

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

1. Rather than focus on 3 words the Council wishes to raise the point that the PWP does not express a clear view on what the purpose of the Planning System is and the importance of Planning, in leaving a positive legacy.
2. In the Council's view Planning is a broad spatial planning endeavour (linked to the achievement of economic, environmental and social objectives and outcomes, at the same time), as opposed to a narrow regulatory land-use tool. Planning should have a clear purpose as this helps clarify and speed up both plan-making and decision taking and is vital to helping the public understand why Planning happens in their area.
3. To that end, the purpose of Planning should include: working in the public interest, prioritising the safety and wellbeing of people within a framework of long-term sustainable development (which address the Climate Emergency and inclusive growth), so as to create places that are safe, healthy and resilient and that leave a positive legacy for rural areas, towns and cities.
4. It is suggested that a need for clarity around this purpose is heightened by the Covid 19 pandemic and Climate Emergency as planning has a fundamental role in supporting, shaping and delivering the physical environment and infrastructure to underpin the post-COVID recovery and lower carbon futures.

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

5. As the country's 2<sup>nd</sup> largest local planning authority, Leeds has a statutory responsibility for plan making and making planning decisions. The Council has in 2019/20 determined 4,693 planning applications (including 224 majors) and dealt with 187 appeals and currently has over 1,100 enforcement cases. It has also exceeded its housing requirement as set out in its up to date Adopted Local Plan.
6. The WP is silent on the democratic role of politicians and planning panel in the future, whereas we would advise that this is an essential and integral part of the infrastructure for good decision taking that enables local engagement and good stewardship of places. Relatedly local democracy is a key and well-embedded feature of the current planning system and it is not clear how the proposals will retain this and our answers to questions about digitisation stress that whilst the Government intent to help with the communication of planning is welcomed there is much more focus needed on the engagement of all parts of society, in whose interest planning is carried out.

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

7. Question aimed at public rather than local authority

**Q4. What are your top three priorities for planning in your local area? (Please select only three answers) Building homes for young people / Building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local**

**economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other**

8. All of these priorities are important to be delivered at the same time.
9. The question misses the fundamental advantage and objective of the planning system – a broad spatial planning endeavour which provides holistic / balanced direction to places, managing change and articulating a vision of the future, as opposed to a narrow regulatory land-use tool.

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

10. A simplified process is supported in principle.
11. However, local areas are made up of complex patterns of form and use that demand planning responses that reflect the complexity on the ground. This is particularly true of major cities like Leeds. The PWP is heavily focussed on sites and specific areas with little focus on the role of planning in co-ordinating their delivery across places through public realm, infrastructure and connectivity.
12. The new area designations need to be capable of informing planning decisions on a wide range of proposals. This could mean designation of sub-areas, such as employment growth, or more detailed policy guidance to cover instances of development interest.
13. It is unclear whether the approach set out in the WP is akin to a 'zoning approach'. This should be clarified. It is noted that a zoning approach is a) not necessarily simpler and in some countries local ordinances run to thousands of pages, b) not necessarily conducive to the system of land ownership in England; zoning works well in countries with greater state owned land or where the state can more easily acquire land. Consideration needs to be given also to how such an approach can be applied to major Cities with complex urban geographies and settlement patterns.
14. The renewal area is not clear and is not an especially helpful term as it implies change and growth, whereas that may not be the case, given the growth areas also suggested. If this area is intended to absorb "quieter" growth then it will be important to identify the role that growth will play cumulatively in meeting any local infrastructure needs, whether work needs to be done to estimate levels of growth in renewal areas and how that fits with their role in meeting identified needs for development. As proposed (and without a discretionary development management role) it is not clear how authorities might control the scale of development in their areas in any way other than in the anticipated development capacity of growth areas.
15. Area designations alone cannot make a Local Plan. Designations need to be led by an overarching strategy which agrees the roles of different places and ties together other strategies and infrastructure planning. Place-making should be at the heart of this.
16. Local plans need to provide certainty, but also be capable of responding to exceptional unforeseen changes, for example site development opportunities becoming available that were not expected when the plan was written. However, where a proposal would be contrary to the Plan, this should be subject to re-consultation with Council and community, and evidence provided to justify the departure.
17. The role of Neighbourhood Planning needs to be clearer. A collaborative approach between the local planning authority and Neighbourhood Planning groups is recommended which could, at the outset of plan making, identify the areas that Neighbourhood Plans will be responsible for.

18. The need for remediation of contaminated land needs to be taken into account in designation of Growth and Renewal areas, particularly when sensitive end uses such as housing will be given permission in principle.
19. In the designation of Growth Areas, it will be safer for areas of high flood risk to be excluded altogether because it is not possible to know whether mitigation is possible until it is known what development is proposed and a Flood Risk Assessment has been carried out and considered.
20. If Growth sub-areas are to be designated for self-build, local authorities should be able to specify how much affordable housing (including tenure type and affordability) and how much self-build land should be made available as part of the policy requirements applicable to sub-areas, having regard to viability assessment. Self-build should not be at the expense of a local authority's affordable housing requirements and the local authority should be able to determine which requirement to sacrifice first if there is a viability problem. If self-build becomes more widespread more resource may be required for local authorities to extend and manage waiting lists of people seeking plots.

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

21. National policies need to be clear enough to determine planning applications. The NPPF is currently too vague and lacks detail to cover typical eventualities.
22. The Government needs to make sure that there is at least 3 months consultation on a set of draft national policies, and that arrangements are made to notify and involve local communities and neighbourhood planning groups. Local authorities can be used to help raise awareness about this amongst local groups.
23. Consideration should be given to the type of policies that will require local variation. Some examples include:
  - Policy to require provision of accessible homes (M4(2) and M4(3) standard dwellings) in new residential development. It would be simpler for national policy to set appropriate percentages of accessible home requirements. However, different percentages will be achievable in different areas of the country depending on market strength and viability, particularly for M4(3) homes which have a more significant cost implication than M4(2) homes. Therefore, the M4(3) requirement may need to be set locally to address local needs, taking account of viability.
  - Policy to control concentration of houses in Multiple Occupation (HMOs) and student accommodation. This needs to be set locally, where the local authority knows which areas are a concern to local people. The role for Neighbourhood Plans also needs to be considered.
  - Internal Space Standards. The NDSS provides for standard housing types, but not specialist housing such as Houses in Multiple Occupation, Purpose Built Student Accommodation and Co-Living. Until national policy is provided for specialist housing, local authorities should be able to set their own standards for these.
  - Some national sequential policies (e.g. town centre uses or flood risk) will require the local authority to define areas on the ground.
  - A role for Supplementary Planning Documents should be maintained which can help explain to developers and the public how complex policies should be applied in practice. To front load the Local Plan with such

detail is contrary to speeding it up and such detail can change quickly and need updating outside of the Examination process.

24. The Council would have significant concerns if national DM policies impeded its ability to meet its own zero carbon ambitions before 2050. Many local authorities have declared climate emergencies with zero carbon emissions by 2030 (as in Leeds) or 2038 (as in the West Yorkshire Combined Authority). As planning is a key function to manage down the carbon emissions from buildings, transport and supporting the decarbonisation of electricity standardised national policies may impact on these areas. It would be recommended that national DM policies were set at a high and ambitious level to enable and support a quicker progression to low carbon in ambitious authorities, but if not it should not be set at a level that impedes this.

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

25. We agree that it should be simplified as the present process can be complicated, opaque and very time consuming. However, any new system must ensure that:
- The meaning of “sustainable development” is clear and robust (and should clearly set out how the Government planning system aligns and implements international agreements such as the Aarhus Convention and the United Nations’ Sustainable Development Goals)
  - The Government should promote sustainable development more positively in planning – as opposed to the current approach in the NPPF’s “presumption in favour of sustainable development” framed around development being acceptable in principle provided that there is no proving of harm to environmental goals
  - The creative practice of shaping places with people to achieve net gains in all (social, environmental and economic) policy areas is not lost in an overly simplistic regulatory framework
  - Impacts on the environment are properly evaluated perhaps by reference to DEFRA’s Natural Capital framework.
  - Replacement of the delivery test ensures that necessary infrastructure can be provided including by other agencies
26. Regarding the alternative option to replace the test of deliverability with a proposal for a stock of reserve sites to be identified instead. This could be more contentious with local people who would be concerned about sites when it is uncertain whether they are realistically deliverable.

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

27. Abolishing the Duty to Cooperate should not leave a strategic planning vacuum.
28. In its simplest terms, Planning has a key role in influencing and delivering wider spatial visions beyond local boundaries, supporting inclusive economic growth & productivity ambitions in terms of City Deals and Combined Authorities (including via Spatial Development Strategies); nearby strategic partnerships which share supply and skill chains; National Government programmes (including transport and other infrastructure investment, Homes England delivery and the Improving Cities Fund) and Local Enterprise Partnership & emerging Local Industrial Strategies (LIS)

which together help with supra regional ambitions such as the Levelling Up the North agenda.

29. Local Planning Authorities sit at the heart of this working with larger than local players in larger than local “economic geographies” that do not sit with administrative boundaries.
30. Without strategic co-operation there is no mechanism to consider the distribution of housing, deal with cross boundary travel, school places, strategic locations for carbon capture, strategic green infrastructure and river catchments and strategic green belt issues.
31. The Council would look for the PWP to more positively frame the purpose of Strategic Planning in supporting wider than local issues across economic geographies and as a means to support co-ordinated funding and investment.

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

32. Agree, that removing protracted debate from plan examinations would be positive. However, the other extreme of Government issuing binding housing numbers to local authorities based on a fixed formula would not be welcomed as there will always be local circumstances that should be taken into account. This is especially the case in complex Cities, such as Leeds.
33. There is no simple measure of constraints for a local authority as a whole that would be un-contestable. Green belt is a constraint that for many urban authorities will be the only alternative to town cramming. A formulaic approach would be inappropriate.
34. The existing arrangements of local plan examinations allow for land constraints and other policy-on factors to be considered. Sub-regional Spatial Development Strategies can provide the strategic context in terms of the strategic roles of place and infrastructure investment planning.
35. If the Government is insistent on an approach of fixing local housing requirements, it would be better for the Government to set up a body to set local housing requirements after listening to local authorities to gain a full understanding of local constraints, land opportunities and the importance of local economic growth.
36. The proposal to remove the 5 year housing supply requirement is supported as this penalty led to considerable speculative development in authorities, where because housing markets were recovering from the previous recession and previously developed sites were not delivering as speedily the 5ys calculation worked against plan-led sustainable growth and damaged the primacy of the Development Plan in the minds of local people. The Council do not recommend that this be replaced by a 10 year alternative.

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

37. No. Affordability as an indicator will tend to favour places which are already popular and attractive and have good access to high paid employment. If such areas do not have physical capacity for well planned growth without harming environmental interests, the consequent housing requirement will come as an inappropriate imposition. In turn, affordability as an indicator tends to not favour areas that are less popular, even though they may contain physical capacity for well planned growth.

38. Giving most weight to affordability means that opportunities will be missed to re-balance the economy North-South and also to address differences of capacity and potential within regions
39. If affordability is relied upon to generate housing requirements, it ought to be one of a number of factors that allow also for consideration of physical capacity to accommodate well planned growth without environmental harm.
40. The extent of existing urban areas is a very crude measure of housing need but will produce more stability over time than the household projections, which can fluctuate significantly. The extent of urban areas will not be a good measure of physical capacity for growth, because urban areas vary greatly in their potential for infill on brownfield sites, or urban extension.

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

41. Automatic permissions in principle could speed up planning decisions for growth areas, but its introduction should be subject to the following:
  - If large Growth Areas are designated, the Local Plan will need to set out the parameters of the automatic permission in principle, including scale of different uses (including supporting uses such as shops / schools), sub-areas, location, phasing and requirements for green space, enhancement of natural habitat, affordable housing, school provision, access, and to specify what details will need to be approved through detailed permission.
  - It should be for local authorities to propose the extent of Growth Areas based not only on the appropriateness of the designation but their resource to prepare the detailed guidance required for development. It would not be appropriate for Local Plan inspectors to recommend/ require adoption of Growth Areas with automatic permissions that a local authority does not support and has not been equipped to provide the necessary policy guidance for the permissions in principle.
  - Areas of high flood risk should be excluded from Growth Areas.
  - Genuine front-end engagement with opportunity to revise initial proposals
  - Where developers are willing to prepare Design Codes for their sites, it should only be with the cooperation and support of the local authority (within the context of meaningful public consultation). It would be inappropriate for a developer to be putting forward a Design Code that is at variance with the local authority's and local community's objectives
  - If a developer wishes to depart from the specified policy requirements this should be via planning application, council consideration, involving formal consultation with the community, rather than any delegated route
42. Local democracy is a key and well-embedded feature of the current planning system and it is not clear how the proposals for PiP will retain this. Planning should be joint endeavour including an expression of a community's ambition for places and it is accepted that with better tools a front loaded planning system can be helpful in engaging people in how their places grow and change. As proposed, the 3 area designations have an inverse relationship with traditional public engagement i.e. the more growth proposed the less opportunity people have to engage through the DM process; so there will be a need to build in new approaches to **engagement** to ensure that people feel that they are able to get involved in shaping their communities and have been listened to. This approaches to engagement should be over and above the approaches to **communication** as set out in

this WP. It is noted that many of the tools that would help achieve this will require more resource and time e.g.:

- capacity building in localities inc. “planning for real” and design workshops
- visualisation of places rather than technical criteria

43. The planning system therefore needs to be adequately resourced to achieve this and to ensure that the process is fully inclusive.

**Q9 (b) Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

44. It is not clear what the purpose of Renewal Areas will be, and the appropriate areas to designate. The idea of Renewal Area designations to infill and densify existing residential areas with a presumption in favour of development is not supported. Most of Leeds’ existing residential areas have distinctive characteristics which need to be respected and green space is in limited supply and over-used by the existing population. Any densification needs to be in agreement with local communities, and be part of a wider package of policy interventions to make existing areas healthier, more sustainable and more resilient to climate change.

45. Leeds has some of the most deprived inner city areas. These are in need of public and private investment and careful planning of new development. Leeds already has an ethos of working positively with developers to make schemes work. Planning is not an impediment to development here. A presumption in favour of development is not necessary. Instead, public investment is needed to remediate contaminated sites, provide supporting infrastructure and provide environmental improvements to enhance the attractiveness of development sites that are unviable.

46. The proposed arrangements for Protected Areas – that planning applications will be required for new development – will be similar to current arrangements. However, the types of area to be protected are very varied and demand different policy responses which will need to be captured in the new system.

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

47. New settlements require significant amounts of planning, which could be supported through national projects working in partnership with local authorities. A national focus should ensure that such patterns of growth are supported by strategic infrastructure and the means of funding this.

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

48. Digitalisation of the process is supported, but it should not be at the expense of people in the community who do not have access to IT or are less IT literate, such as older people. Site notices are a fundamental part of the process of alerting local people to planning proposals in their locality, but the notices themselves need to be easier to understand stating simply location, proposal and quick links to more information (e.g. QR codes).

49. In terms of speed of planning decision, where an application is policy compliant it will always be desirable to determine the application quickly. But if an application is not compliant Leeds considers that it would be better to seek to negotiate with the applicant to overcome shortcomings and

achieve a scheme that can be approved. This will be a better outcome than a quick refusal.

50. Extension of Times (EofT) are used sparingly and in most cases to get an application over the line and therefore their use should be retained. Developers and agents are generally happy to provide EofT to resolve issues and get a positive outcome.
51. Fronting up the process through validation at the start is welcomed and the LPAs should be able provide their own locally applicable requirements for all types of development in parallel to national validation criteria.
52. Creating shorter and standardised process for smaller applications is supported but still must include the information necessary so a full assessment against all relevant policy requirements can be made. On-line forms should be designed so that the information required is no more than strictly necessary for the type and scale of proposal.
53. On larger schemes, standardisation of a planning statement to no more than 50 pages is supported in principle providing they JUSTIFY the proposal in line with policy rather than just repeat policy.
54. An automatic refund of planning fee if not determined in time is not supported. Neither is the proposal to grant deemed permission if a deadline is exceeded. This would mean that local authorities will refuse proposals that are not policy compliant rather than spending time seeking to improve them.
55. National standard conditions are supported for common issues with local conditions applied for local circumstances/specific scheme.

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

56. Yes, Leeds agrees with the positive intentions of the proposals to make plans more visual and more accessible through the use of digital technologies. Interactive, map based Local Plans with limited text base will be easier to understand for all parties involved in the process (pre and post plan making) Leeds is already making use of interactive mapping and database software in its plan making.
57. As local authorities will be preparing the same type of plans in the same process, and wrestling with the same type of planning issues, there will be benefits of standardisation. At Leeds we have already developed a number of advanced mapping and database systems to assist with plan preparation and consultation. We would be more than happy to demonstrate these. In terms of moving toward improved standardisation it would be useful for Government to set out clear parameters for system requirements and outputs, so that local authorities can set up systems that work best for them, *and* produce standardised outputs useful to building a national picture. However, whole systems should not be imposed as this could be costly or inappropriate for local authority circumstances.
58. The guidance and templates promised by the Government need to be made available soon with opportunity for comment and input from local authorities.
59. Sufficient funding and resourcing needs to be made available.
60. Digitisation / simplification proposals are welcomed but whilst they will improve communication they will not automatically improve engagement so consideration must be given to this important aspect of consultation.

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

61. Yes. It is agreed that the length of time to adopt a LP is currently too long and the proposed ambitious 30 month statutory timescale is supported in principle. Whether 30 months is realistically achievable will depend on consideration of the following factors:
- Upskilling staff to deal with a totally new system for the first time
  - Front loading of plans with enough detail for permission in principle to be granted at the point of plan adoption
  - Resource required for preparing Design Codes and Guidance
  - The need to integrate neighbourhood planning with the plan making process
  - With formal consultation on a draft plan at the same time as submission for examination, whether there will be ability to revise the plan in response to public responses
  - Local authorities vary greatly in terms of their population, size and complexity and a longer period should be considered for the larger more complex authorities.
62. Removing the 'right to be heard' and self-assessment by the LPA or EiP goes against the Government's emphasis on public involvement.

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

63. Yes. Neighbourhood planning is a popular and important aspect of the planning system that is making more of a difference as each year passes. However, there are aspects of the neighbourhood planning process that need to be improved, as noted below. We welcome the debate about neighbourhood planning as set out in the White Paper.
64. The Council continues to provide significant support to the variety of neighbourhood planning groups in Leeds, including those in the inner, urban areas and those with made neighbourhood plans. However, we would like to see a greater funding package and incentives for local planning authorities to do this in the future. This is critical to the future success and take-up of neighbourhood planning not only in Leeds but across the country.
65. There is disquiet amongst a number of these groups regarding the 'direction of travel' of some planning reforms, although there is a recognition that change is needed. Particular areas of concern include the extension of permitted development rights, the proposed reduction in consultations and hints that neighbourhood plans may only be able to focus on design issues in the future.
66. There is also concern from NP groups that their efforts over a number of years could be wasted or undermined under the new proposed system. We hope that Government can clarify this position ASAP to allow the council and neighbourhood planning groups to continue to positively and collaboratively. This will give groups in Leeds and across the country the much-needed confidence that they need to continue as volunteers in their planning endeavours.
67. The impact of made neighbourhood plans extends beyond the adoption of new locally distinctive planning policies by helping local areas to build up the skills and confidence required to actively engage in the planning system more generally. Neighbourhood planning also provides a platform for communities to come together and discuss the built environment and the

areas in which they live and work in ways that didn't exist before 2012. The government's recognition of the important role that NPs have played in introducing additional democracy into the planning process is welcomed.

68. It is important that the wider impact of neighbourhood planning, such as the engagement in wider community initiatives and projects is retained in some form under a new system. It is often these wider benefits which help to boost engagement in the neighbourhood planning process and in the planning process in general. The social capital built up by neighbourhood planning is essential to wider social sustainability objectives and is critical to the success of the Council's Climate Emergency, Inclusive Growth and Health and Wellbeing priorities and to the successful sustainable development of local communities. Indeed, the role of Neighbourhood plans in finding local solutions to the climate emergency should be seriously explored.
69. The skills and confidence built up by the collaborative approach to neighbourhood planning in Leeds will be critical to ensuring high quality and meaningful engagement in the new planning system as envisaged through the White Paper. The new system should include incentives and support for that collaborative approach to continue.
70. Experience in Leeds show that better quality NPs are produced when LPAs are able to provide tailor-made and ongoing support to NP groups with the help of consultants only when needed. The current funding regime, which incentivises a 'consultant first' approach does not make this straightforward or as financially viable for LPAs as it could be. Any change to the current system will require more support to be provided across the board to LPAs and to NP groups. It is imperative that LPAs are able to benefit from all Neighbourhood planning funding. Indeed, many groups in Leeds would strongly welcome this too.
71. It is important for the government to recognise the invaluable role that groups of volunteers on NP groups play in building up local capacity and awareness of the planning system by providing additional resources and training to NP groups. The LPA is in the best position to be able to deliver this enhanced support to NP groups to ensure that stakeholders in the new system are working in a joined up and complementary way.

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

72. The planning system as outlined by the White Paper is not clear on what role NPs will play in the identification of areas for Growth, Renewal and Protection. They should be provided with formal scope to meaningfully influence these designations at the NP area level, distinct from general public engagement and consultation. After they have had the opportunity to influence this decision making, groups will be critical to the preparation of design codes, plans or orders to shape development of areas identified for growth and renewal.
73. The joint progression of the new form of Local Plans alongside NPs will be critical to the success of the new system. NPs should be twin-tracked with the LP so that groups are able to maximise the opportunity to influence the shape of the LP and then play a crucial role in the preparation of the design codes that cover their areas. This would require a simplification of the NP process in order to meet the same timescales.
74. The joint working between LPAs and groups should be incentivised and formalised so that groups can rely on the LPA to involve them in the

preparation of LPs and then have a meaningful opportunity to shape development.

75. There should be scope for NP policies to retain other popular aspects of the NP process beyond allocating land for development, particularly the designation of local green spaces, the identification of non-designated heritage assets and the use/development of community facilities. These opportunities are of vital importance at a micro-/neighbourhood scale but are at risk of being missed through the proposed reforms of Local Plans.
76. NP groups will need to be upskilled and supported to engage in a new digitally-led planning system. This training and support will need to be provided in conjunction with any internal upskilling or retraining at the LPA level and should be a feature of a new People Strategy for the planning profession.
77. Capacity building will be essential for all NP groups within the new system, particular for inner / urban area groups and there are opportunities for Leeds to pilot capacity building programmes in advance of the new planning system being implemented. We have a number of groups that are at the early stages of the NP process that would benefit from these types of pilots.
78. Digitisation of neighbourhood planning through the use of digital packages or modules that help to build up information and evidence to support the NP process is welcomed, but this must be accompanied by measures to support this in practice. For example capital spend of NP funding.
79. The funding available to NP groups will need to be increased to enable and equip them to operate in a digital planning system – the use of technology for consultation is a real opportunity for NP groups but the software or interface will need to be standardised across the board to ensure quality and accessibility.
80. Wider use of NDOs could be a key aspect of a revised neighbourhood planning regime, and with increased joint working between LPAs and NP groups could significantly help to boost delivery, particularly on smaller sites.
81. The idea for NPs to cover smaller geographical areas would need to be enabled by a simplified process to ensure proportionality. This is an interesting idea which is certainly worth pursuing.

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

82. Yes. The Council agrees that there should be a stronger emphasis on the build out of developments. In the Council's view volume House Builders are building out too slowly or not at all. Moreover, there are concerns that in acting as an oligopoly in the housing market house prices are kept high. It is frustrating for planning authorities and communities to put considerable effort and resources into finding and allocating sites, and approving planning applications for new housing only to see sites not built out. Leeds currently has a stock of 26,000 outstanding permitted dwellings. In that context, and left to their own devices, volume house builders prioritise the build-out of greenfield sites and leave the brownfield urban sites to other parts of the market. This creates an unfair housing market where those active in brownfield market cannot always rely on values to deliver all of the necessary place making improvements that are necessary including infrastructure. There is therefore a strong need – in maintaining a focus on protecting the Green Belt and prioritising brownfield land development for direct funding and investment. In the absence of this pressure will continue to be placed on greenfield sites from the volume sector. In the volume

sector, expected profit margins of c.20% are sought, which is not known in any other industry and seriously impinges on the betterment that can be achieved through development.

83. The PWP notes the important role of SME developers but stops short of what would be meaningful support to the sector (it is noted that proposals in the Government's Changes to the Planning System Consultation for SME simply involve increasing the threshold at which SMEs should provide affordable housing – this is not supported by the Council as it will not help deliver sustainable developments and the homes that people genuinely need. These are all issues that were recognised by the Government in its previous White Paper "*Fixing the Broken Housing Market*" and many of the issues raised within that document; including around land owners' and house builders' "land banking", a need to support the most sustainable brownfield land to deliver at pace and a recognition that absorption rates of housing delivery through different types, scale and models of housebuilder product are important to diversify the market. These have not been followed through in guidance thus far and it is not clear how these important findings are being addressed through the current WP.
84. Further practical measures should be:-
- Fiscal/tax changes to penalise vacant land, including sites with planning permission for housing that have not commenced or have stalled/slowed.
  - Support for small and medium sized house builders, including third sector organisations such as cooperatives
  - Support for progressing schemes on previously developed land inc. Land remediation
  - Local authorities need to be able to bring forward and unlock brownfield urban sites to be attractive to the market.
  - Redefine the definition of 'development of commencement', especially for major developments. For example not just ground works started but certain proportion of dwellings started.
  - Permissions should be for a shorter period of time, possibly a year?
  - Where developments stall, the LA should have right to compulsory purchase the remainder of the site and borrow money to complete the development.
  - Where there are many landowners and developers involved there needs to be an easier way to overcome unreasonable ransom demands.
  - Local development corporations should be considered for large Growth Areas particularly where there are multiple land ownerships, there is a need for remediation of land or there is a need for major infrastructure.
  - The Council recommends that means of supporting the SME sector are pursued including: direct funding through local authorities/Combined Authorities or Homes England, support for the acquisition and preparation of sites to help de-risk them, front loading certainty for the sector in partnership with local authorities.

**Q15. What do you think about new development that has happened recently in your area? Not sure or indifferent / Beautiful & well-designed / Ugly & poorly-designed / There hasn't been any / Other (please specify):**

85. Question aimed at public rather than local authority

**Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? Less reliance on cars / More green or open spaces / Energy efficiency of new buildings / More trees / Other (please specify):**

86. Sustainable Development aims to promote prosperity while protecting the planet. The UN Sustainable Development goals clarify that policies on ending poverty must go hand-in-hand with strategies that build economic growth and address a range of social needs including education, health, social protection, and job opportunities, while tackling climate change and environmental protection. It is noted that these goals provide a critical framework for COVID-19 recovery.
87. To that end, sustainability is about delivering important priorities **at the same time**. The question therefore misses the fundamental purpose of the term. Given its scope the PWP also misses the key role that the planning system plays in achieving sustainable development which involves balances many often conflicting considerations.
88. Planning is a broad spatial planning endeavour which provides holistic / balanced direction to places as opposed to a narrow regulatory land-use tool. Rather than seek a focus on one priority the PWP needs to clarify what sustainable development looks like i.e. all of these outcomes and more delivered through new development. Good practice demonstrates that this is achievable and viable and much of these objectives are already in Local Plans, yet much of the current planning system is occupied with negotiating the meeting of development needs with local people and negotiating sustainable development with unwilling developers.
89. The criticism we hear most often is that local people do not want new development because they do not consider that it will be delivered to sufficiently high sustainable development standards. Government's role in clarifying and more effectively embedding the key principles and outcomes of sustainable development at a national level would support these being more easily incorporated into the statutory Local Plan and development decisions would greatly assist this logjam.
90. Sustainable development is a key means of tackling climate change and therefore the Council wishes to express its disappointment at the less than positive manner in which climate change is considered in the PWP.
  - The UN Intergovernmental Panel on Climate Change has warned of the need to restrict global warming to 1.5°C above pre-industrial levels. The UK is not on track to meet net-zero emissions, nor is it on track to meet current legally-binding greenhouse gas (GHG) emission reductions set out in the Climate Change Act 2008. It is estimated that if we are to have a good chance of avoiding dangerous climate change – that is average warming above 1.5°C, the world can emit no more than 420 giga-tonnes of greenhouse gases by 2050. Leeds' share of this on a per capita basis is estimated at 42 mega-tonnes – this is in effect our city's carbon budget to 2050. If we were to carry on at our current rate of emissions, we would have used our total budget for the period to 2050 within 9 years. That is why Leeds is committed to reducing its carbon to net zero by 2030 NOT 2050
  - the next generation of Local Plans will be the most important for addressing the climate crisis and need to be robust if places are to transition to a low carbon future and industry is to support that.
  - there is no mention of any requirement for local plans to pursue carbon emission reductions in line with the net zero target under the Climate Change Act, and is silent on how national and local climate targets will inform the new local plans and planning decisions under the new system

- the Government's consultation on Future Homes earlier this year considered issues such as energy and fabric efficiency of new buildings and the Council suggested that the focus should be on (a) tighter national regulations to help move towards zero carbon and if not then (b) allowing local authorities to set their own standards – there is no reference to this consultation in the PWP and the issue is intrinsically linked
- one of the key means of achieving Sustainable Development through Local Plans is a Strategic Environmental Assessment which helps balance environmental, social and economic objectives, optimise their positive impacts and mitigate their negative impacts. The removal of this (as set out in the WP) is not objected to in principle as it is often a very technical part of plan making which is expensive and time consuming to prepare and difficult for people to engage with. However, there remains a need for the explicit net gains of development to be measured, optimised and mitigated where appropriate. There is much positive work within DEFRA on this issue involving an approach to Natural Capital which helps assess the role of development in meeting environmental objectives.

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

91. Yes, but design codes need to be agreed with the support of local authorities and local communities for which they relate. Whether being drawn up by local authorities, neighbourhood groups or developers they need to have been subject to thorough public engagement and consultation. They will also require a clear process for adoption. When they are drawn up by developers this should be either with the positive support of the local authority, or in collaboration with the local authority. It will be unhelpful for developers and local authorities to be putting forward alternative, competing design codes for the same location.
92. Further guidance will be necessary to deal with complex areas such as city centres that will have a mix of Growth, Renewal and Protection Areas, and require a mix of design guidance and design codes to deal with unanticipated proposals.
93. In order to respond to exceptional or unforeseen circumstances, it should be possible for development to be pursued that varies from an agreed Design Code, but any material change should only be through planning applications with public consultation
94. Design codes will need to have provision to deal with contaminated land, or with land that is subsequently found to be contaminated.
95. Particular guidance will be needed for areas of high flood risk, which are excluded from Growth Areas.

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

96. Yes, but given that many local authorities have few if any dedicated design and conservation staff and that design codes are an unfamiliar instrument in England, a national design body would be welcome. However, it would need to be set up:
  - To assist Local Authorities (rather than dictate)
  - Be staffed with regional expertise, who understand the dynamics and character of all parts of England.

97. It would be useful for the status of design and place making to be raised in local authorities with designation of Chief Officer grade staff, but funding needs to be made available. The exact remit of the officer will need to be clear, especially in terms of over-lap with the function of the Chief Planning Officer who will normally be responsible for design and place making. Would the role be more of an ambassadorial, outward facing design champion rather than a regulator? An alternative would be to strengthen the design and place making role of Chief Planning Officers, rather than have a new post.

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

98. Yes but the importance of design needs to be extended to the strategic objectives of all government departments and investment decisions relating to infrastructure and place.
99. Regarding Homes England, design support needs to about place making a well as individual buildings. Grant funding needs to factor in the cost of good design and place making.

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

100. Yes but place-making and achievement of sustainable liveable communities are as important as visually attractive development. The importance of good design is already enshrined in national policy but it is often not given sufficient weight in decision making. Therefore a fast track will be helpful clarity on the importance to be placed upon it. However, aesthetic beauty does not create sustainable or liveable places and so it will be necessary to either implement a fast track for the highest quality sustainable place or consider others areas that are equally deserving of a fast track approach such as zero carbon. It is suggested that instead of beauty there needs to be a focus on quality places to include:
- place-making
  - sustainable transport, walking and cycling and promotion of walkable developments and 15-minute neighbourhoods
  - layout to achieve passive solar gain and facilitate health and well-being
  - tree planting to support shade for urban heating, capture carbon and increase biodiversity
  - energy generation e.g. district heating networks and decentralised supply
  - energy storage - to help decarbonise the electricity grid
  - green and blue infrastructure inc. green space and biodiversity within developments such as hedgerows, ponds
101. The Council also recommends that:
- Government acknowledges that local skills are needed to deliver beauty
  - Care is needed to ensure that fast tracking and coding do not lead to standardised monotony
  - Rules should be introduced so that all development schemes above a certain size must be designed by an architect
  - The proposal to legislate to apply design codes to Permitted Development rights with visual impacts is welcome

**Q21. 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) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other (please specify):**

102. All of the examples cited in the question are considered to be priorities. A key role of the Local Planning Authority, as part of the plan making and decision making processes, is to ensure that development needs across the authority area are met in a way that maximises their potential contribution in creating and supporting successful and sustainable communities. For example, for housing this requires well designed schemes which provide both market and affordable housing, and are supported by the necessary infrastructure, shops, services, employment space and green space. The relative priority of each factor will vary from case to case, dependent on the type of development and local context.

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

103. The aspiration of addressing the demands that new development places on infrastructure through developer contributions, and to better capturing of land value uplift, is welcomed. Similarly, the aim to simplify the system and to minimise the need for resource intensive debates about each input in site specific viability appraisals is supported. However, there is a concern that, given the complexities of sites and infrastructure needs, the proposed consolidation of CIL and s106 could become cumbersome, with complicated legal agreements. At present, CIL and s106 work well in Leeds and enable the local authority to collect realistic levels of CIL, affordable housing and other section 106 contributions based on locally specific viability considerations.
104. The introduction of a new IL does present an opportunity to better capture land value uplift. The principle of designing a mechanism that provides a fairer way of sharing land value uplift between landowners and the community, to fund the housing and infrastructure that is needed, is supported. The main existing methods (Section 106 and CIL) were designed to mitigate the impacts of development. More comprehensive land value capture requires policy instruments designed specifically for that purpose, which the new IL has the potential to achieve.
105. Ensuring that IL better captures land value uplift and raises increased levels of infrastructure funding could help to make developments more popular. Better land value capture could allow for better quality new development and improve physical and social infrastructure for nearby existing residents. It could also help to give assurances to the public that funding will be available to help address their infrastructure concerns. This would send a strong message that landowners, developers and communities all get to share the benefits of development and land value increases. This could result in the public being more engaged with the planning process and the benefits it brings, and potentially help tackling some planning delays.
106. There are, however, a number of concerns with the proposals as they currently stand which are addressed in turn below;
107. Lack of detail in the proposals: Whilst it is understood that this is just a White Paper, there is a lack of detail around the proposal which makes it difficult to understand how it may work in practice. In particular, it is not possible to determine what the impact would be on the amount of financial contributions received in Leeds towards vital infrastructure and affordable housing. A

reduction in the amount that is collected would have significant implications on the ability to deliver the infrastructure required to support the planned growth of the City, and to meet affordable housing needs.

108. Lack of flexibility and impact on marginal / brownfield sites: The new IL appears to be quite inflexible, which may provide a further barrier for complex brownfield sites (or other marginal sites) coming forward for redevelopment. Whilst making the IL non-negotiable does have some benefits in providing certainty of the expectations and avoiding debates about viability through individual applications, it will by its nature be based on strategic level viability assessment and will mean that the LPA cannot respond to site specific viability considerations.
109. The proposed value-based minimum threshold below which the levy is not charged may help to prevent some low viability sites becoming unviable due to the IL. However, the final sales values of units delivered on more complex or Brownfield sites may well be the same as others in the locality. This means the IL payment would be the same, despite the build costs and abnormal costs potentially being significantly higher. Whilst it is expected that this should be reflected in a lower land value, there remains a significant risk that the lack of flexibility in applying the levy could render such schemes unviable. This is an area of concern for Leeds, where a significant proportion of development will take place on Brownfield land.
110. The impact of the proposed IL on the viability of bringing forward development on Brownfield land, and on other complex and marginal sites, must be fully considered and addressed by the proposed new IL. It is suggested that, alongside the IL, consideration is given to the other measures or mechanisms which need to sit alongside it to actively incentivise and support the delivery of Brownfield Land. This may include funding streams which de-risk and support the viability of development from the outset.
111. Extent to which the IL will capture land value uplift: As it is currently proposed the new IL will better reflect the end value of development. However, it remains that a significant proportion of the uplift in the land value that comes with development (particularly for greenfield agricultural land) may still benefit the landowner. Detailed guidance is required to allow an understanding of how any system would work. Further consideration should be given to mechanisms that capture this uplift (as part of, or in conjunction with any new IL) to further support the delivery of infrastructure. This could ensure scenarios are avoided where developers overpay for a site and then seek reduced planning policy requirements, including infrastructure provision, as a result. Current methods generally attempt to capture uplift from developers, as opposed to landowners to whom the main uplift accrues, making viability negotiations difficult and lengthy.
112. As much of land value uplift as possible should go to the public. Landowners should receive only enough to prevent land being held back from development. The significant profit expectations of some developers should also not be protected at the expense of delivering necessary infrastructure and affordable housing. A more comprehensive system could be more equitable and progressive. As a minimum, IL should be designed to capture sufficient uplift to support the provision of quality places with properly planned infrastructure.
113. Loss of the direct link between developments and infrastructure: Under the current system, much of the local infrastructure that is needed to support a development is either delivered directly by the developer, or is secured through an s106 agreement linked to the consent. The move to all financial contributions being captured through the IL would see all of the contributions

going into a single pot, before being distributed out to a series of infrastructure projects. This is likely to make it harder for local communities to understand what an individual development will fund, particularly when the funding is not received until after the development is completed and occupied. It also places the burden for delivering the necessary infrastructure onto the local authority.

114. Extent to which IL will meet infrastructure funding requirements: Whilst the IL is being touted as the solution to infrastructure funding requirements, there is a concern that it will not recoup sufficient funds to adequately address the full extent of the infrastructure funding gap. Leeds is a CIL charging authority and currently receives an average of £4.6m per year through CIL, with an additional £11.5m coming through S106. However, there is a great need for funding for all types of infrastructure, which means other sources of funding still need to be found. Although it remains uncertain at this stage how much money we could expect to raise through the IL (and recognising that it will also be used to deliver affordable housing, so a gross increase may not necessarily equate to more funding for infrastructure), it seems highly unlikely that it will be able to fully address the infrastructure requirements associated with the development of the City. As a result, other funding streams will continue to have a vital role. It will be important that the limitations of IL in addressing all infrastructure funding needs are recognised, and that consideration is given to the relationship with, and need for, other sources of infrastructure funding.
115. Practicalities: The proposal to base the IL on the final value of development does have some benefits, particularly in terms of reflecting the differences in the markets across an area. Once units are sold, this information is already in the public domain, and so will not be up for debate. However, it does present a logistical challenge in terms of accurately estimating sales or development values at the planning stage. This is a particular issue for Local Authorities who will need to take on the risk of borrowing against an uncertain future income in order to deliver the infrastructure needed for a development upfront. The levy will be payable on occupation rather than on commencement, which should help developers with cashflow and commencing development quickly. However, the proposed fixing of levy rates at the grant of planning permission does provide LAs with a dilemma of whether to commit to the expenditure on local infrastructure in advance of receipt of the levy intended to pay for it, without the certainty that the proposed developer will ever actually be built out (noting the vast number of unimplemented consents across the country).
116. S106 currently works well for small pieces of site specific infrastructure, such as traffic regulation orders, junction improvements or pedestrian crossings as well as improvements to green spaces in the locality (where on-site provision of green space is not possible). Such provisions, whilst necessary for a development to occur and meet policy requirements, might well be lower priority in competing for funding from a central (CIL, or future IL) pot. There is a concern that, in the likely event of the infrastructure funding gap being greater than the projected IL income, the delivery of smaller (but no less important) infrastructure may be more challenging to achieve in a timely manner which coincides with when a development occurs.
117. In addition, it is considered that further recognition needs to be given to the wider role of s106 agreements, beyond securing financial contributions from developers. In Leeds, s106 are also used for secure travel plans (including by using contributions to enable post-implementation monitoring by dedicated staff), local employment and training agreements, important

affordable housing requirements beyond payments and ecological off-setting. It is important that this ability is maintained.

118. It is suggested that further consideration needs to be given to whether the IL would be the most effective / effective way to fund small scale or site specific infrastructure improvements. It is also proposed that mechanisms will need to be put in place that require developers to give sufficient advanced notice to LAs of their intention to begin development on a site which requires IL funded infrastructure, and to commit to delivery timescales for these schemes to enable effective financial and infrastructure delivery planning. If in-kind delivery of site specific infrastructure is to be accepted, there similarly may still be a need for some form of deliverability agreement between developers and local authorities around the use of the IL or developer funds for site specific issues.
119. The details of any proposed new IL will be critical in terms of achieving the right balance between standardisation and flexibility, and LAs should be consulted as these emerge.

**Q22(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**

120. The rates for any new Infrastructure Levy must be set locally by local authority. A key part of determining an appropriate levy rate will depend on the need for funds to be raised through the levy (i.e. the extent of the infrastructure funding gap) relative to the risks to development viability that are considerable acceptable in the local context. Various other locally specific factors also need to be taken into account in setting the rate, including the nature of the land supply that is available for development to deliver the growth aspirations for the area and the costs involved in bringing this forward. In Leeds, the amount of affordable housing required as part of a development also differs across the city, with 4 zones with requirements ranging from 35% to 7%. In cities such as Leeds where a significant proportion of development is expected to take place on Brownfield Land, it will be essential that particular attention is paid to the likelihood of abnormal costs, and the risk to viability (and so the planned growth) if too high a IL rate is set. This is particularly important if (as proposed) the IL is a mandatory and fixed charge, and there is no scope or flexibility take site-specific viability considerations into account. Judgements on the acceptable level of risk to the viability of development (relative to the potential IL income) can only be appropriately made at the local authority level.
121. The significant variances in development value across the country would mean that a single nationally set rate would simply exacerbate inequalities, contrary to the levelling-up agenda for the North. It would result in areas of the country with the highest development values being able to recoup significant funds to address infrastructure needs, whilst those areas where the end value of development is lower relative to the national average (which is the case for much of northern England) would see much lower contributions, and be much more constrained in their ability to address the arising infrastructure requirements. In Leeds, as it likely with other major northern cities, this could have significant negative effects, embedding inequalities and stifling regeneration and investment programmes.
122. If the government is set on prescribing the rates nationally, area-specific rates would be preferred to the single national rate, along with a clear understanding of the detail of the system and how the regulations would be set out.

**Q22(c) Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? Same amount overall / More value / Less value / Not sure / Please provide supporting statement**

123. More value. The Infrastructure Levy should aim to maximise the amount of value that can be captured without adversely impact on the growth plans for the Local Authority area. Given that a wider range of developments would be covered by the levy (including permitted development proposals) we would expect that the income should increase. Strategic viability at a local level must inform rates.
124. There is a concern that in certain local authority areas the IL will be insufficient to provide for strategic infrastructure. It is vital that other funding initiatives and policy instruments for such infrastructure (such as Strategic Infrastructure Tariffs) are provided alongside the IL.
125. It is also considered that there is an opportunity when devising the IL to look more broadly at the most effective ways to plan for infrastructure needs in an area. Infrastructure planning is presently quite fragmented, with different bodies in both the public and private sector being responsible for the planning and delivery of different types of infrastructure, and supported by a wide range of different funding sources. There are also many issues associated with existing shortfalls in infrastructure, which (in terms of how they may be addressed) are distinct from the infrastructure requirements arising from new development. Whilst the planning system cannot necessarily address existing shortfalls, place-making can have a key role in pulling all requirements areas together and in co-ordinating how they need to be addressed in a joined up and well planned way. This would need to consider the role of IL as part of this, alongside mainstream infrastructure funding and other funding mechanisms.
126. It is noted the London Mayoral CIL, and other similar strategic CILs in combined authorities, are intended to be retained as part of the IL to support the funding of strategic infrastructure. Whilst such a strategic CIL does not cover Leeds, the potential for conflict between local and sub-regional funding priorities is highlighted. It will be essential that careful consideration is given to the relationship between the IL (which it is strongly believed should be set locally) and any higher level IL in refining the plans for the IL. This should recognise the need for LAs to have a say in the proportion of potential IL funding that is diverted to any strategic IL, and on how this should be spent.

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

127. Local Authorities already have the power to borrow for capital investment under the Local government act 2003 and the CIPFA Codes of Practice and there are mechanisms in place which allow for this, affordability and risk to the LA are key issues. The shift of risk from developers to the Local Authority is not supported. Compatibility with other national legislation such as the Local Government Act 2003 is also essential to any proposals. The Local Government Act 2003 does not all Local Authorities to secure borrowing against assets.
128. If there is to be a shift of responsibility from the developer to the LA, as the IL receipts will not be paid until the development is complete, then the ability to borrow against future IL income will be required if it is to be ensured that that necessary infrastructure can be put into place upfront and is ready to support the development from day one. The ability to borrow against future

IL income could also help to unlock development, allowing enabling infrastructure to be put into place and helping to de-risking schemes.

129. Leeds City Council already has experience of delivering infrastructure in this way for example the East Leeds Orbital Route is a new 7km dual carriageway with pedestrian and cycling infrastructure. It is being delivered by the Council to support the development of the East Leeds Extension, a 233ha site which will deliver in the region of 5,000 new homes. The upfront investment in this major piece of infrastructure is intended to be recouped (in part) through future s106 financial contributions tied to the new homes delivered on the site. However this has presented a number of practical issues, in terms of delivery and risk.
130. The proposal does place financial risk and forecasting considerations onto the LA rather than the developer. LAs would need to be provided with sufficient resources and training to manage such borrowing and implementation and delivery of infrastructure if it is to become common practice. There are accounting and treasury management issues relating to increased borrowing, the risks of recovering this and the impacts on our borrowing limits. Minimum revenue payments and the like need to be considered if the Council is to take on what could amount to a substantial forward funding programme for infrastructure required for development sites across the district. It will be vital to align proposals for the IL with Local Authority Finance regulations and the realistic financial ability for LA's to work in the way that may be envisioned.
131. Without clarity and detail in relation to the proposals, it is difficult to comment. It is assumed that there will be technical consultation and detail will be provided at that stage, this would be welcomed.

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

132. Yes. It is essential that changes of use which occur through permitted development rights make the same contribution towards infrastructure requirements as other developments. The burden that is placed on infrastructure by new development is the same, regardless of the avenue through which the development is permitted and the contributions made towards the levy should reflect this. Permitted development rights must be viewed as simplification of the planning process only for certain types of schemes. They should not provide a 'back-door' way to gain consent for substandard schemes that do not meet the quality that would ordinarily be expected, and that not have to make the contribution towards delivering infrastructure and affordable housing that would otherwise be required.

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

133. Yes. Affordable Housing requirements are evidenced based, taking into account strategic viability and the need for affordable housing, given the variation of the areas in Leeds. Whilst the planning process is only able to provide part of the solution for addressing affordable housing needs (currently in Leeds around 50% of affordable housing provided comes via s106 agreements on market housing developments) it is essential that the

introduction of the new IL does not reduce the amount of affordable housing that it can deliver.

134. On-site delivery of affordable housing is vital to the creation of sustainable mixed communities. Current planning policy in Leeds requires affordable housing to be 'pepper-potted' throughout a development so that it is well integrated, and so the scheme is 'tenure-blind' and there is no discernible differences between the units sold for market value and those provided as affordable housing. Local authorities should be able to make on-site delivery of affordable housing mandatory under the new IL, and they should also be able to specify the types and tenures of the units that are to be provided as affordable housing to ensure that they best meet the needs in the locality.
135. It is emphasised that the planning system alone is not able to address the need for affordable housing, and there remains a vital need for wider public sector interventions in order to deliver a greater number of affordable homes and address needs. In addition, it is stressed that affordable housing needs to be genuinely affordable. The current definition set nationally in the NPPF means that affordable housing is not always affordable for all local people. It is suggested that considerations should be given to allowing local, or (sub)regional, definitions of affordable housing that better reflects the needs in specific localities.

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

136. The provision of on-site affordable housing as an in-kind payment towards the IL may be more straightforward than a right to purchase, given that the latter may require a transfer of funds from the LA to the developer in advance of the receipt of IL funds (and so potentially require borrowing). However, regardless of the mechanism by which the units are obtained, it will be essential that the LA is able to determine the size and specification of the affordable housing units provided, so that it can be ensured that they meet the specific needs in the locality. This should not be left to the discretion of the developer.
137. The suggestion that land within or adjacent to a site would be provided as an alternative 'in-kind' payment could offer some flexibility in some instances. However, it is vital that the decision to consider or accept any such offer is at the discretion of the Local Authority, and this should be the exception rather than the rule. This must not become a way to pass off the responsibility for providing affordable housing to another party, or to create 'exclusive' market housing developments that undermine the objective of delivering new homes as part of sustainable, inclusive and mixed communities.
138. The White Paper is silent on whether other forms of infrastructure could potentially also be delivered directly as an in-kind payment towards the IL. For example, land or buildings for use as schools, health centres or community use. Clarity on this will be needed. This raises important development value considerations and potential complications. For example, if developers are able to off-set the value of a primary school that it provides on site, which may serve children who live in the surrounding area as well as on the development site, it would be difficult to value much of an off-set is fair and proportionate. Details such as this need further consideration and consultation. In addition, as with affordable housing, it will be important that the decision to accept an offer to direct delivery as an in-

kind payment is for the Local Authority to make, and the Local Authority must be able to specify the standards to which these are provided.

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

139. The end value of the development (on which the IL will be based) will not be known until the very last stage in the development process when the units are sold. As such, there is concern that the proposal that authorities could 'flip' affordable housing units back to market units for the developer to sell would not work well in practice. It would likely incentivise the affordable units being held back and developed last, as once occupied it would no longer be possible to 'flip' them in order to manage any risk. It would also create a lot of uncertainty for the Local Authority and / or registered providers managing and identifying occupants for the units, as they would not have any assurance that they would all remain as affordable housing until the final value of the development was known. This would undermine the aspiration for the new IL to be more transparent and provide more certainty for local communities.
140. As a result, it is considered that the alternative proposal – for the developer to have no right to claim overpayments – is the most appropriate option in these circumstances.

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

141. It is very important that affordable homes are developed to a high standard. It is expected that, regardless of the proposed changes to the planning process, the planning process would continue to have key role in ensuring that quality of all new homes, affordable or otherwise.
142. To ensure quality, LAs or registered providers should have the ability to determine the specification to which affordable housing units are built. At present, the Council and registered providers often have a higher specification for affordable housing than developers delivering units as part of a wider market housing scheme. This recognises that developing affordable homes to higher quality standards helps to support both the affordability and longevity of these homes, reducing energy costs and the need for repairs etc. Bringing the homes delivered directly by developers as part of a wider housing scheme up to the standards of those developed by LAs and RPs would increase the overall quality of affordable housing, and ensure that top quality affordable homes are being delivered in all instances, regardless of the delivery mechanism.

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

143. No. Funds raised through the proposed new Infrastructure Levy must be spent to address the burden that new development places on infrastructure. It should not be viewed as a mainstream source of funding for Local Authorities, and be able to be used to prop up unrelated council services (or to cut council tax).
144. The White Paper suggests that additional flexibility could be offered "once core infrastructure obligations have been met". However, it is considered that the new IL is only ever likely to address part of the infrastructure funding gap for an area, and wider sources of funding will also need to be drawn on.

145. There is already a risk that the new levy will reduce the direct link between development and infrastructure provision on an individual site that s106 offers. Ensuring that the Levy is focussed on funding infrastructure will be an essential part of giving confidence to communities that the necessary infrastructure will be delivered to support the development in their area. As under the current CIL regime, there will be a need for both local level infrastructure improvements which respond to particular developments, and wider strategic infrastructure which is the result of collective development in an area or which is needed to facilitate future growth and development.

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

146. Yes. Given the significant need for affordable housing, it is important that the role that the planning system currently plays in contributing towards the delivery of affordable housing is not undermined by a new IL. The level at which this 'ring-fence' is set should be for the Local Authority to determine, taking into account the affordable housing need in the area, alongside the need for other types of infrastructure (and the infrastructure funding gap) in the authority area and the projected levels of IL income.
147. It remains that the planning system should be viewed only as part of the solution to addressing housing affordability issues, and other delivery mechanisms and sources of funding will be needed to sit alongside this.

**Q26. 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?**

148. The White Paper sets out some significant changes to both the plan-making and decision-making processes, some of which will affect the protected characteristics. It also sets out number of consultation proposals to include improving easier access to plans and contribution of views to planning decisions and identifying the top three priorities for planning in the local area. This is positive and details as to how all protected characteristics can be involved in the process especially in terms of front loading are encouraging. The emphasis on better design quality for inclusive and mixed communities should give consideration to all the protected characteristics.
149. Proposals to speed up plan making and decision making should allow sufficient time for meaningful consultation or they will be counterproductive. The shorter timescale for the production of Local Plans and less opportunity for comments on new planning proposals means that engagement with individuals and groups (particularly those which represent people with protected characteristics) will need to be thorough and robust to ensure that people have a say on what development they would like to see in their neighbourhoods early on in the process.
150. The wider use of digital technology should also allow access for all. Protected characteristics such those with disabilities (or learning difficulties), the elderly and people in deprived areas, should not get left behind due to barriers of digital inclusion such as access, skills and confidence. Neighbourhood planning and the link which this offers local communities to guide proposals in their local areas is also positive. The wider overarching principles of quality and sustainable places as well as enhancement of the natural and historic environment benefit all the protected characteristics.
151. The planning for infrastructure section sets out proposals for reform of developer contributions. It is important to maintain the connect between a development and local infrastructure provision, as this can cause inequality to all groups (especially those on low incomes), particularly in terms of

affordable housing and other section 106 to mitigate the impact of development.

There are a number of points made in the White Paper which do not have questions attached to them.

### **Other Matters – Delivering Change**

152. The PWP proposals herald a completely new way of working with plans and design codes granting permission for development upstream, with digitalisation, with visual plans which will demand up skilling, and more staff resource generally to ensure that genuine engagement with communities including Neighbourhood Planning groups as well as the development industry is undertaken at the same time as producing quicker plans.
153. Regarding funding it is considered that the planning function of local authorities works in the interests of both developers and communities and therefore ought to be funded by both applicants and taxpayer.
154. Regarding enforcement, this is a critical part of the planning system which is typically under-resourced. The proposals will have limited benefit to that. Public funding is necessary to better support enforcement services.

### **Other Matters – Climate Change and Environmental Benefits**

155. The Council welcomes the thrust of Proposal 15 which states “*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*” but does not consider that the WP goes far enough in clarifying the importance of Climate Change in the Planning System. There are no questions about this matter and the relative silence on the matter – as compared to the detail on housing matters – is a concern.
156. Leeds is concerned that the proposals will not help support Leeds’ ambition to be carbon zero by 2030. The Government is not being ambitious enough by adopting a 2050 zero carbon target.
157. The UN Intergovernmental Panel on Climate Change has warned of the need to restrict global warming to 1.5°C above pre-industrial levels. The UK is not on track to meet net-zero emissions, nor is it on track to meet current legally-binding greenhouse gas (GHG) emission reductions set out in the Climate Change Act 2008. It is estimated that if we are to have a good chance of avoiding dangerous climate change – that is average warming above 1.5°C, the world can emit no more than 420 giga-tonnes of greenhouse gases by 2050. Leeds’ share of this on a per capita basis is estimated at 42 mega-tonnes – this is in effect our city’s carbon budget to 2050. If we were to carry on at our current rate of emissions, we would have used our total budget for the period to 2050 within 9 years. That is why Leeds is committed to reducing its carbon to net zero by 2030 NOT 2050
158. The proposals need to better enable positive action to be taken now by all local authorities. However, if the Government are committed to a 2050 target the proposals must offer discretion to local authorities like Leeds to pursue locally specific measures that the evidence suggests will be necessary to meet zero carbon by 2030.
159. More information about Leeds’ commitment to zero carbon by 2030 can be read below:  
<http://democracy.leeds.gov.uk/documents/s198403/Climate%20Emergency%20Cover%20Report%20191219.pdf>
160. The Government is also reminded that it needs to address the energy inefficiency of existing buildings which currently lie outside the scope of planning.

161. The Council details its concerns on the manner in which Climate Change is dealt with in para 90 above.
162. The Council also notes that aesthetic beauty should be widened to include place-making in para 100 above which allows for the delivery of local objectives for carbon reductions.
163. Also the Council sets out concerns about the setting of Development Management policies nationally that may impact upon the Council's ability to meet a zero carbon target by 2030, at para 24 above.

#### **Other matters – Historic Environment**

164. Regarding the proposal for the location of all heritage assets to be identified in local plans, this will be a significant undertaking for large metropolitan authorities. It is important that locally significant heritage assets that are not identified are still given equal protection.
165. Regarding the proposal to give autonomy to local architects with good track records to undertake routine listed buildings works, there is a question over who will certify which architects. Would it be RIBA or local authorities who are familiar with local work undertaken? These suggestions are made:
  - It should be widened to include other professionals – including builders. It is often specialist building firms rather than architectural firms that undertake routine listed building works. Architects are normally only involved in major schemes.
  - It should be piloted before being rolled out nationally.
  - It should be subject to effective monitoring so that impacts and effectiveness can be reviewed. Sometimes good architects/builders are pressured by their clients to put forward poor design.
  - Certification of architects/builders needs to be regularly reviewed so that high standards are maintained and architects/builders consider their long term reputation when pressured by clients.
166. A further recommendation for safeguarding the historic environment is to zero rate the VAT on repairs to historic buildings. The best way to retain old buildings is to keep them repaired. It is an anomaly that alterations to existing buildings are zero rated, but repairs are not.