure. Please provide supporting statement.]

No

Northumberland Council is not yet a CIL Charging Authority. However, its ambition is to introduce the levy where it is viable to do so, after the adoption of its Local Plan, currently being examined. It seems that the Levy has started to be embedded nationally. Other authorities report of successes and lessons learned. It would seem premature to re-invent at this stage when not every Council has even had the opportunity to introduce the Levy and those that have are starting to work effectively. Whilst our understanding is that the CIL was originally intended to replace section 106 or at least considerably reduce their use, the approach has evolved to allow for both. This has been critical, particularly for dealing with site specific infrastructure and mitigation to make development acceptable that otherwise wouldn't be. It is unclear at this stage whether the government also intended section 278 agreements to be grouped in with the new levy. The Council would similarly oppose such a proposal. The Council considers there could be scope for a nationally set CIL thereby overcoming the need to calculate rates locally and take the proposed CIL through an examination process.

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

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

Nationally at area specific rate or locally

The Council does not support a single levy to replace the CIL and 106. However, it may support a nationally set CIL. Any centrally set values would need to fully account for local values. Our concern in Northumberland and for the wider North of Tyne authorities is that values are comparatively low with real viability pressures in some areas. If the threshold were set too high, the area would miss out on the new levy and be further significantly disadvantaged in its ability to secure appropriate infrastructure to support development.

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?

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

More value

The Council would wish to see greater value captured from development so that it may support greater investment in infrastructure, affordable housing and local communities. Upon adoption of its Local Plan, the Council is keen to introduce a Community Infrastructure Levy so that it may do just that. However, given that there is finite value within any development and many competing demands for investment, this seems wholly unachievable, other than perhaps in the highest value areas. The Council would welcome additional information around how this might be achieved.

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

The Council agrees it should be possible for local authorities to borrow against any infrastructure levy. However, there must be provisions to ensure this is not at such high risk. The proposals seem to suggest this would be a very high risk for local authorities. The proposals would not therefore incentivise local authorities to deliver enabling infrastructure given, as stated in the white paper, the volatility of the proposed levy.

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

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes

If the intention is to reform the planning system so that more development constitutes permitted development this will be critical so securing anywhere near enough investment in infrastructure.

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

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes, it is vital to retain affordable housing so low income/ first time buyers can access the market. If commuted sums are taken in lieu, it can sometimes be difficult to replace the lost on-site homes in practice due to the lack of suitable sites with manageable development costs. It is also important to achieve on-site affordable housing of mixed tenures for social integration and sustainable communities.

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?

[Yes / No / Not sure. Please provide supporting statement.]

In kind payment - so offsite development can take place should that be the best way for an area. However, it can sometimes be difficult to replace the lost on-site homes in practice due to the lack of suitable sites with manageable development costs. It is also important

to achieve on-site affordable housing of mixed tenures for social integration and sustainable communities.

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

[Yes / No / Not sure. Please provide supporting statement.]

Yes. Mitigation is vital as markets shift quite rapidly

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 / No / Not sure. Please provide supporting statement.]

Yes. Accessibility/adaptability standards.

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

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

[Yes / No / Not sure. Please provide supporting statement.]

Not Sure.

We would need more detail about how this would impact on portion of levy allocated to education infrastructure.

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

[Yes / No / Not sure. Please provide supporting statement.]

Not sure

There may well be scope for affordable housing ring fencing but perhaps any ring fencing could be determined locally based on local priorities. To reiterate the Council is concerned that the new levy could significantly disadvantage areas of relatively low housing values. There is a finite amount of residual value in any development. We need to understand more about how more value could be captured.

EQUALITIES IMPACTS

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Yes

Given the role that planning can play in improving the wider determinants of health and reducing health inequalities, we would welcome a broader consideration of the impact of the proposals on reducing the inequalities which have been highlighted by COVID-19. These inequalities exist beyond the boundary of the 'protected characteristics' of the Equality Duty and often intersect affecting the same people in multiple ways. Groups experiencing inequalities who should also be considered as part of these proposals include young people, the unemployed and those living on low incomes, those living in rural and coastal areas and vulnerable and excluded groups. It is these communities who are most likely to experience poorer quality homes by a factor of ten, and experience unhealthy neighborhoods, retail and working environments.

ⁱ [https://www.thelancet.com/journals/landig/article/PIIS2589-7500\(20\)30169-2/fulltext](https://www.thelancet.com/journals/landig/article/PIIS2589-7500(20)30169-2/fulltext)

ⁱⁱ <https://www.gov.uk/government/publications/implementing-the-sustainable-development-goals/implementing-the-sustainable-development-goals--2>

ⁱⁱⁱ <https://www.essexdesignguide.co.uk/supplementary-guidance/livewell-development-accreditation/>

^{iv} <https://www.england.nhs.uk/ourwork/innovation/healthy-new-towns/>

^v [Health Equity Assessment Tool](#)

^{vi}

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902220/Research_report_quality_PDR_homes.pdf

29 October 2020