



Name of meeting: Cabinet

Date: 23rd October 2020

Title of report: Kirklees Council's response to the Planning White Paper

Purpose of report: To enable further Cabinet input into the council's response to the government consultation on the Planning for the Future white paper and to invite other groups to provide comments on the draft response at the Cabinet meeting

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd (14 th October 2020)
Is it also signed off by the Service Director for Finance?	Eamonn Croston (15 th October 2020)
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (14 th October 2020)
Cabinet member <u>portfolio</u>	Cllr McBride

Electoral wards affected: Not applicable as this decision relates to a response to a national government consultation

Ward councillors consulted:

- Regeneration Portfolio Holder (Cllr McBride) (26th August briefing)
- Leadership Management Team (LMT) (Cabinet members) (7th September)
- Planning Committee members (15th September)
- Leadership Management Team (LMT) (Cabinet members) (12th October)

Public or private: Public

Has GDPR been considered?

Yes. There are no personal details contained in this report or the draft response.

1. Summary

The government is currently consulting on a Planning White Paper ('Planning for the Future'). This sets out some fundamental changes to the way the planning system works and contains 3 sections:

- Pillar One: Planning for development
- Pillar Two: Planning for beautiful and sustainable places
- Pillar Three: Planning for infrastructure and connected place

The Planning White Paper includes a series of questions relating to the proposed changes. This report includes a brief summary of the main issues and a summary of the consultation responses drafted by officers (including member comments from the briefings listed on the previous page).

Appendix 1 of this report includes the full draft response to each of the consultation questions raised in the Planning White Paper.

Leadership Management Team requested a Cabinet session to discuss the response to the consultation. This report therefore seeks further input into the draft response from Cabinet members. The government deadline for the consultation response is 29th October 2020.

2. Information required to take a decision

The information below summarises the key issues and the proposed consultation responses under each of the 3 'pillars'. The full draft consultation responses can be found in Appendix 1.

Pillar One – Planning for Development

Summary White Paper proposals	Draft response summary
Statutory 30 month timeline to adopt new Local Plans (or 42 months for recently adopted Local Plans)	The timescales are too ambitious to allow full consideration of the issues, opportunities for effective community involvement and full consideration of consultation responses.
New sustainable development test to be applied during the Local Plan process	The details of this test have not been published so further clarity would be required.
Removal of the Duty to Co-operate with adjoining authorities and statutory bodies	The council feel that this process should be replaced by another suitable process which still ensures cross-boundary working has to be evidenced through the plan-making process.

Summary White Paper proposals	Draft response summary
Development Management policies to be included in NPPF rather than Local Plans (Local Plans will instead focus on design principles)	Local Plans should still contain Development Management policies where these are required to reflect locally specific issues.
Design Codes / Masterplans to be produced within or alongside Local Plans	This represents further challenges in the context of the Local Plan timescales set out above and raises the issue how this process will be resourced.
Greater focus on digital tools and interactive mapping and greater consultation than under the current Local Plan system	<p>Potential benefits however there need to be provisions made for those who cannot access or use digital platforms.</p> <p>Concerns raised that often the community find it very difficult to become involved in the Local Plan process and in many cases only become involved when a planning application is submitted.</p>
Nationally set housing requirement	<p>Although a standard methodology could be used as a starting point (as with the current system), the housing requirement should be set at the local level to take account of local evidence and local market conditions. This would allow sufficient flexibility compared to nationally set, binding housing requirements.</p> <p>Initial analysis shows that the nationally set housing requirement would be significantly lower than the Kirklees Local Plan housing requirement (if the national figure is based on the methodology set out in the government's recent 'changes to the current planning system' consultation). This raises concerns in relation to the council's housing ambitions through the Big Build programme as well as leading to worsening affordability and impacting on the ability of the council to attract funding.</p>

Summary White Paper proposals	Draft response summary
<p>Simplified land use planning system which splits the whole district into:</p> <ul style="list-style-type: none"> ▪ Growth Areas (areas for substantial development / redevelopment) – outline approval automatically granted at Local Plan adoption ▪ Renewal Areas (existing built up areas where smaller scale development is appropriate) – presumption in favour of sustainable development in these areas with streamlined permitted development processes where design criteria are met (see Pillar Two) ▪ Protected Areas (such as green belt, valuable open space, conservation areas) 	<p>The White Paper focuses on housing when in reality a range of land uses need to be considered to ensure sustainable strategic planning through the Local Plan process.</p> <p>Concerns that sites in growth areas would receive outline planning permission at adoption of the Local Plan and that sites in renewal areas could be covered by permitted development where certain design criteria are met. This would establish the principle for development on these sites and the White Paper goes on to state that where the principle is established, detailed decisions should be delegated to officers. This appears to have significant implications for democratic decision making through the Planning Committee process.</p> <p>It is not clear whether each of these areas (growth, renewal and protected) will be sub-divided or how issues are resolved when some of these areas may overlap such as green belt and flood risk. It is not clear how environmental factors will be considered such as where there is biodiversity habitat within 'growth' or 'renewal' areas.</p>
<p>As there would be greater public consultation during the Local Plan process, the White Paper proposes a streamlined planning applications process</p>	<p>There are concerns about impacts on community involvement within a streamlined planning applications process. Although the White Paper proposes greater community involvement during the preparation of the Local Plan, in reality the planning applications stage is when most of the community become involved and have their say as proposals become more of a reality.</p>
<p>Potential to refund planning fees where statutory planning application deadlines are not met</p>	<p>There are concerns about this approach as extensions to statutory deadlines may be required for more complex sites to ensure all of the issues are properly considered in ensuring an acceptable scheme.</p>

Summary White Paper proposals	Draft response summary
Neighbourhood Plans to be retained as an important means of community input	Agree although clarity will be required to ensure expectations can be managed if the role of Neighbourhood Plans is to change to follow the changes proposed to Local Plans (moving away from policies and more towards design principles).

Pillar Two - Planning for beautiful and sustainable places

Summary White Paper proposals	Draft response summary
Expectation for design guidance and codes to be prepared locally	Support for the principle of local design guides but there are concerns if such design criteria are set out in a Local Plan they will need to contain sufficient flexibility to deal with changing circumstances over time. Concerns raised in relation to resource implications if such design codes will be expected on a site by site basis through the Local Plan process.
Proposed new national design body	Support or this in principle to provide guidance for Local Planning Authorities through in creating design guides but that this should not become an additional layer of bureaucracy which may slow down the planning system.
Proposal for a Chief Officer for Design and Place-Making in each local authority	Clarity would be required whether this would form part of the existing Head of Planning role or would be a new role. If the latter is proposed, there would be resource implications.
Proposals to fast-track beauty through the planning system	<p>There may be some scope for this within smaller-scale proposals but for larger scale proposals there are concerns about the decision making process being taken away from planning committees.</p> <p>Also, with larger schemes there are often many other factors beyond 'beauty' which play an important role in determining the suitability of planning applications (e.g. infrastructure, open space, drainage etc)</p>

Pillar Three – Planning for infrastructure and connected places

Summary White Paper proposals	Draft response summary
Proposed replacement of the Section 106 and Community Infrastructure Levy (CIL) processes with a nationally set Infrastructure Levy	Concerns how a nationally set rate would work in practice when in reality S106 and CIL processes allow local consideration of viability issues. Further clarity would also be required in relation to how securing on-site provision such as for open space would be considered as part of the Infrastructure Levy process.
The inclusion of affordable housing as part of the Infrastructure Levy (not currently part of CIL)	The council has concerns about the inclusion of affordable housing within the Infrastructure Levy as it should be negotiated separately. The proposed changes therefore risk significantly reduced affordable housing provision.
Questions whether local authorities should be allowed to borrow against the Infrastructure Levy to support infrastructure delivery in their area	Concerns relating to the risks of such borrowing especially as the Infrastructure Levy is not paid until the occupation of the dwelling. There is therefore a risk that infrastructure could be paid for using borrowed Infrastructure Levy funding but if the proposal is not built, this money would not be recouped from the developer.
The White Paper asks whether Infrastructure Levy payments should apply to some proposals with permitted development rights	Infrastructure Levy payments should be sought from permitted development rights proposals where relevant as these often impact on infrastructure and therefore should provide a contribution.
The White Paper asks about the freedom local authorities should have to spend the Infrastructure Levy	Infrastructure Levy payments should be used to fund infrastructure to ensure the impacts of developments are mitigated. Local authorities should continue to determine the infrastructure priorities for their area.

3. Implications for the Council

There are a range of potential implications of the White Paper consultation although there are currently limited details relating to some aspects of the proposed changes:

3.1 Working with People

The White Paper refers to greater community involvement in the Local Plan process but more streamlined community involvement in the planning applications process. As set out earlier, there is an implied lessening of the role of the Planning Committee in determining the principle of housing development if all of the White Paper proposals remain as drafted.

3.2 Working with Partners

The White Paper proposes the removal of the 'duty to co-operate' therefore concerns are raised in the response that a suitable replacement for this process would be required to ensure cross-boundary working is evidenced through the Local Plan process. The Planning White Paper does not clarify how the proposals relate to devolution deals / mayoral authority therefore the consultation response seeks to ensure this process is considered.

3.3 Place Based Working

The White Paper focuses on improving design and introducing local design guides and masterplans. There are, however, implications for the role of the planning committee in relation to planning applications. The White Paper refers to streamlined planning applications processes, outline permission being granted on certain allocations at Local Plan adoption and delegating decisions to officers where the principle of the development has already been established. The nationally set Local Plan housing requirements also seek to centralise a key aspect of the planning process.

3.4 Climate Change and Air Quality

The White Paper proposes a simpler process for assessing environmental impacts. The draft consultation response raises concerns that the assessment of environmental impacts of proposals must remain robust. There are concerns how climate change issues will be addressed within the three new designations (Growth, Renewal, Protected).

3.5 Improving outcomes for children

The implications of moving to a nationally set Infrastructure Levy rate on open space provision and education are not clear as there are limited details in the White Paper.

3.6 Other (e.g. Legal/Financial or Human Resources) Consultees and their opinions

- Legal:
 - The White Paper proposes that new legislation would replace the majority of existing planning legislation
 - The White Paper consultation seeks views on the impact of the proposals open on those with protected characteristics (as defined in the Equality Act 2010). The consultation response raises concerns that the move to a heavily web-based approach to planning may exclude or make it harder for certain protected groups to become involved in the planning process. Also, that wider inequalities in society should be considered in the White Paper to ensure the planning system seeks to reduce inequalities. An Integrated Impact Assessment has been undertaken and can be found at: <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

- Financial:
 - There is a potential loss of planning fees if the principle of permission is established through the Local Plan or permitted development rights rather than through a planning application
 - There is the potential for loss of planning fees if refunds are processed where statutory deadlines are not met or where a planning refusal is overturned by an Inspector through a planning appeal
 - The proposed nationally-set Infrastructure Levy proposals lack detail at this stage to fully understand the financial implications

- Human resources:
 - The White Paper refers to a chief officer for design and place-making but unclear if this must be a completely new role
 - The statutory timeline of 30 months (or 42 months where Local Plans are newly adopted) for the production of a new Local Plan would create resource challenges
 - Existing staff resources from service areas have been used to formulate the council's consultation response to the White Paper

4 Next steps and timelines

The deadline for consultation responses to the government is 29th October 2020. Following Cabinet input into the consultation response, officers will submit the response before the deadline.

5 Officer recommendations and reasons

- Cabinet to provide any further comments on the draft consultation response.
 - Reason: to ensure additional comments can be included in the response to be submitted by officers prior to the 29th October 2020 deadline.

6 Cabinet Portfolio Holder's recommendations

Cllr McBride has been briefed on the Planning White Paper (26th August) and at the Leadership Management Team briefings (7th September, 12th October) and is supportive of a consultation response to the White Paper to outline the range of concerns raised by officers, LMT and Planning Committee members.

7 Contact officer

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8 Background Papers and History of Decisions

- The Planning White Paper (Planning for the Future)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf
- The full draft council response to the Planning for the Future White Paper consultation (see Appendix 1 of this report)

9 Service Director responsible

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Appendix 1 - 'Planning for the Future' White Paper (consultation closes 29th October 2020) – DRAFT

Consultation document:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

Pillar One – Planning for development

Questions	Draft Kirklees Council response
1. What three words do you associate most with the planning system in England?	N/A
2(a). Do you get involved with planning decisions in your local area? [Yes / No]	Yes, as the Local Planning Authority (Kirklees Council)
2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]	N/A
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]	N/A
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	Kirklees Council has declared a Climate emergency so factors relating to climate change are at the forefront of decision making within the planning system. Kirklees Council has set out a range of priorities within its Corporate Plan and these are reflected in the approach taken to the planning process. These include ensuring children have the best start in life, improving health, improving the independence of residents (including adaptable and affordable homes), improving educational attainment, ensuring a sustainable economy (with good quality employment opportunities), promoting a safe and cohesive environment and ensuring a high

<p>places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]</p>	<p>quality, sustainable and green environment. The council recognises the importance of ensuring ‘quality places’ are created through new developments including ensuring sufficient open space provision and high quality design.</p>
<p>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.</p>	<p style="background-color: #cccccc;"></p>
<p>5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>No. Further clarification would be required. The council recognises the potential benefits of simplifying the Local Plan system, such as speeding up housing delivery, however, quality standards must be maintained within a streamlined process. The process must be clear and ensure all stakeholders can still influence proposals such as the community, elected members, developers and consultees (such as statutory consultees, environmental health, historic environment, public health etc)</p> <p>The White Paper proposes that all areas of land are classified as either Growth, Renewal or Protected. The White Paper does make some reference to sub-areas within the Growth and Renewal areas but is unclear whether the intention is for sub-divisions through the Local Plan process for example into ‘Renewal area- housing’ or ‘Protected Area – green belt’. This would be very similar to the existing Local Plan system but with an additional layer of ‘areas’. Such sub-divisions would be required to ensure full consideration of issues at the Local Plan stage to allow, for example, the relevant road infrastructure to be provided for housing or employment uses.</p> <p>Procedurally, there are likely to be overlaps between the growth, renewal and protected areas. For examples areas like town centres are likely to be identified for renewal, but may include protected elements such as conservation areas. Large</p>

areas of land identified as 'growth' (urban extensions) areas may include land that needs to be removed from the developable area such as flood risk, biodiversity and providing open space. There would be a significant amount of work to be undertaken at the local plan stage to identify such detailed constraints.

The White Paper focuses primarily on housing when in reality there are other significant land use decisions required relating to employment, retail, open space, minerals and waste and others. It is also unclear where 'safeguarded land' would feature in the simplified areas system.

Growth Areas / Renewal Areas: There would need to be further clarity in relation to site size thresholds to determine which development sites fall within each of these areas. To have such simplified areas may cause confusion as there could be areas within Growth Areas which contain protected species for example. Clarity is needed how such species will be protected despite not necessarily being within a 'Protected Area' and also how the proposals will be consistent with achieving biodiversity net gain. If an area is allocated for growth will statutorily protected areas such as Ancient woodland be included or excluded from development? Duties such as Section 197 of the Town and County Planning Act 1990, and the Biodiversity and geological conservation: circular 06/2005 will still need to be met.

Protected Areas: There is uncertainty whether these will need to be sub-divided into the relevant components, some of which may overlap in places where for example an area of green belt overlaps with a high flood risk area. The use of the term 'Protected Areas' may also raise unrealistic expectations in the community as in reality sensitive development, for example within conservation areas, may be acceptable under the terms of the NPPF or certain proposals in the green belt where very special circumstances can be demonstrated. It is also not clear whether the intention is for settlements currently over-washed by the green belt to now need to be inset as renewal areas?

Further clarity is required in terms of the areas to be assigned protection including environmental constraints and in relation to the approach to be taken where Protected

	<p>areas may overlap with Growth/Renewal Areas, for example, brownfield sites (renewal area) may be within the green belt (protected area). The council has concerns that some of the constraints listed in the 'protected areas' designation may be subject to change on a regular basis (such as updates to the Environment Agency Flood Map or Local Wildlife sites) which could conflict with the Local Plan during the preparation process or soon after adoption. The level of technical details required through the Local Plan process is likely to be significantly greater than within the current system.</p>
<p>Proposal 2: Development management policies established at national scale and an altered role for Local Plans.</p>	
<p>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.</p>	<p>Development Management policies should still be set out in Local Plans to reflect local circumstances and be based on local evidence rather than a one-size-fits-all approach. The risk of nationally set DM policies are that they become too generic which may mean they are open to interpretation, lengthy negotiation and legal challenge which may slow down the decision making process and utilise greater LPA resources. The current NPPF does contain some DM policies but with the freedom to set locally specific policies within Local Plans should remain.</p> <p>One example relates to Green Belt DM policies as the current NPPF sets the context by setting out acceptable uses in the Green Belt. Whilst developments such as barns and stables may be permissible in principle, there are other finer details which LPAs have to consider such as materials, design and the scale of the proposed development which are often locally specific issues.</p> <p>If Local Plans are to contain design principles rather than policies there would be additional resources and training required to facilitate this change in emphasis for planning policy officers. An alternative approach could involve more restriction in relation to the type of locally specific policies allowed within Local Plans. This could include a greater requirement for local planning authorities to justify deviation from /</p>

	<p>addition to the NPPF policies. The role of devolution and Spatial Development Strategies should also be considered in the reform of the Local Plan process.</p> <p>The White Paper refers to greater enforcement powers and a greater focus on design both of which will require additional training for staff in DM and may also increase the financial burden on LPAs. The council would welcome clarity in relation to the financial support available. The council supports the use of IT to simplify the planning process but it must be recognised that an automatic initial assessment of machine readable plans will require investment in upgraded IT systems and a culture change in terms of planning submissions received by the council.</p>
<p>Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.</p>	
<p>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.]</p>	<p>Further clarity is required about the full scope of the proposed sustainable development test compared to the existing tests of soundness. The existing tests of soundness provide an appropriate basis for the examination of Local Plans although they are not necessarily easy to understand for members of the public making representations to the Inspector. The council would be concerned if the sustainability test relaxed protections in the current tests of soundness as this may lead to the deliverability of the Local Plan. In the context of the Climate Emergency, the council would like reassurances that there will still be robust consideration of the environmental impacts of Local Plans especially if the extent of technical evidence required to support a local plan is to be reduced.</p> <p>It is not clear where the main consideration of viability will be in this process as even a more detailed Local Plan process may not include sufficient detail to undertake detailed site-by-site viability assessments. Increased viability assessments of detailed proposals during the Local Plan process is likely to increase the time taken for Local Plan examinations. If the principle is established through the Local Plan process (as an outline permission in Growth Areas) it presents risks at the detailed planning</p>

	<p>application stage securing suitable open spaces, highways and other infrastructure if further viability issues arise.</p>
<p>7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>	<p>Within the Leeds City Region, there are established sub-regional relationships between the local authorities (and other Duty to Co-operate bodies) which would continue in the absence of the formal Duty to Co-operate. However, Councils are political organisations and each district has its own priorities therefore a requirement to demonstrate co-operation between adjoining authorities / other relevant bodies should remain. This would facilitate discussions and ensure full consideration of cross-boundary issues.</p> <p>Clarity is required in relation to devolution and the role of Spatial Development Strategies which will have a direct impact on the Leeds City Region. Spatial Development Strategies could replace elements of the Duty To Co-Operate process in devolved areas. It is important that the reformed planning system continues to reflect that many issues in planning do not respect administrative boundaries such as flood risk, strategic green infrastructure, transport infrastructure and health considerations.</p> <p>The Combined Authority would be the custodian of devolved central government funding streams that support major housing development (Brownfield Housing Fund for example). The distribution of this funding would be guided by strategic/cross-boundary considerations. It is unclear how the proposal to remove the Duty to Cooperate will therefore play into the delivery of more marginal sites in the context of the proposed nationally established Infrastructure Levy.</p>

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.]

No. Although a standard methodology could be used as a starting point (as with the current system), the housing requirement should be set at the local or regional level to take account of local evidence and local market conditions. This would allow sufficient flexibility compared to a nationally set, binding housing requirements.

Kirklees Council has ambitions for housing growth as set out in its Big Build programme and ambitious Local Plan (adopted February 2019) which includes a housing requirement of 1,730 dwellings per annum. The council is concerned that the significant lowering of the housing requirement (if the methodology used is as set out in the 'Changes to the Current Planning System') could result in a lack of new housing stock to meet needs, lead to worsening affordability and impact on the ability of Kirklees and the Northern Powerhouse to attract much needed funding.

The White Paper refers to consideration of land constraints in setting the housing requirement. It is assumed that the government would request such constraints information from local authorities to be used in the housing requirement calculation. Clarity would be needed whether factors would be considered as part of the constraints assessment such as the topography, SSSI's, historic landscapes etc. One

	<p>of the constraints listed is Green Belt and clarity would be welcomed how the presence of green belt in a district would impact on the level of housing requirement in an area. Some of the constraints include areas which can have a role in providing new homes, i.e. conversion of buildings in areas of green belt.</p> <p>It is unclear in the White Paper how constraints and required infrastructure improvements will be considered including in areas where densification will be proposed. There will need to be clear guidance where such densification will be appropriate in the context of the local environment.</p>
<p>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.]</p>	<p>Agree with the general principle of affordability as a factor to influence the housing requirement but if this becomes an overriding factor, this will increase pressure for development in the south and green belt release and may neglect other areas where housing need/poverty is more prevalent. Affordability is only one factor that needs to be taken into account in determining housing need. Affordability alone will not address demographic changes that are being experienced in individual market areas, or anticipated trends/changes. Other factors are also important including constraints in the area, access to green space, local amenities, public transport and wider social/health inequalities etc.</p> <p>The justification is unclear why 0.5% of the existing housing stock per annum has been used to justify the minimum housing requirement in each district (as set out in the 'Changes to the Current Planning System' consultation document).</p>

<p>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</p>	
<p>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.]</p>	<p>The council has concerns about the streamlined planning applications process including the greater level of detail / assessment proposed through the Local Plan process within a much shorter timescale. The approach to granting outline approval at the adoption of the Local Plan would mean significant detailed assessments would need to be undertaken during the Local Plan process (such as drainage, ecology, detailed heritage matters, coal mining risk, contaminated land, health impact assessments, site-specific rather than plan-wide viability) which may not be achievable in the timescales proposed. It is unclear how the automatic Outline approval would take into account the statutory duties of LPA such as the duty to protect and preserve under the Biodiversity and geological conservation: circular 06/2005 and with regards to preserving trees under section 197 of Planning Act.</p> <p>As the plan period may be 10-15 years the Local Plan process would need to be flexible to ensure proposals are future-proofed if some sites are delivered later in the plan period. It is unclear how this approach would work in accordance with the design codes for sites where, as the White Paper states, these can be produced following the adoption of the Local Plan.</p> <p>There are concerns about the implications of this approach for local democratic decision making through the Planning Committees process. There is reference to the principle being established for Local Plan allocations in Growth Areas (through an automatic outline planning permission). The White Paper then goes on to refer to “<i>the delegation of detailed planning decisions to planning officers where the principle of</i></p>

	<p><i>development has been established</i>'. This implies that most decisions on allocated sites in Growth areas would be delegated to officers and not be considered by elected members through the current Planning Committee process.</p> <p>Whilst delegated decisions are appropriate in many cases, the blanket approach to delegated decisions is likely to impact on local democracy. There is also the potential for the community to become disenfranchised and for trust in the planning system to be eroded as in our experience it is the planning applications stage which sees the greatest community involvement as the proposals become more of a reality.</p>
<p>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.]</p>	<p>Protected Areas: In many cases these are already assessed against NPPF policies but Local Plan policies allow a detailed assessment based on local circumstances. To remove Local Plan policies which add local context to the assessment of proposals in these areas would not allow local circumstances to be taken into account and remove clarity for the communities and developers by implementing a 'one size fits all' approach</p> <p>Renewal Areas: The principle of design guides/codes for renewal areas is supported although there are resource implications of preparing such design codes especially in districts such as Kirklees which contains a wide range of areas with differing characteristics. Design consideration are often subjective therefore the presumption in favour of development is likely to be more appropriate than automatic consent.</p> <p>The presumption in favour of development approach would allow consideration of the relevant factors by planning officers and for larger, more complex sites, the role of the Planning Committee should remain in determining the principle of development. These considerations go beyond the scope of the broad principles likely to be set out in design codes including detailed on-site requirements (amount of open space, site access, details of drainage proposals) which could prevent the scheme being delivered.</p>

	<p>The White Paper states: ‘<i>We will consider the most effective means for neighbours and other interested parties to address any issues of concern.... Where only detailed matters are to be resolved</i>’. This appears to exclude communities from discussions about the principle of the development and only allows comments on the detailed design aspects.</p>
<p>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.]</p>	<p>The strategic approach to the planning of each district should be considered through the Local Plan process to ensure a holistic consideration of the issues within the area. The Local Plan process allows elected members and the community to consider the implications of planned development across the whole district within one Local Plan. If this approach was to be implemented there would need to be clarity in relation to the role of the local planning authority and clear thresholds for the size of developments likely to meet the criteria as NSIPs.</p>
<p>Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology</p>	
<p>10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Proposals to make decision making faster and more certain are supported but this must not be at the expense of achieving high quality development outcomes. It is important that all relevant stakeholders have the opportunity to provide comments to ensure an inclusive process.</p> <p>The council has concerns about the streamlined planning applications process including the greater level of detail / assessment proposed through the Local Plan process within a much shorter timescale. Also, the implications for local democratic decision making through the Planning Committees process. There is reference to the principle being established for Local Plan allocations in Growth Areas (through an automatic outline planning permission) and Renewal Areas (through a Permitted Development approach where certain criteria are met). The White Paper then goes on to refer to “<i>the delegation of detailed planning decisions to planning officers where the principle of development has been established</i>”. This implies that most allocated sites</p>

in Growth/Renewal areas would not be considered by elected members through the current Planning Committee process. Whilst delegated decisions are appropriate in many cases, the blanket approach to delegated decisions is likely to have a detrimental impact on local democracy. There is also the potential for the community to become disenfranchised with the planning process as in our experience it is the planning applications stage which sees the greatest community comments as the proposals become more of a reality.

In the same way, the council has significant concerns if planning applications may be deemed to have been granted planning permission if there is not a timely decision. There can be a range of reasons, especially on larger, more complex sites, why the decision making process takes longer than anticipated.

Whilst limiting the planning statement to 50 pages would assist in simplifying the process, there is a risk especially with larger, more complex sites that the planning officer may not have sufficient information to determine the planning application. The standardisation of such supporting information relation to matters such as flood risk would be beneficial but there must be recognition that sites often have specific circumstances which may require deviation from the standard approach.

The emphasis on technology is supported, however there would need to be support for Local Planning Authorities to transition to the new software. The cost of systems to local authorities needs to be considered and there needs to be consideration how to engage with those who do not have digital access.

The timeline for decision making processes is often affected by the quality of submissions by the applicants which leads to requests for further information. Improved validation procedures may ensure that the relevant information is submitted to the LPA at the start of the process. If this is standardised through a national data standard and machine readable plans this would assist in ensuring the relevant information is available to assist decision making. This would also require a culture change in applicants to ensure submissions were compatible with the new standards.

	<p>The council has concerns about the process where fees would be refunded if planning applications are not determined within statutory time limits. Extensions to such deadlines may be required for more complex sites to ensure all of the issues are properly considered in ensuring an appropriate scheme. If this proposal is implemented flexibility should be retained where extensions to the time limits are agreed with the applicant under specific circumstances.</p>
<p>Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.</p>	
<p>11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes, making the Local Plan process and adopted Local Plan more accessible through web-based interactive systems would be welcomed and may increase engagement. To ensure an inclusive system, provision will still need to be made for those who do not have or cannot use a computer and the process should also encourage submissions without planning jargon. These groups still have an important role to play in the planning process so the requirement for deposit locations should still remain. An over-emphasis on a digitalised system is more likely to result in responses being skewed by those who have immediate access to IT and are more familiar with how the planning system works</p> <p>A standardised format for Local Plans would simplify the process particularly for those who work across a number of local authority areas although there would need to be some flexibility to allow Local Planning Authorities to reflect local circumstances. More clarity would be needed about the standardised software referred to in the White Paper including the potential cost, training requirements and ensuring such software is available at the start of the 30 month Local Plan preparation timeline.</p>

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 Kirklees Local Plan process took almost 5 years including almost 2 years in Examination in Public so the council has concerns whether the 30 month statutory timeline is realistic. It is important that time is available to fully consider all issues and ensure effective engagement with the local community. There will need to be built in flexibility in case an extended time period is justified especially given the increased onus on extensive public consultation and technical details to be considered during the Local Plan process.

In larger districts such as Kirklees, a significant level of consultation responses are often received and these need to be given full consideration to ensure the views of local communities, businesses and elected members (all of whom have a valuable role to play) are taken into account. This takes time but is worthwhile especially in the context of the White Paper proposals to streamline public consultation during the later planning application process.

It is important to reach the most appropriate outcome for the district rather than the fastest solution. The streamlined timescales may lead to a risk averse approach which may not accelerate the supply of new housing. Further clarity will be required in relation to the extent of 'necessary evidence' as the White Paper refers to reducing the bureaucracy of the plan-making system. Sufficient evidence will still be required to ensure legal requirements and the requirements of the proposed 'sustainability test' are met. Further clarity would also be required on the content of the 'statement of reasons'.

	<p>The alternative option stated in the White Paper which would remove the ‘automatic right to be heard’ would not appear to give the community a voice during the process which could lead to distrust of the planning system and disenfranchisement. It would not be appropriate for someone who has participated throughout the Local Plan process to then be excluded at the final examination stage, even if their input at the final stage was only through written representations. The comments at the final stage should continue to be structured against the criteria in the sustainable development test (not yet specified) as with the current Tests of Soundness process.</p> <p>The further alternative option to allow Local Planning Authorities to undertake a self-assessment would not be appropriate. The plan-making system should have a level of independent assessment to ensure the process is scrutinised by an independent body to ensure fairness to all participants.</p>
<p>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</p>	
<p>13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]</p>	<p>Yes. Neighbourhood Plans provide an important opportunity for communities to help shape the place in which they live/work including setting out the factors which are important to local people. Neighbourhood Plans help to provide more local input into the planning process. In the context that Neighbourhood Plans are likely to move away from policies and more towards design principles (as with new Local Plans) there will be increasing onus on the LPA to ensure Neighbourhood Planning Bodies are engaged in the Local Plan process at the earliest possible stage. Kirklees Council has the Place Standard which will be a useful tool in engaging with communities at this early stage. However, if development management policies are set at a national level, the scope of neighbourhood plans appears to be limited.</p> <p>The role of Neighbourhood Plans within the new planning system will need to be clear to ensure expectations can be managed in relation to the primacy of the Local Plan</p>

	<p>and how Neighbourhood Plans can add value to the process. The council is concerned how planning at very localised scale (“<i>such as individual streets</i>”) will work in practice including potential resource implications. Clear guidance would therefore be required about this process and how it could be administered to ensure clarity for communities and applicants. The regulatory stages for Neighbourhood Development Plans would need to be proportionate to the scale of the plan produced if a plan was to focus on an individual street, for example.</p>
<p>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?</p>	<p>Greater use of digital tools may increase the level of involvement in the Neighbourhood Plans process but there are risks that certain groups may be excluded if too much onus is put on digital tools with the expectation that groups must have digital skills or source support and/or training which requires resources. The use of visual tools may assist if communities can visit an exhibition to see a visual representation of proposed developments however this would mean detailed designs for all proposed sites and there are concerns how the use of such tools would be funded. This would include developer costs, LPA costs and costs to Neighbourhood Planning Bodies.</p> <p>Consideration needs to be given to communities which don't have the means to prepare a Neighbourhood Plan to ensure they don't miss out on the more localised planning of their area. The role of Neighbourhood Plans also needs to be clear to manage expectations and ensure realistic and achievable outcomes.</p>

Proposal 10: A stronger emphasis on build out through planning	
<p>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.]</p>	<p>Yes, there should be a stronger emphasis on the build out of developments and ensuring clarity through design codes could be explored. At present the planning system does not contain sanctions if planning permission is granted and a legal start made but the site is not built out. This creates challenges when planning to meet housing and infrastructure needs in the district.</p> <p>The imposition of such measures could be challenging as there are often valid reasons why sites are not delivered to anticipated timescales but considerations could include:</p> <ul style="list-style-type: none"> - Greater Homes England support - To condition a phasing schedule containing milestones for delivery - To attach conditions to planning applications requiring developers to provide annual updates on progress - Tighter timeframe on Discharge of Conditions applications - Allowing permissions to expire even where there is a legal commencement of the development. For larger sites which would clearly not be completed within the 3 year planning permission this could be linked to a phasing schedule that x number of dwellings must be completed prior to the expiry date.

Pillar Two – Planning for beautiful and sustainable places

Questions	Draft Kirklees Council response
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]	<p>The views on the design of new developments and the definition of “beautiful” is likely to be different for everyone.</p> <p>In Kirklees we have set a quality places agenda which we are seeking to implement through a range of design-related Supplementary Planning Documents.</p> <p>The intention is to promote higher quality design and avoid some of the homogenous housing estates which have been built in the past. Higher housing density developments required by the Local Plan have provided challenges. It is important that the development of sites considers the quality of the environment being provided for residents (existing and new). This includes provision of high quality green spaces and tree planting, well designed buildings and community benefits whilst also making efficient use of land to reduce the need to use further green belt land for development. There are concerns about the long-term maintenance of trees for example especially if these are within private gardens on the development.</p> <p>A pragmatic approach has been taken in many cases in the context of viability assessments. The council has concerns about the refund of fees if appeals of a refusal of planning permission are upheld as design is subjective and it may mean LPAs are reluctant to refuse planning permission on design grounds in this context. Early planning appeal decisions within the revised planning system will set the context for such decisions and should seek to instil confidence in officers where poor design warrants the refusal of planning permission.</p> <p>The council has sought to ensure housing design is ‘tenure-blind’ to avoid reinforcing inequalities if for example affordable housing was designed to a different specification than market housing.</p>

<p>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]</p>	<p>Kirklees Council has declared a Climate Emergency therefore this represents our overarching priority and all planning decision making must consider the implications on climate change. The Planning Service are promoting a 'quality places' agenda which includes ensuring high quality design of schemes such as well-designed inclusive open spaces of different types, links to walking/cycling networks (active travel vs less reliance on car travel), high quality design, water management and energy efficiency. The delivery of such high quality design can be influenced by the Local Plan and Supplementary Planning Documents but viability concerns create conflicts during the planning applications process. A greater emphasis on the creation of quality places should be introduced into the NPPF.</p>
<p>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.</p>	<p style="background-color: #cccccc;"></p>
<p>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.]</p>	<p>Yes, the principle of locally-led design guides is supported in the same way that approaches to design can currently be set out within Supplementary Planning Documents (SPDs). The involvement of a wide range of community/developer interests will be key to the success of these documents and the consideration of design from the outset of proposals is key to achieving quality places.</p> <p>Adherence to such design guides should also be added to the considerations through the permitted development prior notifications process. This would ensure high quality design is not only secured on the initial build but also maintained regarding alterations throughout the life of the building.</p> <p>If such design standards are secured through the Local Plan process (covering a 10-15 year period), there are concerns whether the system will be sufficiently flexible to keep</p>

	<p>pace with changes in the development industry such as those relating to modern methods of construction. The council will endeavour to involve the community in the preparation of such design guides however there may not be agreement on the content such as where climate change considerations or modern methods of construction mean a change from the currently accepted position.</p> <p>In the absence of local design guides under the new system, the council would support the use of existing local design guides (such as Supplementary Planning Document) until these can be reviewed under the new approach. This would be preferred than simply defaulting to national design guides for the interim period.</p> <p>The production of such design guides/codes will have resource implications of the local authority including ensuring the necessary training is put in place for existing planning officers therefore it would be useful to understand whether this will come from additional funding or whether developers/site promoters may have to pay additional fees to cover this especially for site-specific design codes.</p>
<p>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.</p>	
<p>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</p>	<p>A new body to support design and building better places in an advisory role would be supported and would ensure sharing of best practice across the country. There must be recognition that such best practice could then be used as a framework for creating locally-specific high quality design standards. The remit of such a body should be advisory to produce guidance to assist local planning authorities to prepare local</p>

<p>sure. Please provide supporting statement.]</p>	<p>guidance rather than add a layer of authority/bureaucracy which could slow decision making processes on design guides and planning applications. An alternative could be to embed design further into the remit of the Planning Inspectorate to reinforce the need for high quality design and provide planning officers with comfort when refusing planning applications solely on design grounds.</p> <p>The role of a chief officer for design and place-making would elevate the importance of design. It would need to be clear whether the role of a chief officer for design and place-making would be incorporated into the existing Chief Planning Officer role. If not, there are clearly financial implications for local authorities.</p>
<p>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.</p>	
<p>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.]</p>	<p>Yes, this is seen as a positive step to establish exemplar standards but development proposals should take into account local design guides. Assistance should also be made available to support smaller schemes.</p>
<p>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.</p>	

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

There is the scope for some form of fast-tracking for 'beauty' (which could instead be referred to as 'Design Code Compliance permission') especially for smaller proposals.

For larger proposals, concerns have been raised earlier in this response about the role of Planning Committees in the decision making process. The Planning Committee should have a role in determining 'beauty' in planning proposals where these relate to larger development schemes as is often subjective even with the presence of local design guides/codes. If proposals align with local design codes and design guides they will avoid lengthy negotiations relating to design which would facilitate faster decision-making. There is also the need to consider infrastructure (on and off-site) such as the quantity of open space, site access issues, affordable housing, landscape impacts and drainage which require detailed consideration especially on larger sites. These often require detailed analysis on a site-by-site basis which may be beyond the scope of a design code which sets out overarching principles.

If sufficiently detailed masterplans are approved within/alongside Local Plans, this could set some of the parameters through the plan making process although this may be too rigid if inevitable changes are required once more detailed and intrusive site assessments are undertaken.

There are concerns about the proposal to allow replicable forms of development which appears to be contrary to achieving high quality design which respects the site-specific circumstances including topography, landscape impacts and streetscene. There are risks in applying pattern book designs especially in an area which has many areas of distinctive character all within one district. Consideration also needs to be given to how Local Authorities can enforce/hold developers to account in meeting higher quality or "beauty" standards. A further factor to be considered relates to how such "beauty" standards reflect the heritage of the area and contribute to the sense of identity within communities which can be portrayed for example through public art and design.

<p>Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.</p>	<p>No specific question for this (add to general comments section): Concerns regarding the shift in Proposal 15 from current policy to those which may not reflect the local diversity and nature of the area and whether these would be relevant to each area. The council supports thorough consideration of climate change issues within the revised planning system.</p>
<p>Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.</p>	<p>No specific question for this (add to general comments section): A shift from the current assessment system would be a concern as set out in Proposal 16. There may be benefits streamlining the current process of assessing environmental impacts but this should not dilute existing protections overall. Will it be evidence based in accordance with best practice guidance on habitats and species? If not, then how robust will the assessment be, and how can there be certainty that development will not be detrimental to local populations or habitat networks particularly with regards to cumulative impacts.</p>
<p>Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.</p>	<p>No specific question for this (add to general comments section): In relation to Proposal 17, the need for historic buildings to adapt to and mitigate climate change is recognised, national standards and guidance must continue to recognise that different approaches and materials are needed to insulate traditionally constructed properties.</p> <p>Allowing architects to earn autonomy from routine listed building consent decisions may have some benefits, providing the bar is set high (such as RIBA Specialist Conservation Architect) or members of the Architects Accredited in Building Conservation Register. This may encourage more clients to select professional advisers with greater expertise rather than lower fees and lead to more well-informed proposals with conservation considered at the outset. There would need to be check and balances, such as a prior notification process and a route for LPAs to</p>

	<p>raise concerns with the relevant professional body, otherwise proposals will become client-led. Of concern is how the architect of a private client can objectively assess public benefits when weighing harm against heritage assets and how consistency would be achieved on similar decisions made by different architects and with those made by the LPA?</p> <p>Design around heritage sites should continue to be complementary so that the heritage of an area can be respected and maintained. This does not necessarily mean like for like architecture but that new architecture should maintain the quality and beauty of an area (albeit this is subjective) and not be seen to be competing against long established buildings. The new architecture should in some way continue to tell the 'story' of the area thus providing a new perspective on its history.</p>
<p>Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.</p>	<p>No specific question for this (add to general comments section): Proposal 18 is welcomed. To support this there could be a planning (and building regulations) presumption in favour of the use of materials that are local, natural, sustainable, easily recyclable and non-toxic. The life cycle environmental and health impacts of materials should be considered, not just the energy saving benefits they provide.</p> <p>As Kirklees Council has declared a climate emergency with an aspiration to make Kirklees completely carbon neutral by 2038, the planning system should facilitate the work of local authorities aiming to meet the net-zero target prior to 2050.</p>

Pillar Three – Planning for infrastructure and connected places

Questions	Draft Kirklees Council response
<p>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]</p>	<p>The Kirklees district has a wide-range of competing priorities when assessing the requirements through the planning applications process. These are all set within the context of the Climate Emergency. Proposals require differing priorities depending on the specific circumstances such as infrastructure needs, education provision and other local factors relating to the suitability of the proposals. Ensuring sustainable patterns of development was a key consideration throughout the Local Plan process.</p> <p>The council has a quality places agenda where it is seeking to ensure high quality design through a range of Supplementary Planning Documents which set out priorities such as securing the appropriate scale and type of new open space, high quality design, safe highway design, sustainable and active travel, drainage, designing out crime, biodiversity net gain, public art, affordable housing provision and an appropriate mix of housing, schools and health provision.</p>
<p>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.</p>	
<p>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?</p>	<p>There is general support for the simplification of the system but the council has concerns how the proposed nationally set Infrastructure Levy would work in practice. The current CIL and S106 processes allow local consideration of viability issues in determining the appropriate rate. There are risks that a nationally set rate will not reflect local circumstances which may have implications for much needed infrastructure provision. There are risks of poor quality schemes if developers have overpaid for the land initially.</p>

<p>[Yes / No / Not sure. Please provide supporting statement.]</p>	<p>It is unclear how the revised process would work relating to planning requirements to make a proposal acceptable in planning terms such as on-site open space provision which is often a key part of ensuring high quality developments. Further clarity would be required in relation to how this funding could be spent.</p> <p>The council has concerns about the inclusion of affordable housing within the Infrastructure Levy as it should be negotiated separately and there is a risk of significantly reduced affordable housing provision.</p>
<p>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]</p>	<p>Rates should be set locally as the local viability evidence will allow consideration of specific factors affecting each district. Imposing national rates appears to be overly simplistic given the wide range of areas covered. Setting the Infrastructure Levy nationally as a single rate has several disadvantages. This system is based on capturing value. In areas where values are low, major sites in particular will be more marginal and there is a real risk that they will fall below the IL minimum threshold for payment, which would have very serious consequences, particularly for the provision of affordable housing which is now proposed to form part of the Infrastructure Levy calculations. Brownfield sites will be particularly challenging. This has major implications for 'levelling-up' communities.</p> <p>It is difficult to understand how construction costs for the emerging modern methods of construction market and the drive to achieve low carbon homes can be set at the national level and this may act as a disincentive for Local Authorities to explore ground-breaking design. It is also hard to see how abnormal development costs can be factored into a national calculation. These can result in substantial costs on specific sites, particularly brownfield sites, which are likely to result in zero IL payments. Subsequently, there is a real risk that more challenging brownfield sites will not come forward for development.</p>

	<p>There could be the opportunity to consider rates at a regional level such as within Combined Authorities / devolved areas.</p> <p>A further concern is that the Infrastructure Levy payments are paid on 'occupation' of the development. 'Occupation' is likely to be open to interpretation and needs to be more clearly defined – will this be phases, groups of dwellings? If it is individual homes this will create significant administrative challenges for Local Authorities. For larger sites will there be variable charges for individual phases?</p>
<p>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.]</p>	<p>If the new Levy is to include all developer contributions it would need to ensure the same level as all existing S106 funding or greater to ensure sufficient infrastructure can be provided. The Levy should be set at a level proportionate to the level of need and guidance provided to demonstrate how this Levy could be spent in each local authority area based on intelligence-led infrastructure decisions.</p>
<p>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.]</p>	<p>In principle this is a positive step but the Infrastructure Levy process as drafted would expose Local Authorities to a considerable amount of risk especially on larger, more complex sites especially as payment of the Levy is not until occupation of the dwellings – as such the take-up may be limited. In this context there is the question how required infrastructure improvements would be secured to ensure these are place when the dwellings are completed. Further detail would be required to fully understand the implications.</p> <p>It is difficult to understand how a levy set at national level can factor in planned infrastructure during the life of larger housing schemes. Major highway infrastructure for example is often built by the Local Authority but funded externally. What happens if the external funding does not materialise, leaving the burden to be transferred to the site. As this cost will not have been factored into the IL calculation where will this cost be picked up?</p>

<p>Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights</p>	
<p>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.]</p>	<p>Yes, such permitted developments can have an impact on local infrastructure therefore should be included in the Infrastructure Levy proposals. This is important to ensure investment in infrastructure is available for example in town centres, increased densification will lead to the need for open space provision and other facilities in these areas where they are currently lacking.</p>
<p>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.]</p>	<p>Yes, the aim should be to secure at least the same level of affordable housing as at present. There are concerns on larger sites the level of affordable housing provided is likely to drop from the levels currently negotiated through s106 Agreements due to site viability issues and competing demands for IL payments.</p>
<p>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.]</p>	<p>Affordable housing secured on site should be the preferred route to ensure such homes are pepper-potted throughout development schemes. If payment into the Levy was in lieu of on-site affordable housing, there are concerns whether the affordable housing would be delivered and there could be a risk of 100% market housing sites and 100% affordable housing sites as the standard approach rather than promoting mixed communities.</p>

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.]	
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.]	
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.]	The Infrastructure Levy should focus on mitigating the impacts of the developments which contribute to the payment, including infrastructure and affordable housing as well as to meet wider objectives relating to inequalities and public health. The decision making to support this approach should be flexible to allow local authorities to determine needs (similar to the current Infrastructure Funding Statement approach).
25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]	Yes, to ensure affordable housing is delivered to meet needs otherwise there is a risk of a lack of affordable housing due to competing priorities.

Delivering change

Questions	Draft Kirklees Council response
Proposal 23: As we develop our final proposals for this new planning system, we will develop a	

<p>comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed</p>	
<p>Proposal 24: We will seek to strengthen enforcement powers and sanctions</p>	

Equalities

<p>Questions</p>	<p>Draft Kirklees Council response</p>
<p>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?</p>	<p>The opportunity for greater engagement in the local plan process provides the opportunity for enhanced engagement with those with protected characteristics and develop strategies for inclusion. However, the moving to a heavily web based approach may exclude certain groups from being able to fully engage, including older people, people with disabilities and groups of people who are unable to use or access digital technology.</p> <p>Wider inequalities also need to be protected (e.g. those living in poverty, refugees / asylum seekers etc). The system needs to ensure any changes help to enable equitable, good quality housing rather than increase existing inequalities</p>