



Havering
LONDON BOROUGH

Notice of Non-key Executive Decision

Subject Heading:	Consultation response to Planning for the Future White Paper
Cabinet Member:	Councillor Joshua Chapman Cabinet Member for Housing
SLT Lead:	Barry Francis Director of Neighbourhoods
Report Author and contact details:	Lauren Miller Lauren.miller@havering.gov.uk
Policy context:	National Planning Policy Framework 2019 London Plan 2016 London Plan Intend to Publish 2019 Havering Corporate Plan (2019/2020) Havering Local Development Framework 2008 Havering Community Infrastructure Levy 2019 Havering Local Plan Submission version (2018) Havering Local Plan Main Modifications (2020)
Financial summary:	There are no financial implications or risks arising from the preparation of a consultation response to the

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	consultation on Planning for the Future White Paper
Relevant OSC:	Towns and Communities Overview and Scrutiny
Is this decision exempt from being called-in?	Yes

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The subject matter of this report deals with the following Council Objectives

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

- 1.1 The Government has published a new White Paper “Planning for the Future” setting out their ambitions to make the planning system in England simpler, faster and more effective. Consultation runs from the 6th August 2020 to 29th October 2020.
- 1.2 The Government have identified a number of concerns about the current planning system, and have stated that planning today feels outdated and unnecessarily complex, buried by legislation and case law. Decisions are based on a case by case basis rather than determined by clear rules. Adoption of Local Plans and policy documents take too long, the focus on documentation over data compromises quality and discourages engagement and the public does not trust local authorities to make the best decisions.
- 1.3 The White Paper proposes radical reforms to the planning system with the following overarching aims:
1. To streamline the planning process with greater democracy taking place more effectively at the plan-making stage.
 2. To digitalise and modernise the planning process
 3. A new focus on design and sustainability
 4. To improve infrastructure delivery through reform of developer contributions.
 5. To ensure more land is available for the homes and development people and communities need, and support renewal of our town and city centres.
- 1.4 Full details of the proposals are set out in the White Paper and can be viewed online at <https://www.gov.uk/government/consultations/planning-for-the-future>
- 1.5 The overarching aims of the White Paper can be supported in principle, however the proposals that sit underneath raise a number of important issues and there are some serious concerns about the proposals as currently set out.
- 1.6 This Executive Decision sets out a proposed response to the consultation comprising of an overarching letter summarising the key objections to the proposals (Annex 1) and individual answers to the consultation questions set out within the White Paper (Annex 2).
- 1.7 The proposals within the White Paper are high level and we anticipate that further detail is still to come. This detail is necessary for the Council to be able fully consider the implications for Havering’s residents and businesses. We would expect to be consulted on these details as they evolve and emerge.

Recommendation

- 1.8 This report recommends the proposals set out in the consultation on Planning for the Future White Paper are noted and that the proposed consultation response set out in Annexes 1 and 2 is approved for submission to MHCLG.

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AUTHORITY UNDER WHICH DECISION IS MADE

Authority for this decision is contained within Part 3, Section 2.5 of the Constitution which delegates the following responsibility to individual Cabinet members

- b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:
 - (i) the Government (including White and Green papers)

STATEMENT OF THE REASONS FOR THE DECISION

To provide the Council's response to the Government's Consultation on Planning for the Future White Paper.

OTHER OPTIONS CONSIDERED AND REJECTED

The option of not responding to the consultation was considered and rejected. It is important that the interests of Havering's residents and businesses are represented at national level when changes to the planning system are being considered.

PRE-DECISION CONSULTATION

None.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Lauren Miller

Designation: Development Planning Team Leader

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Ministry of Housing, Communities and Local Government is consulting on Planning for the Future White Paper. There are no legal implications or risks arising from the preparation of a consultation response to the consultation, Planning for the Future White Paper.

The White Paper is a policy document that sets out the Government proposals for future legislation, providing a basis for the consultation and includes specific consultation questions on these proposals. It does not include a draft version of the Bill that is being planned. The comments made on the consultation on the Planning White Paper will be considered in full by the Government and their considered responses to this will be published, typically within three months of the closing date. A large number of detailed responses can extend the time taken to move on to the publication of a new Bill. The new Planning Bill will be formally presented to the House of Commons, go through Reading and Committee process, the House of Lords and then the Final Reading before receiving Royal Assent and coming into law as a new Planning Act.

The Havering Local Plan 2016-2031 was submitted to the Secretary of State in March 2018. The Havering Local Plan is now at a late stage of the examination process and is currently out for consultation on its Main Modifications and is aiming for adoption shortly after this. Any changes to legislation, national planning policy or regulations will be given full weight in planning decisions and full consideration in any future update of the Havering Local Plan.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications or risks arising from the preparation of a consultation response to the consultation on Planning for the Future White Paper.

There are a number of proposals within the White Paper which may have financial implications, but there is currently insufficient detail set out to be able to make any firm conclusions.

The White Paper prioritises the plan making process, which could result in less planning applications being submitted, therefore resulting in less fee income for councils.

The introduction of a national Infrastructure Levy to replace locally set Community Infrastructure Levies and S106's are likely to impact on the funding available for infrastructure, however, further detail is required on how the National Levy will be set.

The proposals are likely to result in a need for additional resources in order to implement them, for example the introduction of a requirement for a chief design officer.

The concerns about the possible financial implications of the proposals are set out with the Council's consultation response.

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HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no Human Resource implications or risks arising from the preparation of a consultation response to the consultation on Planning for the Future White Paper.

There are proposals within the White Paper which are likely to result in a need for additional resources to be able to implement them, for example introduction of a requirement for a chief Design officer. However, there is currently insufficient detail set out to be able to make any firm conclusions.

The concerns about the possible human resource implications of the proposals are set out with the Council's consultation response.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An Equalities Assessment is not considered necessary as there are no equalities and social inclusion implications arising directly from the Council's response to the Government's consultation on Planning for the Future White Paper.

The proposals within the consultation document do have potential implications for equalities and social inclusion and appropriate responses have been included in the Council's comments. The consultation document does not appear to be accompanied by an Equalities Assessment, although Q26 asks about possible potential impacts on protected characteristics. The Council's response to the consultation includes a recommendation that MHCLG carries out an Equalities Assessment on the proposals in the Planning for the Future White Paper.

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HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The Council is committed to the health and wellbeing of residents and to support and build a strong and resilient community.

There are no health and wellbeing implications or risks arising from the preparation of a consultation response to the Planning White Paper consultation.

The proposals within the consultation document do potentially have implications for health and wellbeing. The consultation document does not appear to be accompanied by a Health Impact Assessment (HIA) which would identify any health and wellbeing implications and any mitigation measures. The Council's response to the consultation (as set out in Annex 2) includes a recommendation that MHCLG carries out a full HIA on the proposals and that these are published as a priority.

BACKGROUND PAPERS

None.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Name: **Councillor Joshua Chapman**

Cabinet Portfolio held: **Housing**

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____

Annex 1



Helen Oakerbee
Assistant Director of Planning

Planning
London Borough of Havering
Mercury House, Mercury Gardens
Romford
RM13SL

Ministry of Housing, Communities and Local
Government
Fry Building
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SW1P 4DF

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29th October 2020
www.havering.gov.uk

Dear Minister,

RE: Planning for the Future White Paper Consultation

The London Borough of Havering (LBH) welcomes the opportunity to comment on the proposals set out in the Planning for the Future White Paper.

The Council recognises that the current National Planning System does not always result in the best planning outcomes at the local level and can be complex and slow to navigate for the local community. The overarching aims of the White Paper to streamline and modernise the planning system, focus on design and sustainability and improve infrastructure delivery are generally supported. However, we have some serious concerns about the proposals as currently set out.

LBH has responded individually to the consultation questions and these are enclosed with this letter. The Council's main objections are summarised below. This letter should be considered alongside the individual responses to the consultation questions as it forms part of the Council's formal response.

LBH understand that the changes proposed in the White Paper consultation are high-level. Much of the detail needed to be able fully consider the implications for Havering's residents and businesses are currently missing. LBH would expect to be consulted again on the detail of the proposals as they emerge and evolve.

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LBH is committed to ensuring that future development in Havering meets the needs of, and is carried out in consultation with, the local community and protects the existing character of the Borough. This is demonstrated by the Havering Local Plan 2016-2031 which was submitted to the Secretary of State in March 2018. Our new Local Plan seeks to maintain and create sustainable communities in the borough so that Havering remains an attractive place where people want to live and business wish to invest. The Local Plan is now at a late stage of the examination process and is currently out for consultation on its Main Modifications.

The Council's key objections to the White Paper are summarised below.

Loss of control over future development in the Borough

LBH has serious concerns that the proposals in the White Paper seek to further centralise the planning system and reduce the ability of local authorities and local residents to be able to respond to local planning issues. There will be limited opportunity under the new proposals for the local community and the local authority to oppose poor quality, harmful development.

The Council and the local community are currently able to shape development through democratic processes and scrutiny that include Havering's Quality Review Panel, the Strategic Planning Committee, Cabinet and Full Council. The changes proposed in the White Paper will result in the loss of the opportunity for residents and their representatives to have their views heard and local knowledge and expertise made use of during the planning process.

The introduction of nationally set housing targets, prescribed policies for growth, renewal and protected areas, national development management policies and the introduction of a national infrastructure levy all remove the ability for local circumstances and representations to be considered, especially at planning application stage. LBH is strongly of the view that local authorities are best placed to plan for their local areas and ensure the needs of their communities are addressed.

Introduction of nationally set housing targets

LBH strongly objects to the introduction of binding, nationally set housing targets which are calculated using a standard method. The Council has recently objected to changes to the standard methodology set out in the Government's consultation on the changes to the current planning system.

The Council is very concerned that the proposed standard method does not reflect the complexities at the local or regional level. There does not appear to be an acknowledgement that external factors outside of the planning system can have a significant impact on the delivery of new homes. These factors include the financial requirements of developers, market conditions, the economic climate and the willingness of developers to build out sites that have been granted planning permission. A binding nationally set housing target which does not reflect local circumstances and need will lead to inappropriate

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and poor quality development which does not respect the character of Havering or meet the needs of our residents.

Introduction of a National Infrastructure Levy

LBH does not support the proposal to replace S106 and CIL with a single levy that is set nationally. It is important that any levy is set locally in order to reflect market conditions for the borough. It is also vital that the infrastructure levy and affordable housing are recognised as being needed equally. Delivering new homes without the necessary infrastructure is a key concern for communities.

Finances and resourcing

The proposals set out in the White Paper are likely to place new financial burdens on local authorities at a time when we are already having to make significant savings. For example, the requirements to develop new local plans and design codes and for all local authorities to have a chief officer for design and place-making will all come at a cost. In addition, the focus on Local Plans and automatic permission for development in growth areas could result in a loss of income from planning application fees. The Government has not provided any information on what additional funds will be available to support local authorities. LBH urges that all proposals resulting in additional burdens on Councils should be fully costed with a clear and effective funding strategy put in place.

Other objections

In line with the Equality Act 2010, the drafting of the document should have already had “due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations”. The consultation document does not appear to be supported by a full Equalities Impact Assessment or a Health Impact Assessment. These should be carried out as a priority.

Yours faithfully

Helen Oakerbee
Assistant Director of Planning
London Borough of Havering

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Annex 2

Response to Consultation Questions – Planning for the Future White Paper

Context for Question 1

The White Paper introduction takes issue with the current planning system, describing it as complex, opaque and inefficient. It also highlights how public trust in the system has been eroded.

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

Frustration – there is no guarantee permissioned development, particularly new housing will be built out and there are limited mechanisms available to local authorities to address the problem of delivery inertia.

Place making – it is essential that this can be delivered by the planning system.

Community engagement – consultation with the community is an important aspect of planning and all stakeholders need to be given the opportunity to engage in plan making and planning decisions.

Context for Question 2

According to the White Paper, it is difficult for users of the planning system to access the required information they need. Few read the evidence based documents and these assessments do not provide sufficient support to decision-making. It also proposes a radical reinvention of the engagement process with local communities.

2. (a).Do you get involved with planning decisions in your local area? [Yes / No]

(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

No response provided - this question is not applicable to a Local Planning Authority.

Context for Question 3

The White Paper proposes Local Plans that are based on transparent, clear requirements that the public can easily understand. It advances the need to communicate key information both clearly and visually. It proposes a new digital-style Local plan that is visual and map based.

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3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

- The London Borough of Havering supports, in principle, the increased emphasis on using online communication methods and the use of social media to reach a wide audience. Given the steep decline in newspaper circulation and contraction of the local media market over the past decade, online and freely-accessible methods of communication will be an increasingly more important way in which people find out about and engage with proposals.
- According to ONS data, more than 90% of households have internet access but consideration needs to be given to those less likely to use the internet to scrutinise or find out about matters such as those involved in the White Paper and local authorities need to be proactive in their EQIA work to identify and engage with those people. The groups who may be harder to reach on this basis will not necessarily be those thought as traditionally less likely to use the internet (older adults) but rather those who are time-poor, people affected by poverty and young people who are too often shut out of engagement on proposals affecting the areas they will be living in for often many decades to come.
- As open and productive as the internet can be to discover and find out about things, it can also be a barrier to engagement as campaign and lobby groups can spring up which can sometimes deter others (particularly with alternative viewpoints) from engaging.
- At present local authorities have a legal duty to pay for statutory notices in local print media but media consumption has overtaken these archaic regulations. The Council would expect these requirements to be removed as part of the planning reforms.
- Planning authorities need to be free to identify alternate methods of ensuring that residents have open and unfettered access to information on proposals affecting them.

Context for Question 4

The White Paper states that Local Plans should focus on where they can add genuine value, and ensure sufficient land is allocated for development in the right places. Local communities should be given the opportunity to engage effectively in the shaping of Local Plans.

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- 4. What are your top three priorities for planning in your local area?
[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]**

Other:

The London Borough of Havering is committed to ensuring that future development in Havering meets the needs of the local community and protects the existing character of the Borough.

We are ambitious in seeking to deliver more affordable housing, regenerating our estates and communities, and working with partners to build sustainable homes and communities.

Local Authorities are best placed to understand and plan for their areas following consultation and engagement with local communities. The Planning system must enable the Council to deliver locally agreed planning and regeneration priorities and objectives, including the provision of a wide range of infrastructure, to help ensure that Havering remains a place where people wish to live, visit and work and where businesses can prosper.

In light of current circumstances the Planning system must also enable local authorities to emerge from the downturn associated with the Covid19 pandemic ensuring that there is a robust and resilient economy that is well suited to new local circumstances and opportunities.

The London Borough of Havering is extremely concerned that the changes proposed in the White Paper appear to further centralise the Planning system and reduce the power of local authorities. Furthermore, the White Paper continues to place the delivery of significant levels of new housing at the core of the planning system without consideration of the range of other equally important priorities and local objectives, which the Council strongly opposes.

Context for Question 5

The White Paper proposes simplifying the role of the Local Plan to identify land under 3 categories; *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are *Protected* (including green belt, conservation areas, local wildlife sites, flood risk areas and important greenspace). There will be sub areas for self and custom build. There would also be a single sustainable development test (for Local Plan examination), replacing the existing tests of soundness. It would abolish Duty to Cooperate (although LAs would still be expected to work with each other on strategic developments and infrastructure).

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5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

No

- The growth, renewal and protection categorisations do not provide sufficient flexibility for local authorities to reflect local priorities and issues. London in particular is complex. The greater centralisation of policy making nationally, would also limit the scope for Local Plans to deviate from national prescription in order to meet local priorities and promote local ambitions.
- LBH supports the aspiration to make Local Plans simpler and for there to be greater certainty on the type of development permitted in particular locations. However, we feel the proposed changes go further than the Council can support.
- We strongly support the retention of a Plan led system, which remains the responsibility of the Local Planning Authority but this should be genuinely plan led and should move away from 'planning by appeal'.
- Simplification as an aim may be detrimental to the ability of the planning system and Local Plans to deliver sustainable development that can support healthy communities. A comprehensive system within an easily understood framework that provides sufficient detail for developers and householders to understand what is required is needed. The language that is used and the clarity of policies is extremely important. The flexibility incorporated into the current NPPF creates ambiguity both for planners and for developers.
- The proposals within the consultation document have potential implications for health and wellbeing but the consultation document does not appear to be accompanied by a Health Impact Assessment (HIA). An HIA would identify any health and wellbeing implications as well as mitigation measures. The Council recommends that a full HIA on the proposals is carried out and published as a priority.
- At present Local Plans include a Proposals Map setting out the key land uses within the Local Planning Authority area. Strategic Development Areas are identified as places for significant growth, specific land uses are protected for that use (such as industrial) and

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areas that are protected from development such as Green Belt, open spaces and wildlife sites, are clearly demarcated. The policies within the Local Plan set out the specific policies that apply to the different designations.

- Proposal 1 seeks to allocate land to one of three designations – Growth, Renewal and Protected. It is not clear if all land within a Local Planning Authority area will need to be designated. Will it be acceptable for an area or a site to be outside of all three categories?
- Proposal 1 does not take into account the often complex overlapping and interweaving of these categories in reality. Within a Growth area there may be open spaces, heritage and wildlife sites that are protected. The Green Belt may include industrial sites or housing sites that have developed historically and may be suitable for redevelopment. Allocating land to one of three categories will oversimplify and create a more rigid system than we have at present.
- Growth areas “suitable for substantial development’ – the only reference to ensuring sustainability is with regards to flood risk. There is no reference to ensuring sustainable construction methods and carbon offset solutions, accessibility by public transport, provision for active travel, addressing air quality or noise. There is a lack of vision in the proposals regarding the delivery of both health benefits and protecting and enhancing biodiversity. If a geographically significant area is designated as a Growth area without significant levels of public transport provision within the same area (and connecting to places outside the Growth area) sustainable modes of transport will not be achieved.
- The automatic outline approval for development in Growth areas and the statutory presumption in favour of development in Renewal areas would greatly reduce the opportunity for residents and businesses to comment on proposed development unless the opportunities to participate in the plan-making process are understood fully by those who wish to engage.
- Many Local Planning Authorities (including Havering) already make use of interactive web-based maps on which data and policies are easily searchable. Increasing the usability and standardisation of these maps would be welcomed.

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Context for Question 6

The White Paper proposes that the NPPF becomes the primary source of policies for development management. This would preclude generic development management policies that repeat national policy within Local Plans.

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

No

- The NPPF already does this to a reasonable level of detail and it would be difficult to cover in a more specific way on a national scale (that covers so many different contexts). Local Authorities and communities are best placed to inform and set out these policies. What may be useful is a bank of standardised policy wording that could (not a requirement) be used and adapted as necessary by the local authority. This could speed up the policy writing stage of the Local Plan process, without taking away the power and expertise of the council to set local development management policies.
- The Council supports avoiding the repetition of national policies within the Local Plans, but this is already possible within the current system. However, there is often pressure from other stakeholders who wish to see 'their issue' covered in the Local Plan. In preparing the Havering Local Plan the council has sought to not repeat policy set out in the London Plan and NPPF.
- Havering's delivery record is significantly influenced by the peaks and troughs of the housing market cycle and developers responding to prevailing market conditions. Under delivery in Havering mainly occurred in the years following the 2008 financial crisis and the subsequent recession. As the economy recovered from these events, the number of homes completed increased and continued to move in a positive direction. Streamlining development management policies is unlikely to lead to increased delivery of new homes.

Changes to enforcement would also help make planning more efficient and reduce time and costs (*Proposal 24: We will seek to strengthen enforcement powers and sanctions*):

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- Enforcement Notices – Grounds A appeal fees should be raised by at least 50% to cover the actual costs of determining these on appeal.

Currently, the fee for a Ground A appeal does not nearly cover the costs of the work associated with the appeal. A higher fee would enable the Council to recoup more of its costs for carrying out this work, including but not limited to – administrative work associated with registering the appeal, writing an appeal statement, attending a site visit with PINS and responding to any ongoing correspondence throughout the appeal

All other grounds of appeal (B through G) should also attract a fee, per ground to (a) enable the Council to recover its costs associated with appeals and (b) prevent erroneous and speculative appeals. Appeals to Enforcement Notices on Grounds B to G currently attract no fee whatsoever but demand a significant proportion of the Council's time and resources. Many erroneous appeals are received simply to gain more time as appellants know how long the Planning Inspectorate takes to determine enforcement appeals. We suggest raising the minimum fee for *each* ground of appeal made to £300.

- Breach of an Enforcement Notice – prosecution is no longer an effective measure to punish or deter offenders. The Council recommends a new national power to issue a daily fine for breach. For example, £150 per day for breach of an Enforcement Notice and to be added cumulatively. This would provide an effective means of deterrent. This would be similar to the Fixed Penalty Notices which can be issued for failure to licence HMOs.

Context for Question 7(a)

There would also be a single sustainable development test (for Local Plan examination), replacing the existing tests of soundness. This would satisfy the requirements of UK and international law and treaties. A simplified assessment of deliverability for the Local Plan would be incorporated into the 'sustainable development' test.

- 7. (a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]**

Not sure

- In general, the Council supports making the approval process for Local Plans quicker and simpler. The Havering Local Plan 2016 - 2031 was submitted for examination in March 2018 and the Council is reaching its closing stages of consultation on Main Modifications.

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If, as hoped, the Local Plan is adopted in early 2020, the process of examination and subsequent consultations will have taken nearly 3 years.

- Reducing the burden of legal and policy tests could help LPAs reduce the time spent preparing Local Plans. This would reduce the financial resources required, something that would be welcomed particularly given that this is a difficult time for many local authorities financially.
- However, Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA), provides the opportunity to identify significant negative impacts and potential mitigation in development plans. If SA is developed in tandem with the Local Plan, it can play an important part in defining options for development, particularly in consultation with stakeholders, including the local community. Where SA is treated as a separate process, its role in ensuring Local Plan policies are sustainable is much reduced. Although the SA process is not perfect, there is a danger that its replacement could become a tick box exercise.
- Sustainability is more important than beauty and should be central to decision making. Requiring councils to appoint a Chief Sustainability Officer with responsibility for ensuring delivery on climate change, biodiversity, green infrastructure and active travel, and providing the resources to support this role, would help place sustainability at the heart of place making instead of it being an add on.

There is a lack of detail on what the test of sustainability would cover and how it would work. This makes it difficult to determine whether it would offer an improvement over the current system.

Context for Question 7(b)

The Duty to Cooperate was introduced by the Localism Act in 2011 and requires local planning authorities to cooperate with other local planning authorities when preparing policies that address strategic issues. The White Paper proposes to remove the Duty to Cooperate test but further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges.

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

- We support the proposal to remove the Duty to Cooperate test as we believe it has proved ineffective in dealing with cross boundary strategic issues.
- Local Planning Authorities are expected to demonstrate evidence of having successfully co-operated to plan for issues with cross-boundary impacts when their local plans are submitted for examination. However, the Duty to Cooperate is not a 'duty to agree'. As objections must be given due weight by the Planning Inspector during the EIP, the requirement to present evidence of Duty to Cooperate places an unnecessary burden on LPAs.
- In London in particular, the Duty to Co-operate test adds unnecessary bureaucracy to an already complex and lengthy process. The London Plan provides strategic policies, and targets for delivery, for a number of policy areas including housing, industrial land, waste and minerals. This provides a framework for addressing strategic issues with neighbouring boroughs within London. The Duty to Cooperate does not improve the planning process or result in better planning outcomes.
- Havering is also adjacent to LPAs outside London: Brentwood, Epping Forest, Thurrock and Essex County Council. Without Duty to Cooperate it would still be beneficial for there to be a framework that encourages cooperation on strategic cross-boundary issues. However as neighbouring authorities are statutory consultees, it is important that such a framework does not duplicate the consultation process already required.

There is a lack of detail in the White Paper on what will replace Duty to Cooperate. The Council would expect to be consulted on any new framework for cooperation on strategic issues.

Context of Question 8(a)

The White Paper proposes a standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

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8. (a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

No

- The White Paper is consulting on introducing a standard method for setting binding housing requirements in Local Plans. It sets out proposals for implementation of the revised standard methodology consulted on separately in Changes to the Current Planning System.

The Council responded to the Changes to the Current Planning System consultation on 1 October 2020 and strongly objected to the proposed revisions to the 'standard method' which over inflate the housing requirements for London.

- Under the current standard method, Havering's local housing need is 1,638 homes per annum. The revisions to the standard method see this figure increase to 1,975 homes per annum. (Note that the Havering Local Plan 2016-2031 (currently at Examination) is not required to take account of the standard method as it is captured by transitional arrangements of the NPPF 2018).
- The standard method was first implemented in 2018 through the revised National Planning Policy Framework. The Council had objected to the introduction of the standard method in its consultation response to the Draft Revised National Planning Policy Framework in 2018. The Council considered that the standardised methodology for need assessment for housing did not reflect the variances in the housing market and related factors.
- In principle, the Council supports a standard method as a means of speeding up plan making and reducing the time needed for debate at Local Plan examinations and planning application appeals. However, the proposed standard method does not reflect the complexities and variations at the local or regional level.
- Developers are also subject to their own financial requirements, market conditions and the economic climate, all of which are outside of the control of planning, and that have a significant impact on the quantity and timing of new homes delivered.

Context for Question 8(b)

The White Paper proposes that the standard method would be the means of distributing the national housebuilding target of new home per year. This has

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regard to the size of existing urban settlements, so that areas can absorb the level of housing proposed. It also takes account of affordability so that the least affordable areas with historic under-supply take a greater share of future development.

(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

Affordability

No

- Affordability is not only based on the amount of housing available in a particular area. Employment levels and wages have a significant impact on what local people can afford. Other factors include accessibility by car, public transport (and its cost), and walking or cycling to places of work, retail and leisure.
- The willingness or capacity of house builders to build enough housing where it is needed and the profit margin that they and landowners expect also contributes to the price of newly built homes.

Extent of existing urban areas

Yes

- Existing urban areas are likely to have sites that have become vacant, underused, are poorly designed or can accommodate densification. However, this cannot be separated from ensuring that sustainable transport and appropriate infrastructure/local facilities are provided alongside new homes.

Context for question 9(a)

Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

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

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No

- Removing the ability for the LPA and for people that live and work in the locality to influence a development at the planning application stage is likely to undermine the quality and sustainability of development and undermine local democracy.
- Although the White Paper proposes in depth engagement with communities during the development of the Local Plan, this should not replace engagement at the planning application stage.
- Local Plans are approved at a single point in time and removing the ability of LPAs and communities to comment on planning applications will create a more inflexible system that will be slow to respond to changing circumstances.

Context for Question 9(b)

In areas suitable for development (Renewal areas), there would be a general presumption in favour of development established in legislation. In areas where development is restricted (Protected areas) any development proposals would come forward as now through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders), and judged against policies set out in the NPPF.

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

No

Renewal Areas

As stated in response to Question 9 a)

Protected Areas

- As proposed, planning applications should still be required for protected areas.
- Permitted development rights within protected areas may not be appropriate and can have negative impacts that would have to be avoided or mitigated if planning permission were required. The impact of permitted development rights on protected areas should be reviewed.

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- Protected areas will need to incorporate a buffer zone so that adjacent development in Renewal or Growth Areas do not have a negative impact.

Context for Question 9(c)

For exceptionally large sites such as a new town where there are often land assembly and planning challenges, we also want to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate route to secure consents.

(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

The proposed system of Growth and Renewal Areas greatly reduces public participation at the application stage. It is not clear if in this context, bringing forward new settlements under the Nationally Significant Infrastructure Projects regime would sufficiently counter the loss of democratic accountability and the deficiency in participation by local people. This is a concern for Havering as neighbouring Local Planning Authorities are engaged in developing proposals for Garden Villages and new settlements.

Context for Question 10

The White Paper proposes faster decision making with firmer deadlines and the greater use of digital technology. The well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline. There would also be shorter and more standardised applications. The amount of key information required as part of the application should be reduced considerably and made machine-readable. There would also be a streamlined approach to developer contributions.

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

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- The time taken for decisions on planning applications is often influenced by applicants failing to provide the necessary information either with the planning application or following submission. Detailed information that is correct is the starting point for discussions with applicants on their proposals. Without this scrutiny, poorer quality development will be the result.
- Although further automation of routine tasks would be welcome, it is difficult to see how a digitised system can interrogate submitted documents to evaluate if they contain the required detail and if is correct.
- The proposal refers to greater standardisation of technical supporting information, such as local highway impacts, flood risk and heritage matters. There is already significant standardisation on these matters. It also needs to be recognised that such matters are not 'static' and need to be revaluated at regular intervals, particularly flood risk.
- Standard national conditions would be welcome providing the Local Planning Authority is allowed to tailor such conditions to local requirements.
- The proposal to refund planning fees or grant automatic planning permission if a decision has not been made within the time limit will undermine the planning system. Local Planning Authorities will have little choice but to determine some applications without discussion or any negotiation, especially if applications have been submitted without the benefit of pre-application advice. This will result in an increased number of free resubmissions or appeals and an impact upon the speed at which an applicant is able to commence their project.

Context for Question 11

The White Paper proposes that the Local Plans are visual and map-based, standardised and making use of the latest digital technology, and supported by a new template. This will allow for any updates to be published instantaneously and makes it easier to share across all parties and the wider public. The digital plans would have the user experience in mind, and would be mindful to ensure inclusivity and also whereby they could be accessed on different devices.

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

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Yes, but there are still questions

- The council views positively a more accessible, web-based Local Plan. We welcome the notion of a Local Plan that communicates key information clearly and visually so that plans are accessible and easily understandable. Suggestions for the Local Plan to be published as standardised data to enable a strategic national map of planning could be worth pursuing. The council welcomes a streamlined version yet would emphasise that much of the evidence base is not dispensable and would reiterate its position on Local Plans as set out in Q5.
- The Council would also like it noted that not all members of the community in the borough have access to the internet. Alternative means of communicating and consulting on the Local Plan will be necessary.

Context for Question 12

The White Paper proposes a statutory duty for local authorities to adopt a new Local Plan 30 months from the legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years (applies to planning inspectorate too). Reviews will then be done every 5 years.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

- We support in principle Local Plans being prepared more quickly but the level of detail and evidence needed often makes this difficult.
- We would support the Planning Inspectorate being subject to scrutiny over the time taken to examine Plans. The Havering Local Plan 2016-2031 was submitted for examination in March 2018 and the Council is reaching the closing stages of consultation on its Main Modifications. If, as hoped, the Local Plan is adopted in early 2020, the process of examination and subsequent consultations will have taken nearly 3 years.

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- We also wish to raise the issue of resourcing Local Plans and the extensive costs of evidence, which has become increasingly difficult due to cuts in funding to Local Authorities.
- A substantial amount of time in the development of a new Local Plan is spent on commissioning up to date evidence to support emerging policies and site allocations. The amount of evidence that must be collected and analysed by the LPA is extensive and for the submission of the Havering Local Plan 2016 – 2031 included:

Strategic Housing Market Assessment
Housing Trajectory
SHLAA
Employment Land Review
Retail & Commercial Leisure Needs Assessment
Wind Resource Evidence Base
Viability Assessment
Strategic Flood Risk Assessment
Green Belt Assessment
Local wildlife sites survey and review
Gypsy and Traveller Accommodation Assessment
Infrastructure Delivery Plan
Playing Pitch Strategy Assessment
Indoor Sport and Leisure Facilities Assessment and Strategy
Open Space Assessment Report
Residential Car Parking Standards
Strategic Modelling Technical Note
Local Plan Transport Position Statement
11 Conservation Area Appraisals (and management plans)
Authority Monitoring Reports
Romford Development Framework
Rainham Beam Park Planning Framework

- The time that it takes for evidence to be gathered, modelled and interpreted can take a significant amount of time, and in some cases can only take place at certain times of year. A Strategic Flood Risk Assessment, for example, is likely to take at least 6 months and is highly dependent on when updated modelling is available. Gypsy and Traveller Accommodation Assessment interviews need to take place in the months when travellers are less likely to be travelling. Biodiversity / habitat surveys for local wildlife sites require at least 6 or 7 months and fieldwork is carried out between May and August (in order to identify flora).
- The development of Local Plan policies and site allocations requires internal consultation with both officers and members. When the Draft Local Plan is ready for consultation, it needs to be approved

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by internal stakeholders and finally, Cabinet. These processes take time but do ensure that the plan is subject to democratic scrutiny.

- During the Examination of the Local Plan the Inspector may require further studies to be undertaken, sometimes leading to the Examination being suspended while the evidence is obtained and then interpreted.
- The resources available to produce the Local Plan are dependent on the financial position of the Council. For quick delivery of a new Local Plan within the timeframes proposed, the Government will need to provide sufficient resources for staffing and for commissioning the evidence base.
- In the proposed timetable in section 2.48, there are only two points at which the community will be consulted. Stage 1 (6 months) will be too short to ensure there is meaningful engagement with the community. Identifying stakeholders, establishing relationships, holding stakeholder events, and feeding back to stakeholders how their views have been taken on board, needs to be given sufficient time to be effective and will need officers with high levels of facilitation skills. Stage 3 may be perceived as too late for comments by many stakeholders as the plan will already have been submitted to the Secretary of State. Genuine engagement takes time and is an ongoing process that needs to continue throughout the preparation of the Local Plan. A grass roots approach would be welcome providing sufficient time and resources are allocated and it is made clear to stakeholders at the outset what weight their views will be given.
- If the right to make representations at Examination is reduced or removed, it will reduce participation by stakeholders and the ability of an Inspector to evaluate objections by stakeholders. It may also make little difference to the time the Examination takes.
- There is a risk that if Examination by the Planning Inspectorate is removed from the process, Local Plans will not comply sufficiently with all areas of national policy, particularly where difficult compromises are needed between the Council and stakeholders.

Context for Question 13(a)

The White Paper recognises that the Neighbourhood Plans are positive and that they 'bring democracy forward'. They should be retained and a greater role for digital technology should be considered too. There is also an intention to spread the use of Neighbourhood Plans, particularly in towns and cities.

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

Not sure

- The Council is very supportive of local communities being engaged in Planning.
- There are currently no Neighbourhood Plans in Havering. If Neighbourhood Plans are to be retained in the reformed planning system, it is important that Government support for communities to develop their Neighbourhood Plans is continued.
- If sufficient opportunities are provided for meaningful engagement in the Local Plan process, this may make Neighbourhood Plans unnecessary.

(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?

Please see the response to 13 a).

Context for Question 14

The White Paper proposes a stronger emphasis on build out through planning. The Government plans to make it clear in the revised NPPF that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types by different builders which allow more phases to come forward together. As the White Paper evolves, it will continue to explore other options to support faster build out.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

- LBH has been proactive in granting planning permissions for new homes and the borough has seen a substantial increase in permissions since 2016:

Financial Year	New Homes Approved
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2016-2017	1216
2017-2018	1342
2018-2019	2332

However, there is a significant difference between the number of permissions granted and the number of completions:

Recorded Net Completions (net completions using MHLCG criteria which includes non-conventional completions)

Financial Year

2016 /17	607
2017/18	277
2018/19	465

The delivery of new homes is not only reliant on an effective planning system. There are a number of barriers to housing delivery in the borough and these are discussed in the Havering Housing Action Plan 2020. Barriers include:

- Commercial factors - the strength of the local housing market which is dependent on the wider economy.
 - Infrastructure delivery - planning and funding for infrastructure can be difficult with significant delays in implementation impacting on the delivery of new homes.
 - Site specific issues – these include complex land ownership, remediation of contaminated land, environmental constraints, provision of access, legal issues, viability and planning obligations.
- The White Paper does not appear to address the role played by landowners and developers in bringing forward developments once planning permission has been granted.
 - Section 2.58 of the White Paper states:

“But as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates, with some sites taking over 20 years to complete.”

- It seems unlikely the proposal to make use of different builders to deliver phases with different typologies will improve the absorption rate significantly. The absorption rate is related to the quantity of

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new homes in a particular phase that can be sold before market saturation occurs. This increases the reluctance of builders to start work on the next phase of building or releasing homes for sale. The absorption rate is also affected by the economy, and in a downturn it can be more difficult for house builders to sell homes. This significantly affects the buildout of development.

- The proposal may also have a negative impact on the delivery of infrastructure and on the types of communities that develop on such sites.
- If the aim is to provide sufficient new homes, then a national house building program that provides affordable, well designed, sustainable homes, with the necessary infrastructure and facilities, should be considered. Such a program should be funded by the Government and delivered by Councils.
- The introduction of a penalty for failure to implement permission within an agreed period could be considered as a means of increasing confidence that development will be built out.

Context for Question 15

The White Paper highlights the report of the Building Better, Building Beautiful Commission, showing that the potential for beautiful design is falling short. The commission sets out ways to respond to these deficiencies. The government will respond fully to the Commission's report in the autumn.

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

Not Sure

- The standard of development in the borough has been mixed. Some schemes have been of a lower design standard, with others well-designed. The standard of proposals put forward by applicants can be extremely low. However, more recently, there has been a significant improvement in the quality of development coming forward within Havering.
- The Council has taken measures aimed specifically at improving the design quality of developments in the borough. The measures

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taken include the engagement of urban design expertise within the planning department, the introduction of a more collaborative Planning Performance Agreement process and the establishment of a Quality Review Panel. In depth, case by case analysis of individual schemes has been imperative to achieving this step change in design quality.

- Importantly, the Council is taking a proactive role in bringing forward high quality schemes, through Mercury Land Holdings, its wholly owned development company and its separate joint ventures with Wates Residential and Notting Hill Genesis

Context for Question 16

The White Paper highlights not just quality building development, but high quality gardens, parks and other parks and facilities needed to foster a community. The government aims to generate net gains for the quality of our built and natural environments - not just 'no net harm'.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Protecting and extending green infrastructure, including green and open spaces, biodiversity and trees; energy efficiency for buildings and transport; encouraging developers to build low or zero carbon development;

Context for Question 17

The White Paper proposes locally prepared design guidance and codes that are more binding on decisions about development. As national guidance, the government expects the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities. Designs and codes should only be given weight when they can demonstrate that community input has been secured. Where locally-produced guides and codes are not in place, the government proposes to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.

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17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

Not sure.

- Design Codes are more easily applied to urban extensions and new town sites – where green field sites are less constrained and densities are lower. Greenbelt in and around Havering means that these type of sites are uncommon. Certain areas of the borough are more appropriate as they are design code driven, i.e. Beam Park, and may make sense for brownfield sites earmarked as ‘growth’ areas.
- The majority of sites in Havering are complex urban sites - applying design codes in these situations is far more onerous. Specific constraints and the need to accommodate higher densities mean that very detailed design codes for individual sites would be required to adequately control development.
- Producing adequately detailed design codes in-house would require a significant increase in Council resources. Design codes for somewhere like Romford (which is a Metropolitan Town Centre) would be particularly challenging – detailed design codes for individual sites would be required.

Context for Question 18

The White Paper proposes setting up a body to support both place-making and the delivery of local design codes. It is proposed that each local authority should have a chief officer for design and place-making. The government will explore options for establishing a new expert body which can assist authorities.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

No

- Havering’s Quality Review Panel (QRP) helps to provide greater authority to design issues, but a new central body with specific expertise on Design Coding could help make the process more efficient and help get design quality higher up the agenda. Local Design review panels could be involved in the proposed design

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body, and would enable effective support of local design guides and codes.

- The Council requests more detail on funding and experience-level of the proposed Chief Officer for design and place-making and whether it is envisaged that this role replaces or would sit alongside the Chief Planning Officer.

Context for Question 19

The Government supports the Building Better, Building Beautiful Commission in recommending that Homes England should attach sufficient value to design as well as price, and give greater weight to design quality in its work. As part of the forthcoming Spending Review process, the government will engage with Homes England, to consider how its objectives might be strengthened to give greater weight to design quality, and assess how design quality and environmental standards can be more deeply embedded in all Homes England's activities and programmes of work.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Yes

- The Council supports greater consideration of design in the strategic objectives for Homes England but there are limited details provided in the proposals about what this means in practice.

Context for Question 20

The White Paper highlights a proposition from the Building Better, Building Beautiful Commission that there should be a 'fast-track for beauty'. Development should be expedited through the planning process when proposals comply with pre-established principles of good design. The government proposes achieving this fast track through changes to national policy and legislation.

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

No

- A rethink is needed as design is not solely about aesthetics, more consideration needs to be given to how places work. There is also a

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conflicting message in the White Paper. Arguably, raising the threshold for affordable housing and enabling Permission in Principle to be given for up to 150 units would indicate that 'growth' is being prioritised before good design.

- However, the White Paper does go further in safeguarding existing areas of beauty. The proposal to review and update the planning framework for listed buildings and conservation areas is welcomed, to ensure significance is protected and where appropriate, sympathetic changes allowed. This increases the importance for Havering to have an up to date evidence base with regards to local heritage assets and conservation areas.
- The Council disagrees with the overconcentration on Roger Scruton and Building Beautiful. Beauty in buildings also comes with time and good quality buildings are not necessarily beautiful. Good quality, sustainable buildings should provide sufficient space for occupiers with enough daylight and amenity, reduce climate change emissions (in terms of construction materials and methods, and during occupation), reduce water use, contribute to urban greening and reducing flood risk, as well as contributing to place making and beauty.

Context for Question 21

The Government may use developer contributions to capture a greater proportion of the land value uplift that occurs through granting planning permission, and use this to enhance infrastructure delivery. Increasing value capture could be an important source of infrastructure funding but would need to be balanced against risks to development viability.

21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

No response provided, this question is not applicable to a Local Authority.

Context for Question 22(a)

The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished. The government believes that the current system of

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planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'.

22. (a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

No

- LBH supports the principle of simplifying CIL as the process of setting CIL locally is resource intensive. However, the Council is concerned that the proposed national Infrastructure Levy will not reflect local market conditions.
- Under an amalgamated CIL there is a risk that the amount of affordable housing the Council is able to deliver will be reduced.
- It is essential that the rate reflects the costs of delivering infrastructure and affordable housing in London which is substantially higher than other parts of the country.
- More help is needed from Government to support infrastructure commitments of local authorities. Infrastructure delivery is vital to the longevity of Havering and the sustainability of communities which is an issue that is very important to our residents. We cannot continue to see residential development, particularly affordable housing, without the supporting infrastructure. The resourcing of infrastructure is key and any new Infrastructure Levy is not going to resolve this issue fully.
- The White Paper refers to a threshold below which the Infrastructure Levy will not apply. LBH does not charge CIL on development that is less than 100 square metres (except where it is the whole dwelling) and has found this to be an approach that has worked well. Single dwellings do have an impact on infrastructure and this should be taken into account when setting thresholds in any new Infrastructure Levy.
- Areas for further analysis and consideration in regards to a single Levy include:
 - If the government is suggesting CIL will be the only way they will pay for strategic infrastructure, this must not over-burden the

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Council's administratively. Councils will need to have access to much more than 4% monitoring fees.

- Who will local authorities borrow from?
- Strategic priorities should not conflict with local ones. The government must help Councils to enable better working together to work towards all aims and agenda.

Context for Question 22(b)

The Infrastructure Levy would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. The single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.

(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]

Locally

- Rates should be set locally to reflect market conditions, given markets are geographically specific and not uniform, nationally. This is especially true of affordability in housing in London. A nationally set rate may have a negative impact on the ability to deliver affordable housing in London.

Context for Question 22(c)

As an alternative approach, the government proposes that the national rate approach could be taken, but with the aim of capturing more land value than currently, to better support the delivery of infrastructure. Developers would be liable for paying the levy and the cost of this would be capitalised into land value.

(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.]

Not sure

- The Infrastructure Levy should seek to capture as much value as possible, whilst remaining fair. It is important it is proportionate for

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small developers and does not prevent their contribution to delivering housing.

Value captured at commencement ensures that funding for infrastructure is secured and infrastructure provided at the right time.

Context for Question 22(d)

The White Paper proposes allowing local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. The rationale is that this would incentivise local authorities to deliver enabling infrastructure, thus helping to ensure development can be completed faster. This borrowing should only be pursued where it is both affordable and suitable.

(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]

Yes.

- The Government needs to work with banks (and other lenders) to set the environment for that borrowing, to help secure fair deals for Local Authorities.

Context for Question 23

The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights. This would increase the levy base and allow developments to better contribute to infrastructure delivery. However, the White Paper proposes maintaining an exemption of self and custom-build development from the Infrastructure Levy.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Yes

It is important that the proposed Infrastructure Levy captures change of use through permitted development rights. However, care should be taken to ensure this is applied fairly and there is a relationship between the change of use and infrastructure requirements.

Change of use can affect value, e.g. commercial to residential would have significant infrastructure implications.

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Context of question 24(a)

The White Paper states that the reformed Infrastructure Levy should deliver affordable housing provision. It proposes to maintain existing provision where developer contributions deliver around half of all affordable housing.

Currently, this is secured by section 106, while the Community Infrastructure Levy (CIL) cannot be spent on it. With Section 106 obligations removed, funds for affordable housing could be raised under the new Infrastructure Levy.

24. (a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]

Yes

- We need to take care that this proposal does not seek to create more competition between affordable housing provision and infrastructure delivery. Whilst we are supportive of one tariff/levy, the principles of that Levy need to be clear, to ensure that there is a distinct route for affordable housing and another distinct route for infrastructure

The Council considers that affordable housing and infrastructure are equally important. Residents in Havering have expressed concerns that new residential development may be built without adequate infrastructure.

On site provision of infrastructure supports mixed, sustainable communities which is preferable for the Council in terms of place making.

Context for Question 24(b)

Affordable housing could be secured through in-kind delivery on-site and local authorities would have a means to specify the forms and tenures of the affordable provision. A provider of affordable housing could purchase the dwelling at a discount from the market rate, as is currently the case. Rather than the discount being secured from Section 106 planning obligations, it would come from in-kind delivery of the Infrastructure Levy. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy.

(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]

No

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- It is hard to say that there should be a single approach to this. The Council believes that on-site provision should not be the only option to developers. Off-site provision should still be available as an option. It is not good planning to limit affordable housing provision to on-site solutions, without being able to consider other options that may be more beneficial to all parties.

Context for Question 24(c)

The White Paper proposes that in the event of a market fall, local planning authorities would be permitted to 'flip' a proportion of market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions. Alternatively, the government could require that if the value secured through in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments. Government could provide standardised agreements, to codify how risk sharing would work in this way.

(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

- The Council does not support in-kind only approach. It can be an option, but should not be the only approach.

Context for Question 24(d)

Currently, in the case of Section 106 homes that are deficient in quality, developers may be unable to sell it to a provided or will need to reduce the price. To ensure developers are not rewarded for low-standard homes under the Levy, local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality.

(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

- The Council does not support in-kind only approach. It can be an option, but should not be the only approach.

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Context for Question 25

The White Paper proposes that more freedom should be given to local authorities over how they spend the Infrastructure Levy. It believes that the Neighbourhood Share of the CIL (where up to 25 per cent of the levy is spent on priorities in the area that development occurred) should be maintained. The government would also allow local planning authorities to spend receipts on their policy priorities, once core infrastructure obligations have been met. It is also proposed that ring-fencing a certain amount of Levy funding for affordable housing should be considered.

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Not sure

- The Council does not support the Infrastructure Levy being the answer to everything. The suggestion that it could/would somehow replace Council Tax is not practical. They are two distinct forms of funding/income, for distinct matters. Notions such as neighbourhood proportions are still useful and there is certainly still a place for that. There is no reason to bring more complication to this process, by over-burdening it with services such as waste-collections and other such services, paid from council tax (which is seemingly fairly effective). There are huge changes to be made, to incorporate what council tax is used for, within the Infrastructure Levy.

(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Yes

The Council has a high priority to build more affordable homes for local people in the borough. This suggestion of 'ring-fencing' for affordable housing would support enabling the Council to make such decisions based on local need.

Context for Question 26

The government is seeking to engage all communities, families, groups and individuals in this consultation. The government hopes that the reforms set out in the consultation will make the planning system more accessible, accountable, digital and transparent whilst increasing community participation. It welcomes views on the potential impact on the proposals raised in this

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consultation on people with protected characteristics and whether further reforms could broaden access to planning for people in diverse groups.

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

- The proposals should be accompanied by an Equalities Impact Assessment