

Planning for the Future White Paper Consultation

Response of Leicester City Council

Pillar One - Planning for development

Question	Recommended Final Response for Approval
1. What three words do you associate most with the planning system in England?	<p>Essential</p> <p>Democratic</p> <p>Under-estimated</p>
2. Do you get involved with planning decisions in your local area? If no, why not?	<p>Yes, where open, accessible and meaningful engagement material and mechanisms are in place.</p> <p>However, consultations which apply 'leading' questions or seek views on concepts- or ill-defined proposals without the necessary detail-are very difficult to engage with in a meaningful way- unfortunately, these criticisms can be legitimately applied to this current consultation.</p>
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?	<p>Whilst the use of technology has obvious benefits, this unsubstantiated assertion is not accepted.</p> <p>It assumes universal computer and digital awareness and accessibility which does not exist to the required degree, particularly for disadvantaged groups.</p> <p>The emphasis on a compressed, front loaded, conceptual Local Plan engagement rather than the current stages of consultation will result in a substantial democratic deficit.</p> <p>The Council needs to be able to make provision, to contact the defined "harder to reach groups" and also, use more traditional methods to contact the "non-digital" (older) generation, who find it most difficult to engage, especially since the Covid 19 pandemic.</p> <p>In our current Local plan, Leicester has used a digital consultation portal https://consultations.leicester.gov.uk/sec/draft-local-plan/. This has been cited by the software developer as a good example of a local plan consultation and is to be used as a training module- however the aspirations of the White Paper would require huge capacity and resources to be fully realised.</p>
4. What are your top three priorities for planning in your local area?	<p>Meaningful and democratic engagement</p> <p>The provision of inclusive social, economic and environmentally sustainable development, in particular affordable housing to rent</p> <p>The ability to secure sub-regional co-operation to plan growth and accommodate unmet need effectively</p>
5. Do you agree that Local Plans should be simplified	<p>No. The planning system needs to be more, not less, democratic.</p>

<p>in line with our proposals?</p>	<p>Centralised dictation of much of the Plan’s content, a reduced role for local planning oversight and control, compression of public opportunities to comment and an increased status for the annotations proposed are significantly retrograde steps.</p> <p>Whilst the desire to simplify the local plan process is welcomed; it should still allow the management of development in a way which responds to and enhances the plan area.</p> <p>The objective of removing burdens on developers and reducing the role of planning committees will undermine confidence in the planning system.</p> <p>It is critical that simplification does not continue to lead to poor quality development, which would undermine one of the key objectives of the white paper i.e. to improve design quality.</p> <p>The Local Plan needs to be a comprehensive, albeit summarized document, which is capable of dealing with the current major crisis, including issues like climate change, the housing shortage and economic recovery from the Covid19 pandemic.</p> <p>Allocating three types of land “Growth areas”, “Renewal areas” and “areas for protection” is over simplistic and doesn’t reflect the fine-grained reality and flexibility needed in planning urban areas like Leicester.</p> <p>Determining the scale, phasing and funding of necessary transport, schools, health and other community infrastructure for such zones will be very difficult without clear site allocations with defined capacity. This will be a significant challenge for DfES and DoH as well as local authorities and CCGs.</p> <p>The proposals lack detail as to how this would be implemented and work in practice- and Masterplans, design codes and pattern books will take huge time and resources to produce. It is inconceivable that these can be prepared alongside or in advance of Local plans in the current context without substantial new resource and capacity.</p> <p>There is a current shortage of talented and experienced planners and urban designers across the profession, and particularly in the lesser paid local government sector. The demands of the wholesale changes envisaged will take many years to resource, centrally and locally.</p> <p>It is important that sufficient time is built into any new simplified process to allow for meaningful public consultation as well as detailed consideration of proposed policies and annotations, masterplans, site allocations etc. The timetable aspirations set out in the White Paper cannot be met without huge damage to people’s confidence in the Planning system and local government.</p> <p>In addition, if simplification is to be achieved in part by greater reliance on a centralising approach of national standards for the design of new development in respect of aspects such as</p>
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	<p>energy efficiency and carbon emissions, these national standards must be fit for purpose for the UK to achieve its Paris commitments</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?</p>	<p>No. The current (or alternative option as noted) system is preferable, which allows local authorities a similar level of flexibility to set development management policies as under the current Local Plan system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.</p> <p>It is specifically because a set of circumstances are locally distinctive, and deemed to be “exceptional”, that they necessitate an evidence based, locally defined approach.</p> <p>It does not therefore make sense to attempt to standardise them nationally, because of their locally distinctive nature requires different policy responses.</p> <p>A one size fits all parking standards policy for example, would not be appropriate, as parking requirements differ from authority to authority and location to location.</p> <p>Other locally set matters should include affordable housing; education, accessibility, employment and skills, space standards & enhancements of green/open space. These requirements are based on evidence based identified local needs and importantly are tested in terms of viability and deliverability under the current system.</p> <p>In terms of energy and climate policy responses, we do support in principle the setting of robust national standards if these are consistent with achieving the UK’s Paris commitments and our local ambition to be carbon neutral by 2030. However, there also needs to remain room for discretion around area and site-specific aspects such as heat network development and renewables.</p> <p>A centralised set of development standards and DM policies applicable to the whole country (with diverse city/inner city/suburban/semi rural/rural contexts) will reduce the relevance and likely set a low benchmark for development quality and protection of amenity.</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?</p>	<p>This would make plans easier to progress through Examination but would be highly likely to result in legal challenges from either amenity groups or developers seeking to challenge the assessment. Sustainability is a complex balance of economic social and environmental factors.</p> <p>A simplified process for assessing the environmental impact of plans would be welcomed, but the current Sustainability Appraisal process does at least allow a clear trail of evidence of assessment to be transparently viewed. The mechanisms for determining which development areas fall into which zones needs similar transparency and recording to allow proper scrutiny.</p> <p>The definition of sustainable development would need to be very explicit to avoid referral to ‘high court’, as this is likely to</p>

	<p>be the new point of an attack for parties (both pro and anti development) wanting to undermine local plans. The definition could draw from the Brundtland definition and contribute to the Sustainable Development Goals and include reference to achieving the UK's Paris commitment in respect of climate change</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>This issue is of particular importance to growing cities which are highly under-bounded like Leicester.</p> <p>Specific guidance will be needed on the issue of unmet housing need. Leicester simply does not have sufficient land within its boundary, to be able to meet future housing requirements in the short medium or longer term (subject to the outcome of the Standard methodology algorithm).</p> <p>Without a formal mechanism or Duty, councils will find it much more difficult to secure co-operation and agreement, and the government will not meet its objectives of boosting housing supply, as constrained local authorities won't physically be able to accommodate sufficient growth.</p> <p>The standard method for setting housing requirements (2.24) would have to incorporate a mechanism to designate additional housing numbers to the other authorities surrounding those which are constrained, in order to meet this need, which could prove to be a highly controversial issue if dictated by central government algorithm or political determination.</p> <p>A similar mechanism will also be needed to allow the provision of cross-boundary infrastructure such as roads or schools, to avoid the situation of one local authority having to fund infrastructure in their area which is required for development across boundary.</p> <p>Engagement of the LHAs and HE and other transport bodies where appropriate in the plan making process is important. Their ability to meaningfully model or predict transport impacts of vague, un-defined zoning proposals with no firm site allocations and in the absence of any Masterplan which may follow the Local Plan adoption stage means huge uncertainties for essential infrastructure assessment and delivery.</p> <p>The Government needs to consider carefully that conferring an outline consent through Growth status in the absence of such assessment will either be a meaningless and undevelopable 'annotation' with huge uncertainty over deliverability, or a consent which can be implemented with substantial unmitigated impacts without being required to address those impact through a full assessment as happens in the current system.</p> <p>Cross boundary matters would still need to be dealt with as there are cross boundary strategic issues, challenges and potentials between areas. There would have to be some sort of mechanism in place in the PPG and the NPPF to replace the Duty to Co-operate.</p>

	<p>In addition to deliverability, affordability and the extent of existing urban areas there should be appropriate environmental indicators for the quantity of housing development to be accommodated, including the ability to achieve carbon neutral and climate adapted housing-it is difficult to see how the Government's simplistic and centralised approach will be able to reconcile regional and local differentials to address this.</p> <p>See also answer to 7b in regard to regional planning</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?</p>	<p>No. Conceptual zoned local plans are not appropriate vehicles for consenting outline permissions and removing subsequent democratic oversight.</p> <p>Currently plan allocation strategic site assessments are proportionate, and deliverability is tested against main constraints, and phasing of infrastructure requirements such as schools, health and other community infrastructure facilities. Strategic design assessments and guidance can cover important context producing responses in an integrated and site-specific way- suds, landscape, archaeology, local design, transport, housing need and mix are all considered but at the right level.</p> <p>The Zoning approach will either delay consideration of all these elements much further back in the process, or delay plan adoption if it is all be done upfront before producing the required masterplans and supporting design codes.</p> <p>For major schemes, outline planning stage forms an important part of the development management process. This is the phase where important details including layout, access, design principles etc are agreed prior to reserve matters.</p> <p>Whilst giving developers some certainty is desirable, it should not be instead of allowing important principles for the development to be agreed at an early stage.</p> <p>Putting this on to the later stages of the planning process will ultimately slow the planning process down and not achieve any additional efficiency.</p> <p>It could also give developers a false expectation on the amount of potential development on a site. This not only makes for difficulties in negotiating an acceptable scheme at a later date but could also introduce viability constraints and arguments diluting the quality of a scheme and resulting in some policy requirements being unmet.</p> <p>Areas of growth could mean intensification and redesign of city and town areas, large areas of housing, new communities etc.</p> <p>All of these scenarios often require complex and multi-disciplined conversations and considerations. It will not be possible to fully 'flesh these out' at Local Plan annotation or outline stage. This approach will require much investment from the Local Authority will need to set their own vision and</p>

	<p>expectations for 'growth areas'.</p> <p>The wording regarding 'pre-approved designs', 'set of form-based development types' is not supported. The white paper suggests a move away from the current approach of 'anywhere' development, but this wording implies this. It is paramount that local contextual analysis, as outlined in the National Design Guide is a leading consideration and development understands the local needs.</p> <p>From a transport perspective, due to the complexity of assessing individual development proposals, even relatively small ones, this could be an extremely risky approach.</p> <p>This planning reform seeks to make the process easier and more streamlined for small scale builders. The proposals set out could have the opposite effect.</p> <p>Granting automatic outline permission for 'zones' would in effect require the suite of transport assessments supporting an application to be considered at the Plan making stage, which may require beyond the 30 months to fully consider and agree. Currently the land promoter needs to prepare and fund this information.</p> <p>Finally, from an environmental perspective, the approach could result in development that is unsustainable and of low quality unless there are strict sustainability and environmental criteria for granting automatic outline permission for growth areas, such as consideration of low carbon measures. Whether councils will have the ability to control this is not clear but noting the centralising nature of the White paper in most other respects it appears this would be very unlikely and a retrograde step.</p>
<p>9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?</p>	<p>No. There is no clarity of what these would mean in practice. Terminology such as 'gentle densification' is imprecise language and meaningless to the majority of people who we need to engage in local plan dialogue.</p> <p>Introduction of more prior approvals and permitted development rights combined with fast track streamlined consent for pattern book development without oversight be planning committee is undemocratic and will result in poor quality development.</p> <p>The criteria and selection process for which areas should be zoned for which purpose needs to be open and transparent. The limited timescales for plan preparation and adoption would imply this assessment is intended to be much less robust and thorough than that currently existing.</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?</p>	<p>No. Again full local democratic oversight should be retained. It's unlikely that a constrained city such as Leicester would ever be able to deliver such a new settlement- in neighbouring authorities, where delivery of large new settlements may be required in the longer term, this could be a useful route if local councils wished to effectively delegate the decision taking to the Government and alleviate pressure on the local plan</p>

	<p>process. Either way the process should be open to full consideration of the environmental sustainability and carbon implications of any new settlements</p>
<p>10. Do you agree with our proposals to make decision-making faster and more certain?</p>	<p>No. A fast decision doesn't necessarily mean a good decision. Delays to the process are often caused by developers and agents not providing information correctly or promptly, which contributes significantly to the time that applications take to process.</p> <p>Applications are rarely submitted 'right first time'. If Local authorities are to be penalised for not determining applications within target timescales this could lead to a high level of refusals and by definition longer decision taking, which would compromise the Planning Inspectorate's performance further.</p> <p>The ability to negotiate and improve development should be allowed without a penalty to the LA.</p> <p>More clarification is needed on what does fast track mean and how to establish a clear, enforceable detail on what needs to be met for fast track to be possible.</p> <p>It is not appropriate that the 'planning system' gets criticism in the document as it is flexible, it can deliver faster and with certainty.</p> <p>The inequality of this across the country is another concern. There are many other issues that create delays in the planning process; developers not implementing permissions, land banking, lack of information to make a robust decision, etc.</p> <p>Under the current system developments that meet policy requirements should be approved quickly. Some LA's already produce design guides, site briefs, Design codes, SPD's locally to support this process, but others are under - resourced to do so to the scale and extent envisaged by the White Paper.</p> <p>From an environmental and climate perspective, impacts of decision making and allowing sufficient time for meaningful consultation in process need to be considered.</p> <p>It should be noted that in order to make decision-making faster, applicants for Planning Permission will need to undertake more detailed design work and calculations to confirm energy efficiency and low carbon performance of the design before submitting an application than is currently the case</p>
<p>11. Do you agree with our proposals for accessible, web-based Local Plans?</p>	<p>We would welcome a fully funded increased use of web-based resources as a way of providing useful data in a meaningful way. However, the increased use of web-based resources should not be at the expense of providing detailed policy guidance, which would potentially provide clearer guidance for developers.</p> <p>Accessible design thinking provides varied and flexible ways for users to interact with websites and applications. Especially</p>

	<p>from a policy perspective, an accessible, more web-based Local Plan can facilitate the consultation process only if it is structured and explained in a logical way. For people with disabilities, such improvements are essential for equal access.</p> <p>The move towards standardisation of inputs and format of local plans, web-based maps, and the production of evidence is appropriate but complex (previously procured) management system and GIS contracts, data management and legacy systems across councils need to be considered carefully.</p> <p>However, this should not undermine the ability of local planning authorities to interpret data/standards in ways which are also sensitive to locality/place or reduce the scope of LPAs to write policies which adequately address a range of local issues/ambition spatially or otherwise.</p> <p>Leicester City Council have an existing web-based mapping system which clearly maps relevant local plan polices and constraints for potential users.</p> <p>We would welcome additional support and funding to further develop innovative solutions to support plan-making activities and make community involvement more accessible and engaging.</p> <p>A good example of this is our consultation portal which we have used for our current local plan consultation https://consultations.leicester.gov.uk/sec/draft-local-plan/. This has been cited by the software developer as an exemplar of a local plan consultation and is to be used as a training module.</p> <p>However, all this needs to be predicated on the need to ensure that those who are not as technology able are not excluded.</p>
<p>12. Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plans?</p>	<p>No. The biggest reason for delay for local plan production is the repeated introduction of changes to legalisation and further changes to key requirement such as housing need algorithms.</p> <p>For 30 months to be an obtainable goal, government will need to be clear on what they are requiring in local plans but also to avoid unnecessary changes to the system once these requirements are set.</p> <p>Also, simplified legally binding mechanisms will be required, to manage cross boundary matters, such as distributing unmet housing/employment need and provision of big-ticket cross boundary infrastructure, so that sub regional issues will not delay the production of the plan.</p> <p>Although a shorter time frame to produce a Local Plan should be welcomed, 30 months is unrealistic and the reduced consultation stages proposed is not considered appropriate.</p> <p>30 months' timeframe does not reflect the reality of everything that a local authority has to do in order to get a Local Plan document out for consultation and adopted and especially if extensive work on Master plans and design codes (including the necessary consultations in these) is expected to be produced in parallel to the plan.</p>

	<p>There are various hurdles (often beyond the authorities' control) that can affect the timetable of a Local Plan.</p> <ul style="list-style-type: none"> ▪ Resource issue: 30 months assumes a full complement of staff with additional resources needed on top for the extra pressures due to the reforms. ▪ Process of getting political approvals to consult avoiding electoral clashes and purdah periods ▪ Time to consult adequately. This may be more challenging for larger authorities where greater levels of consultation are needed. The City council has often proposed consulting longer than the minimum 6 weeks to meet the democratic expectations of constituents, which also reflects how much consultation we need to do in the City to give people a fair hearing
<p>13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?</p>	<p>Yes, although take up in Leicester has been extremely limited as in most other unitary areas, it has found a level of support especially amongst shires with parish councils.</p> <p>Such plans would benefit from a closer working between planners & local groups, to help them properly engage in the planning making process should be encouraged, as well as using 'neighbourhood planning'.</p> <p>There could also be an opportunity to focus requirements from local communities and highlight local transport issues, as well as develop localised policy responses.</p> <p>Should the provisions of this White Paper be introduced, there could be the need for an increased role for Neighbourhood Plans to provide a locally adopted counterpoint to centralised policies and standards which would need resourcing at a much higher level than exists at present.</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>Additional resources would be critical to achieving this goal. Whilst the neighbourhood planning grant has been a useful tool, if neighbourhood planning becomes more complex, potentially covering issues such as local design codes or increasing the use of digital tools then significant additional resources will be need.</p> <p>The local authority will also need additional resources to provide proper support.</p> <p>It is also likely that any neighbourhood forum will require additional expert digital assistance which will need to be funded too.</p> <p>As with Local Plans, it will be essential to ensure that there are still opportunities for their communities to participate through non-digital methods.</p>
<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?</p>	<p>Yes. We support permitting a variety of development types by different builders which allow more phases to come forward together.</p> <p>Promoting a switch in responsibility from developers to local authorities to deliver infrastructure in a timely manner could be a significant improvement in this respect.</p>

Pillar Two – Planning for beautiful and sustainable places

Question	Recommended Final Response for Approval
<p>15. What do you think about the design of new development that has happened recently in your area?</p>	<p>The design of new development across the area is mixed. Where there has been extensive pre-application, a collaborative team approach by Agent and Local Authority (sometime formally through joint ventures such as at Ashton Green and in the Waterside areas in Leicester) and shared objectives high quality development is being achieved.</p> <p>This includes both higher density city centre schemes and more suburban residential developments. The Authority does use SPD's, design briefs and design guides where needed, and these have been largely successful. We are very proactive in outlining our vision and expectations. However, the resources needed to produce these documents and also engage in extensive pre-application has been significant so we understand and can evidence why the White paper timescales are wholly unrealistic.</p> <p>We look to planning policy both nationally and locally to give us the weight to refuse schemes of poor design again with mixed results from PINS.</p> <p>Often the proposals received by applicants need reworking / redesigning and significant input from the city council, so it is our view that uplift in quality is being achieved through the planning process and multi-disciplinary specialist officers. The penalties and compressed timescales for dealing with applications will compromise our ability to secure these improved outcomes.</p> <p>In Leicester, we are currently implementing many of the tools advised in the White Paper and the benefits can be readily seen. Whilst planning and highways often share objectives, street design, remains an area where there is a lot of learning still to be done. In considering the National Design Guide 10 objectives for a well-designed place; appropriate space standards, considering lifespan (resources and adaptability), meeting environmental targets have been areas where policy needs to allow us to give more weight to these elements. There is a danger that centrally dictated design guidance will stifle the local innovation and quality we are delivering.</p>
<p>16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?</p>	<p>An optimised balance between environmental, economic and social factors which has been democratically tested and robustly prepared.</p> <p>This needs to be based on a proper definition of sustainability eg Brundtland definition and encompass consideration of the carbon impact of planning policies.</p> <p>The priority for sustainability in the Leicester city area through the emerging Local Plan should be to facilitate future development that contributes to the city's carbon neutral</p>

	<p>ambitions, that is, a carbon neutral and climate adapted city by 2030.</p> <p>In transport terms this means looking to:</p> <ul style="list-style-type: none"> • Reduce emissions and improve local air quality through: • Reduce the need to travel • Encourage active travel • Enhance and maintaining public transport provision • Maintenance – ensure sustainable methods are used. • Improve road safety. <p>Any national DM policies and nationally set street design codes/new Manual for Streets will need to make sure that new development doesn't entrench low-quality and car-dependant behaviour. Government needs to ensure proper provision of public transport, either in funds set aside for service and infrastructure improvements or as part of the development costs (cf. Section 106).</p> <p>Design codes need to address highway design and placemaking objectives in a way which amenable to walking and cycling, or access by buses.</p> <p>Developments need better facilitate active travel and public transport rather than through the use of winding and convoluted street designs intended for car use.</p> <p>The proposed reforms have the potential exacerbate this issue. National highway design and adoption standards will not easily meet the diverse needs of city, suburban, and rural contexts.</p> <p>From an anti-poverty agenda, issues such as tackling fuel poverty via more energy efficient new homes is an example of a cross cutting objective which could deliver sustainable outcomes.</p>
<p>17. Do you agree with our proposals for improving the production and use of design guides and codes?</p>	<p>Design codes can be an effective way of improving the quality of design in an area. However, these need to be detailed enough and have specific enforceable legal weight, to avoid them being a watered down on appeal or simply ignored.</p> <p>A key area of concern is the requirement for these to be 'provably locally-popular design codes'. This could stifle design creativity and innovation and lead to pastiche or bland 'safe' design options. Supporting design guides and codes can assist to build more beautiful buildings/homes. Even though questions of good taste can be argued, it is important to support and facilitate the process of planning applications and have some regulation in place on how to support design.</p> <p>However, a national wide standardized design will be challenging and can only be used as a guidance in the right direction.</p> <p>Resources will also need to go into obtaining detailed information on constraints and technical information, for example, services, ecology, drainage (suds) etc. This is based</p>

	<p>on experience of larger sites such as Ashton Green and strategic local plan sites. Design codes or design guidance cannot be robust if they are not based on all the information regarding constraints and technical considerations. If this is not produced an agreed code will be challenged from the beginning. Putting the onus on the Local Authority to produce this when this would normally be at the expense of the developer and team is a significant (unfunded) challenge. Resources and skills within Local authorities will be needed to produce them and also meaningfully engage (not just consult) local communities in their production. Clarity is needed on whether this will allow us to set local standards regarding climate change and sustainable outcomes – a challenging target and vision. Design guides and codes can be an effective way of improving the quality of design in an area subject to being enforceable and allowing for input from appropriate technical experts where necessary. They should also be based on the principles of sustainable development wherever appropriate and further local objectives for carbon neutral development</p> <p>It should be noted however that there will remain certain aspects of energy efficiency/low carbon which are site-specific and cannot be dealt with solely through a design guide.</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?</p>	<p>Yes.</p> <p>Place-making needs to be at the forefront of decision making and embedded in LA's but that takes resources and a significant cultural shift; locally, regionally and nationally. Fortunately, Leicester has exemplary in house expertise, but evidence gathered by the Urban Design Group shows that Design / place making officers have been substantially reduced in LA's and have been at the front end of budget savings as they are not seen as 'essential/statutory' staff. Culture shift and investment needs to be there to underpin the commitments and principles outlined in the White Paper.</p> <p>There are obvious benefits to a new body with support, sharing best practice, guidance upskilling etc. We would recommend that it offers a regional focus rather than London based – including use of the existing design network - and responsive to local and regional challenges. However, if the LA officers aren't in place or resourced then who will they be upskilling – local delivery is essential and the investment in skills and experience within LA's (rather than use of consultants) to provide a 'custodian' role for place-making and design is critical.</p> <p>A Chief Officer would be welcome in making sure every LA will have a design and place-making emphasis embedded and supported strategically and with dedicated officers. It is vital however, that they are senior, influential and leaders and not seen as 'tokenistic'. Their remit is crucial. Where do they have influence; often design decisions are made long before planning is involved; procurement of development partners,</p>

	<p>design teams, land disposal, briefs (are they pushing the boundaries of what is possible), quality v cost etc. They need to be able to work across departments and effect change- with a particular emphasis on creative and attractive/innovative highway design and adoption, including sustainable urban drainage integrated with landscape design.</p> <p>Councils have a key role to play in the direct delivery of affordable housing. the Chief officer could provide a crucial role in engaging communities in discussions about design and place-making and shaping the places where they live.</p> <p>Any design codes that set high level principles need to have local flexibility, and any national body needs to take account of potential conflicts between different types of codes and disciplines</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?</p>	<p>This should be a priority but the limited scope of their remit (market failure and value for money criteria) and need for ambitious environmental sustainability and low carbon standards not just based on beauty and aesthetics need to be considered.</p>
<p>20. Do you agree with our proposals for implementing a fast-track for beauty?</p>	<p>Any changes to national policy and legislation to ‘fast track for beauty’ should only incentivise and accelerate high quality development that is environmentally sustainable and low/carbon neutral in terms of both its location and design features, which is a more pressing imperative than trying to establish locally popular design policies.</p> <p>The term ‘Beautiful Design’ is very subjective. If a local expert approach is adopted i.e. the design criteria for what is ‘beautiful’ is set locally, then this could be an appropriate approach. If however, a top down set of national design standards are set, which take no account of either local vernacular and local expertise, then this has potential to be very problematic and achieve the opposite of providing ‘beautiful buildings’.</p> <p>Good design / place-making is not just about aesthetics which this term could be misinterpreted as. Local context is everything and there cannot be ‘one size fits all’ nationally. Local interpretation / contextual analysis of beauty / creating places has to be applied. The National Design Guide is a good start, but its enforceability has yet to be tested. Detail on what is to be in the ‘National Design Code’ will be critical- it can only be a general guide to be applied at a local level.</p> <p>Professionals may have an understanding, but this will need to be communicated to local communities who may have a different view and take the word on face value, or struggle to engage in an abstract concept. Communication and engagement is needed on place-making.</p> <p>Again, resources will be needed across councils to produce codes and local interpretations of ‘beauty’ of which context and character and identity can vary greatly over large areas.</p>

	<p>It should also need to be recognised that the poor product of volume housebuilders means that many communities are not exposed to nor experience good design and place-making and ‘beauty’ can be narrowly interpreted into ‘chocolate box’ pastiche. There needs to be a wider conversation and education effort on what good place-making is, and shared experience of exemplary different approaches according to context, both locally and nationally.</p>
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Pillar Three – Planning for infrastructure and connected places

Question	Draft Response
<p>21. When new development happens in your area, what is your priority for what comes with it?</p>	<p>Any new development should provide adequate infrastructure to support itself, and a proportion of any new homes provided should be for affordable housing, to address evidenced need and equality matters. Open space provision and enhancement are high priorities.</p> <p>Community provision such as schools or health facilities are critical. Highway and transport safety are also key- it is a requirement under the 1988 Road Traffic Act for instance. Sustainable transport that balances the environment with the economy is also paramount.</p> <p>Ideally, we would want to see new development that is environmentally sustainable and low carbon, in order to meet Leicester city council's priorities to become a carbon neutral and climate adapted city by 2030.</p> <p>Unfortunately, the reality is (as is evidenced by recent Local Plan viability assessment) that there is nowhere near enough viability in the local housing market to secure many of these objectives and s106 income is only secured against a small proportion of what policy should require.</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>It is welcomed that the white paper acknowledges that changes are needed around the issue of developer contributions.</p> <p>It is agreed that the current system is too complex and too often local authorities struggle to collect money from developers that is needed to make development acceptable under planning.</p> <p>Any changes to the current system, to make securing developer contributions easier. would be welcomed.</p> <p>However, any changes would need to ensure that areas with potentially worse viability are not disproportionately impacted by any threshold. There are particular concerns over value uplift calculations in constrained high value urban contexts, where brownfield sites are often constrained, and owners have unrealistic expectations of uplift which market delivery cannot achieve.</p> <p>Any certainty from the outset on contributions would be welcomed. There is a risk that developers will argue that they need to offset design quality against meeting required developer contributions.</p> <p>Much will depend on how this levy is to be collected and disbursed. Infrastructure needs and pressures are often felt across local authority boundaries and this needs to be taken into account.</p> <p>There will also be a need to ensure that developments are mitigated adequately through specific improvements and preserve a link between</p>

	<p>generating development and the necessary infrastructure. Consideration of what is needed to address when a commenced development becomes unviable.</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?</p>	<p>The preference would be able to set a locally defined rate. This may also need to include more than one rate within a local authority's area.</p> <p>For example, Leicester has three different rates of affordable housing requirement approved within its current Core Strategy Policy CS07, varying from 15 to 30%. https://www.leicester.gov.uk/media/179023/core-strategy-adopted-july-2014.pdf</p> <p>The de minimis threshold would not necessarily remove the need for multiple charging zones within an authority. It is strongly supported to help non-viable areas.</p> <p>However, all of the examples in the existing policy above, are actually viable. Having a single rate per local authority would have to be set at the lowest possible value and would therefore potentially miss out on achieving double the amount of affordable housing, in the other areas, that is currently achieved.</p> <p>Allowing both a de minimis threshold and a variation of tariff within a single local authority would enable more gain to be achieved. This would avoid issues around the huge variations which exist in land value, between different local areas (in a single authority), as well as between different local Authorities.</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?</p>	<p>Any infrastructure levy needs to be set at an amount that adequately allows local authorities to collect enough developer contributions, to mitigate the impacts of that particular development and to meet affordable housing needs and to support greater investment in low carbon infrastructure and the city council's ambition to become carbon neutral and climate adapted by 2030</p> <p>Assuming the government wishes to implement its objectives making beautiful buildings; being sustainable; and providing biodiversity net gain and maintaining at least the current level of affordable housing provision the money needed from developers is definitely going to need to increase.</p>
<p>22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?</p>	<p>Yes. The rate at which the government set the borrowing, would actually have a far greater effect on whether Local authorities would find this borrowing to be affordable.</p> <p>Having the potential to borrow at a low rate would be advantageous and could help to incentivise quicker infrastructure delivery.</p> <p>Leicester have used additional funding streams as a better approach.</p> <p>However risks do need to be carefully assessed- if the Infrastructure Levy will become payable at the point of occupation, this poses a big risk for LAs to borrow against because there is the risk that the permitted scheme will not be built out or be substantially delayed. For ease of monitoring by LPAs, the</p>

	point of practical completion, rather than occupation, should be used.
23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?	<p>Yes this is very welcome. All of the permitted development rights should be included. They are a very significant source of pressure in terms of resulting in an area potentially lacking infrastructure. Offices to residential use is a prime example, where the level of parking and open space/play area provision end up under severe pressure.</p> <p>We would also welcome the opportunity to seek affordable housing via future PDR devts, making for more inclusive communities, and the proposal that such dwellings will need to meet NDSS.</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?	<p>Yes, support at least, and as much on-site if not more affordable housing, than is achieved at present. The viability assessments we have undertaken indicate this will be an extremely challenging ambition for the Government to actually realise, especially in high value built up areas with constrained brownfield sites.</p> <p>See response to Q22(b), above.</p> <p>We currently have no reliable basis on which to obtain a financial contribution in lieu of the provision of affordable housing on site. There is often little or no interest from RP's on taking a percentage of flats within a development, particularly within the city centre. Flexibility and certainty under a levy would mean that we could secure a financial contribution towards the provision of affordable housing off site if there is no demand for on-site provision.</p> <p>In addition, we need to ensure that the LPA can seek the types, tenure and mix of affordable housing which best reflects evidenced needs, including for supported housing and wheelchair accessible housing needs. Given that affordable housing is let at full occupancy, it is also key that LPAs can seek these homes to be built to NDSS, to ensure they are fit for purpose homes.</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?	<p>The Council would wish to see Affordable housing provided as in-kind payment towards the Infrastructure Levy rather than as a right to purchase because the proposal for the in-kind provision would allow LAs to specify the forms and tenure of the on-site provision and incentivises the developer to build quality products that RPs will want to buy (because of the proposed LA's ability to revert to a cash contribution in lieu of a poor product that's unattractive to RPs). Furthermore, the in-kind route allows for LAs to accept Infrastructure Levy payments in the form of land and that may prove preferable in meeting certain specialist affordable housing needs (including supported housing schemes and provision for Gypsies and Travellers). The 'right to purchase' is not currently an attractive option as the LA has no input nor control on house types/sizes and what's offered by a developer may not reflect evidenced housing needs and this would have equality implications. There is also not the same incentive to the developer to build a quality product for the affordable housing offer.</p>
24(c). If an in-kind delivery approach is taken, should	<p>Yes, but the flipping of tenures could and should work both ways, to reduce or increase the levy payment to reflect actual values. The mechanism should be transparent.</p>

we mitigate against local authority overpayment risk?	
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?	The Developer should seek early confirmation from the LA on what type of affordable housing is required (type, tenure, mix, access standard, space std, location etc) to enable the developer to design in the affordable housing as an integral part of their scheme proposal from the beginning, rather than as an add-on or adjustment to their worked-up proposal. The developer should be encouraged to liaise with RPs as early on during the design process as possible, to ensure RP appetite for their affordable housing units. LAs should be able to approve the proposed location of the affordable housing units and developers should ensure these units have an equitable share of amenities such as quality parking, balconies, gardens, etc as similar sized market housing (ie design and amenity provision should be tenure blind)
25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? 25(a). If yes, should an affordable housing 'ring-fence' be developed?	<p>Yes local authorities should have fewer restrictions over how they spend the Infrastructure Levy</p> <p>They should have the freedom to direct/spend developer contribution where it is required to mitigate the impacts from development.</p> <p>However, it is likely that developers, members, and residents will expect that any developer contributions collected will be spent in the locality of the new development or supporting services linked to said development. This should be linked to a developer contributions strategy.</p> <p>Yes. In the interests of equality and to promote inclusive communities, an affordable housing ring-fence should be introduced where LAs have fewer restrictions over how they spend the Infrastructure Levy. All LAs need to ensure that they are working to address any evidenced need for additional affordable housing within their area and the Infrastructure Levy enables LAs to seek affordable housing on sites it might otherwise have no influence over (in terms of tenure).</p> <p>Given the additional design and environmental requirements to be included, it is highly unlikely that there will be any surplus, in the vast majority of local authorities.</p>

Equalities Impacts

Question	Draft Response
26. Do you have any views on the potential impact of the proposals raised in this consultation on people with	<p>Providing that the requirement to prepare a plan EQiA remains then there should be the ability to test impact.</p> <p>Affordable Housing has an important role in seeking to meet the housing needs of people with protected characteristics who cannot meet their housing needs via market housing. Of course, affordable housing also seeks to address the housing needs of any household</p>

<p>protected characteristics as defined in section 149 of the Equality Act 2010?</p>	<p>unable to afford to meet their housing needs via market housing. Leicester City Council has an anti-poverty strategy and the provision of affordable housing is a key element of this. Therefore, Leicester City Council would wish to see the provision of affordable housing (of a type, tenure, standard, mix, etc that best reflects evidenced needs) protected or enhanced via any proposed changes to Planning and developer contributions</p>
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