

**Consultation on Planning for the Future**  
**(White Paper) 6<sup>th</sup> August 2020**

**Response by Breckland District Council**

**October 2020**

## **Introduction**

Breckland Council welcomes the opportunity to comment on the Planning White Paper.

The Council agrees that the current planning system is in need of serious reform, and that key issues of design, infrastructure, brownfield land etc all need to carry more weight in the planning process.

The Council none-the-less has serious concerns about many of the key proposals and calls on the Government to pause any implementation of these proposals without more detailed information as to how any changes are to be implemented in partnership between central. local government and the development industry, as well as time to reflect on lessons of the pandemic, the economic region, climate change and Brexit

One issue that the Council considers careful further consideration is the failure of developers to build-out the huge numbers of currently permitted dwellings.

The remainder of this response sets out the views of the District Council to the questions posed in the consultation Paper.

## **1. Pillar One- Planning for Development**

**Question 1: What three words do you associate most with the planning system in England?**

1. Centralised
2. Archaic
3. Urban-centric

**Question 2: Do you get involved with planning decisions in your local area?**

Yes as Local Planning Authority

**Question 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**

All of the above

**Question 4: What are you 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**

1. To provide a diverse range of high quality, sustainably constructed homes, accompanied by necessary local infrastructure and highway improvements, to compliment all aspects of the local economy
2. For all new developments to instil a sense of community inclusion in both towns and villages
3. To provide a range of affordable homes and homes to meet the needs of younger people

**Question 5: Do you agree that Local Plans should be simplified in line with our proposals? (Yes/No/Not Sure. Please provide supporting statement)**

**Answer: No**

The simplification of Local Plans making them more accessible, easier to use and quicker to produce is supported by Breckland District Council. The creation of a system which provides greater certainty to the development industry and landowners on what type of development would be acceptable in any particular location is also supported by the Council and a Zoning approach may achieve these objectives.

However, the approach proposed in the White Paper of dividing the district into just three areas: "Growth", "Renewal" and "Protected" is over-simplistic and would not take into account the local characteristics and circumstances which make a district distinct from others.

Breckland is a rural area which includes The Brecks Special Protection Area, 5 market towns - 2 of which already have significant urban extensions and 112 parishes. The Zoning approach coupled with the 75% increase in annual housing numbers would create a highly complicated task of accommodating this growth into "Growth" and "Renewal" areas whilst protecting high grade agricultural land, green belt and the open countryside with its abundance of wildlife including the important Special Protection Area The Brecks. The significant expected growth in housing and the use of zoning as a tool to allocate it within the district will irreversibly change the rural character of Breckland. The Council believes that rural communities require a more sensitive and considered approach to support their growth and maintain their relevance for the future. The Council believes these proposals would be to both the district and country's detriment.

Under the current system, local plans identify and distinguish differing spatial areas that consider a range of factors that are relevant to them and in doing so can highlight specific concerns. The proposed zoning method and growth expectation takes a hammer to a process which requires highly nuanced and locally specific considerations to be examined and allowed for in the plan making process.

The entire focus of the White Paper is solely centred on housing growth and while housing delivery is important, policy must also give priority to other issues as well including decarbonisation, climate resilience, design and beauty, connectivity and accessibility, wellbeing and public health and economic growth. The constant focus on housing is crowding other important objectives and preventing a holistic approach to planning.

One area neglected in the in the White Paper is employment and the Paper does not put forward any proposals within its zoning approach for land allocated for employment. With the government's expectations for Breckland to deliver 1,070 houses p.a., the provision of new employment will be a necessity. The White Paper is also silent on mineral and waste allocations, with so much growth expected within Norfolk, this sector will be vital in providing much needed resources in materials and sustainable waste management and infrastructure to support the new communities.

The Council also has concerns over the White Paper's plans for public engagement, although the involvement of the public at the plan making stage is welcomed, we do not think that it should be a substitute for engagement at the planning application stage. We also query whether there will be the same motivation to engage at this point rather than at the planning application stage when the full details and its immediate impact is felt to be more relevant and equally more understandable.

The commitment to improved public engagement is supported, however, it would be extremely challenging in project management terms to provide "best in class" and effective public involvement within stage 1 of the plan making process within the timeframe of 1-6 weeks as well as a call for sites, the categorisation of those sites into relevant zones, organising and managing public engagement events/activities and collecting and recording public comment. It would also require significant draw on planning resources as officers would need to communicate the significance of designations at a district level and its impact at a local level to an audience whose experience in District plan-making would be limited and normally confined to a very localised area i.e. within their village or neighbourhood. The only other point where the public could comment would be at Stage 3 when the plan is published and

submitted to the Secretary of State, as the right to be “heard” during the planning inspector’s examination is proposed to be removed. The government asserts that the public’s increased involvement in the Local Plan Making stage reduces its need to be involved at the planning application stage, however, it is very difficult to always see the ramifications and impacts of a development until the details are available, which would be at the planning application stage.

The White Paper states *“Residents will be able to engage in a much more democratic system that is open to a wider range of people whose voice is currently not heard”*- then goes on to say *“residents will no longer have to rely on planning notices attached to lamp posts, printed in newspapers and posted in libraries to find out about newly proposed developments instead people will use their smartphone.”* The Paper explains the government’s aims to provide more meaningful and effective engagement by using technology more and eliminating the use of hardcopy. The Council welcomes further technological advances in this area and can see that these would be quicker to use and easier to collate data as well as encouraging more younger residents to take part in plan making,

However, to phase out all other public engagement avenues could lead to disenfranchising many residents in Breckland. It would exclude those without the necessary hardware in computers, smartphones etc or who have limited computer literacy. Recent research showed that 22% of households in Norfolk are digitally excluded with only 33% being digitally engaged. Within Breckland approx. 25% of adults do not have basic digital skills<sup>1</sup> Significant resources would need to be provided to make sure all residents have access to necessary equipment and are trained in the necessary IT skills to use it. Furthermore, funding would be required to improve broadband and mobile signals in Norfolk, particularly in rural areas such as Breckland which is currently at the bottom 10% in the UK for connectivity<sup>2</sup>

Although the Council agrees that the planning system requires reforming, it disputes the assertion that the lack of housing is due solely to delays caused by the Local Planning authorities, delays in the planning process can be due to the applicant or a response from statutory consultee. With respect to the low levels of delivery of housing, there are many factors involved including the business model of developers and house builders, the housing market as well as land-banking which is a country wide problem and one which the White Paper is completely silent upon. The Local Government Association states that 2,564,600 units were granted planning permission since 2009/2010 but only 1,530,680 have been built<sup>3</sup> In Breckland there are currently permissions for over 14,000 new dwellings that are yet to be implemented.

The White Paper does not make any reference to the current crisis of a pandemic which is expected to result in a significant recession. “Immense change is now sweeping through society at an unprecedented rate, shifting the quantity and nature of property we need, and where we need it. It is impossible to say with certainty how

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<sup>1</sup> (Reference: Digital Inclusion Report from Digital Innovation and Efficiency Committee Sept 2017).

<sup>2</sup> (Ofcom Report Connected Nations and Infrastructure 2018 and Spring update 2019).

<sup>3</sup> (Planning and Construction News 2020)

much retail or office space will be required in five or ten year's time. How will our use of urban areas change- should we now be increasing urban densities or reducing them? The differences between uses are becoming more blurred as we work from home, and traditional high street uses become increasingly intertwined" (RTPI August 2020). No consideration in the White Paper has been given to the impact of these changes on land use, housing numbers or funding streams. Neither has leaving the EU and its effects on the economy been considered in where growth might be required as some employment sectors might thrive, while others might fail.

The government is keen to implement reforms to the planning system quickly and there is concern over the speed in which this is intended to happen. There will be a significant impact on resources both in staffing, skills and funding during a period of severe national economic stress whilst maintaining service continuity. There is no information on what skill- gap analysis has been undertaken to support these reforms. Breckland District Council, like many local authorities, will need to review its planning resources and is likely to require significant support to implement these changes to make them successful and not to impact on service quality.

**Question 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)**

**Answer: Not sure**

The removal of generic development management policies which are attributable nationally from the Local Plan to the NPPF is supported as the production of these policies is additional extra work at plan production stage and this would also lead to easier to read and use Local Plans for both applicants and officers. Removing this duplication and waste from the system makes sense on the face of it, however it would be difficult for the NPPF to address the variety of local issues, priorities and specific characteristics across the country. The Council believes it is important that local authorities retain the ability to have local policies where there are locally specific issues that are not adequately addressed by national policy and that there is suitable consultation on the national development management policies.

The White Paper proposes that all decisions on detailed planning applications would be delegated to planning officers where the principle of development has been established rather than committee. However, this would severely restrict the local community's democratically elected representative to represent their constituencies views regarding development in their area at the point where the full details are known and understood. This removal of public comment at the application stage is not supported by Breckland District Council

Further information is still required on how people and stakeholders directly affected by a development are consulted at the planning application stage for those applications in designated "Growth" or "Renewal" areas.

**Question 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)**

**Answer: Not Sure**

There is insufficient detail on what a consolidated sustainability test could look like or may contain to answer this question. It is very difficult therefore to provide meaningful comment, suffice to highlight that application of the principles of sustainable development need to consider and weigh-up social, environmental and economic considerations in a structured, logical and consistent manner noting the importance of both short and more importantly long-term time horizons.

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

The White Paper proposes to abolish the Duty to Cooperate but provides no details on what mechanisms or actions would take its place and allow for the cooperation of Local Authorities to address various impacts which may arise from developing (or not developing) across planning authority boundaries to ensure that these are accounted for during the plan making process.

Breckland District Council along with other Local Authorities in Norfolk have a very successful mechanism under the Duty to Cooperate via the Norfolk Strategic Planning Policy framework. All regional issues are dealt with collaboratively through this very cost-effective forum. It appears very short-sighted to scrap Duty to Cooperate without any suggestion of what should replace it and to merely throw the question out to consultees to solve for the government.

It is also considered to be premature to abolish the Duty to Cooperate ahead of the White Paper on local government reorganisation which is due shortly, as this could have a major impact on arrangements for co-operation between neighbouring areas which will have to continue anyway to enable co-ordinated plan making and infrastructure delivery whether there is a duty to do it or not.

Some sort of mechanism will be required to assist in fulfilling national and regional strategies for growth which are sought by the government through the housing numbers, which can be set by an evidence led approach to growth targets and then enable local government to deliver it.

**Question 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.)**

**Answer: No**

A standard approach to generating housing numbers is a crude and an imprecise tool which does not take into account local factors into consideration or account for relevant local need. Housing need should be determined at a local level using detailed local assessment on such matters as demographic and migration data and household formation rates.

The proposed Government methodology generates, in some locations, housing numbers which appear overinflated for those districts and there is no evidence or justification provided on how the methodology arrived at their conclusion on housing requirement. Breckland has had an increase of 75% of houses bestowed upon it with no rationale for such an increase for what is a predominantly rural area, which has neither the housing market for such growth nor the employment opportunities or infrastructure required.

<b>Local Authority</b>	<b>Current Local Plan</b>	<b>Average Delivery</b>	<b>Current Standard Methodology</b>	<b>Proposed Methodology</b>	<b>% difference</b>
<b>Breckland</b>	612	692	661	1070	75
<b>Broadland</b>	706	673	517	922	81
<b>Gt Yarmouth</b>	420	248	357	373	-11
<b>Kings Lynn &amp; West Norfolk</b>	660	404	538	540	-18
<b>North Norfolk</b>	400	505	552	730	83
<b>Norwich</b>	477	529	598	502	-5
<b>South Norfolk</b>	893	1164	893	1832	105
<b>Norfolk</b>	<b>4168</b>	<b>4215</b>	<b>4116</b>	<b>5969</b>	<b>43</b>

Source: Lichfields 2020

As illustrated in the table above growth across Norfolk as a whole is substantial, and therefore it would be expected that some sort of regional and national strategy would be in place to support such growth based on economic, social, environmental, infrastructure and other considerations and for this strategy to be logically constructed and tested. From such a strategy, appropriate housing numbers would be derived. However, it appears the government has generated housing numbers from a formula which has been retrofitted around a desire to generate a national number that has to exceed a non-evidence based and unjustified total of 300,000.

It also begs the question of democratic accountability and how this top down methodology fits in with the government's aspirations of having greater public trust in the planning system, when effectively the ability of local people via their elective representatives to address and meet their local needs is taken away from them.

It is understood that the government believes that if more houses are built that this will drive down house prices making them more affordable, however, this would not be in the commercial interests of the development industry whose models are designed to keep house prices high, and it is hard to see how they would be incentivised to drive this amount of growth. In fact the Letwin report on Independent Review of Build Out Rates June 2018, which looked into why the build out rates were low in the UK found that it was an intrinsic part of the business model for house



builders “it is the profitability of the sale of housing that they are trying to protect by building only at the ‘market absorption rate’ for their products” Other factors have a greater bearing on affordability; interest rates, banking lending criteria, job security and wage rates as Amartya Sen showed in his seminal work on famine, lack of supply is a minor factor in comparison with the ability to buy, in the great Bengal famine people “died in the streets in front of shops bulging with grain” (Sen 1983) Research indicates that increasing the supply of homes is not an effective way to reduce their price.

If all these houses were built as proposed by the new methodology, it would require a massive increase in inward migration to Breckland, which would require significantly more employment provision than currently exists in Breckland now or in the next 5 years and this is without taking into account the likely significant economic downturn as a result of the pandemic. Even if the in-migration were for people wishing to retire here, this would raise further sustainability issues in health provision and access to local shops and public transport. Alternatively, if these houses were not built, Local authorities would fail the housing delivery test which would result in more appeals on sites which may not be appropriate for growth let alone endorsed by local communities who would expect their input at Plan Making stage on “Growth” and “Renewal” areas to be adhered to.

Such an approach to planning undermines the role that planning can and should play in being a force to shape and manage development, give clarity to local communities and indeed private investors and business, and coordinate infrastructure provision and delivery. The Council would rather focus its efforts on delivering quality housing in the right places which meet local housing needs rather than try to meet a spuriously derived number.

**Question 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

**Yes/No/Not Sure. Please provide supporting statement.**

**Answer: No**

Affordability should not be the only indicator to assess levels of need for future house building as factors such as the interest rates, wage levels, employment location also affects whether people wish to buy or rent a property. In the case of Breckland, many agricultural jobs are low paid, however, there are a large number of people who commute outside Breckland to work e.g. Norwich, Kings Lynn, Cambridge or London and these affect the numbers generated by the standard methodology proposed by the government.

Furthermore, even if affordability had greater credibility, in principle, to inform future levels of house building need the proposed standard methodology is remarkably crude and it generates housing requirement levels that in some areas bear no relationship with any reasonable assessment of need.

Looking at the extent of urban areas, or how many people live there already, and increasing the size by a proportionate or otherwise derived amount would be a very

crude tool to use when looking at suitability and appropriateness for development. There are a number of reasons why some urban areas can be sensible and appropriate locations for higher levels of growth, and some can be the opposite and not appropriate for growth.

To look to the current size of an urban area as a key determinant of an appropriate future size misses the whole point of planning and the logical reasoned assessment, the place making agenda and meeting community needs and aspirations that go alongside it. This approach also just leads to the continuation of previous trends of growth rather than looking holistically at England and where growth could best be accommodated and how the best outcomes for the nation could be achieved. The current approach will simply continue to cram growth in the increasingly crowded and constrained south rather than supporting the economic growth of northern areas.

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

**Answer: Not sure**

In principle this proposal makes sense as an allocation in a local plan should give the developer greater clarity than at present and leave only details to be progressed rather than a need for an outline planning application and matters of principle already considered at local plan production stage to be revisited. It does however mean that local plan allocations would need to be considered in greater detail and master planned at plan production stage in order to ensure that all principle issues have been fully considered prior to allocation. This is likely to be time consuming and costly with the need to involve expertise that local authorities may not have or staff with sufficient capacity to undertake this work for all allocations. It is difficult to see how this level of work proposed could be achieved for all allocations with appropriate community engagement in the 30 month timescale now being proposed for local plan production and without significant additional resources being made available to facilitate this work.

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

**Answer: No**

One of the stated aims of the White Paper is to simplify an overly complex and opaque system and yet it is proposed that permission in “Growth” and “Renewal” areas could be sought through three different routes. These are presumably in addition to some developments being permitted development and not requiring consent. This is not simplifying the process but simply maintaining the already immensely complicated array of permitted development rights and prior notification processes that have created the immensely complicated and opaque system that we have today. Simplicity is key to a successful new planning system. The array of prior notification processes that have been introduced in recent years simply lead to confusion as each has different processes and different matters to be considered

and decisions to be made in different timescales. It would make more sense to remove these processes and simply have one simple planning application route to gain consent where required.

In the case of areas zoned as “Protected” the White Paper provides no further protection than the the current system, which from recent evidence shows very little protection at all. The state of Nature report 2019 shows that 41% of UK species are declining and 1 in 10 is threatened with extinction so clearly, we are failing our wildlife and natural areas. Equally, the White Paper says nothing about the inclusion of nature or accessible green spaces into the new “Growth” or “Renewal” areas. Additionally, the lack of strong proposals around “Protected” zone does not give any greater certainty to rural communities in protecting the countryside which is of great importance to them and integral to the character of village life. Just as much certainty needs to be provided to these communities as to developers and landowners.

The Council asserts that these proposals need to strengthen the protection of “Protected” areas and for this category to include agricultural land as this is anticipated to become more important following the COVID 19 crisis and leaving the EU. *“Agriculture.... is a key part of the food and drink industry, which contributes £112 billion to the economy. Agriculture accounts for over 70% of land use in the UK and has a major influence on our environment<sup>4</sup>”* East Anglia provides 628,000 hectares of land for cereal crops, which is 28% of the wheat production for England, 61,000 hectares of field produced vegetables which is equivalent to 30% of England’s vegetable production<sup>5</sup>. The need to protect and support the agricultural industry was highlighted in the Future of Farming Paper and this was reflected in the subsequent Agricultural Bill (2020). It is therefore vital that agricultural land is protected from development proposals and included in a strengthened “Protected” zone.

The White Paper makes reference to areas of flood risk being included as “protected” areas and not desirable for development but there is no mention of other environmental challenges which affect land-use e.g. overheating and drought, which is a particular problem in Breckland.

The proposals around “Renewal” zones and the revision of design “pattern books” coupled with the desire to increase density would in the Council’s view lead to carte-blanche estate regeneration. It is also unclear whether this label of “Renewal” would be placed around the fringes of settlements where most development pressure would be. Further details are required in respect to rural villages and infill which are proposed to be included as “Renewal” zones as this zone would also impact Breckland parishes.

There is also no mention on how low and zero carbon infrastructure will be treated within different zonal areas. The assumption is that local and national design codes and national development management policy will address these.

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<sup>4</sup> Source: Health and Harmony, the future of food farming and the environment in a Green Brexit” DEFRA Feb 2018<sup>1</sup>.

<sup>5</sup> Source: DEFRA statistics: Agricultural facts-Commercial Holdings at June 2018.

**Question 9 (C). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

**Answer: No**

It is incredibly difficult to get community acceptance of a new settlement being built when it is imposed on the existing residents from above. It is vitally important that local communities are fully engaged in new settlements in their locality from inception through to delivery and in order to achieve this it is important that they are brought forward by their local council with local representatives fully engaged in the work and able to guide the form and scale of the development. Intervention from above at the national level is unnecessary to get new communities built when incentivising local councils to bring them forward in a form that they would be content with is a far more acceptable strategy. If sufficient funding were available to deliver high quality new communities that genuinely met local housing needs with the required infrastructure being delivered upfront then there would be much more support for new communities. Locally led development corporations provide a route for local authorities who are willing to do this and greater government support for this approach and funding to help authorities to deliver through this route would be a far more acceptable way of delivering new communities.

**Question 10. Do you agree with our proposals to make decision-making faster and more certain? (Yes/No/Not Sure. Please provide supporting statement)**

**Answer. No**

In principle we would support the use of new technologies to engage our communities in the planning process, however, there are concerns that to entirely focus on new technology and cease or other forms of engagement could lead to disenfranchising large sections of our communities i.e. those who lack IT skills e.g. some elderly people or those who do not have sufficient funds to own such devices to access such technology i.e. the poor.

These proposals would require substantial investment from government not just in the technology to enable Local Authority systems to be upgraded, but also training for planning staff and our communities in their use as well as providing necessary equipment to enable all to take part in the decision making process. Investment would also be required to improve broadband speeds across Breckland so that our residents can benefit from this technology. Norfolk is in the lowest 10% of the country for Broadband speed according to Ofcom's Connected Nation 2019 report and spring 2020 update with many parts of the county, particularly mid-Norfolk, not yet benefiting from high speed broadband and struggle with using the existing technology used for planning applications through the planning on-line system and downloading plans.

The Council also in principle supports the standardisation of data to speed up the planning application process where appropriate, including the move towards making planning applications machine-readable and the use of standardised templates. However, it should be noted that the use of technology will always have its limitations

and it is difficult to see how technology could make many of the subjective judgements that planning officers are routinely required to make when considering the impacts of developments and the views of residents. Planning is not and never could be a simple tick box exercise of assessment against a rule book.

Making the 8 and 13 week targets absolute requirements or introducing fee returns or deemed consents will likely have the unforeseen consequences of forcing local planning authorities to refuse applications that could otherwise have been successfully resolved in order to meet the target date. In our experience this is not what our customers want with many happy to agree an extension of time to enable the planning officer to consider amended plans and most would acknowledge that this route gives them a quicker route to gaining consent overall than first obtaining a refusal and then having to go through the whole process again. The needless refusal of applications and subsequent unnecessary reapplications or appeals just leads to more waste in the system overall.

In addition in the lifespan of a development from inception to completion the time taken to secure planning permission is a relatively small part of the total timescale but it is a vitally important one that must be done right and must engage the local community rather than be rushed and lead to a poor quality development that will be standing for hundreds of years to come.

**Question 11. Do you agree with our proposals for digitalised, web-based Local Plans? (Yes/No/Not sure. Please provide supporting statement.)**

**Answer: Not sure**

Use of greater information technology to support local plan production and accessibility is to be welcomed. Engaging with a younger demographic through the use of technology is clearly important in developing plans, however the Government need to be aware that not everyone has or chooses to use computer based systems and for many Paper documents will be far more appropriate and desirable. There are also many things that can be achieved through traditional approaches to engagement and document production that digital approaches cannot come close to matching e.g. face to face meetings. Ultimately both traditional and modern interactive approaches will need to be taken in order to engage all groups in society as removal of traditional documents risks excluding groups in society who choose not to or cannot engage with these technologies.

**Question 12. Do you agree with our proposals for a 30 month statutory time scale for the production of Local Plans? (Yes/No/Not Sure. Please provide supporting statement)**

**Answer: Not sure**

The Council is in favour in principle of simplifying and speeding up the plan production process but this must not be at the expense of appropriate and timely engagement with Members and our communities and must not prejudice our ability to develop the most appropriate plan for Breckland.

Without further details about the proposed process and the work that each stage would entail, particularly stage 2, it is difficult to understand how a 30-month statutory timescale could be achieved. The White Paper proposals for local plans themselves indicates to some extent how time could be saved in the plan production process yet other proposals within the White Paper simply add to the work to be done through proposals for greater design guidance and coding at allocation stage, the potential need to allocate reserve sites and substantial increase in housing numbers through the revised standard methodology would all add to the number and scale of sites to be allocated and the amount of work needed to be undertaken to allocate each of them in the plan in order to simplify and speed up decision making. There is therefore a clear contradiction between proposals to streamline the plan making process and other proposals that suggests that the proposed 30-month timescale while desirable would most likely be unachievable.

Furthermore, tight timescales may lead to some appropriate development sites which require additional evidence for assessment being excluded due to their negative impact on the timescale. Obviously, this would be counterproductive to the government's aims of providing enough deliverable sites. There is clearly a need to speed up plan making but this should not be at the expense of quality both in terms of the plan itself and the outcomes that it delivers.

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

**Answer: Yes**

Breckland has 112 parishes, but currently only 6 made Neighbourhood Plans and 8 others in various stages of production, and therefore incentives need to be given to encourage more parishes to develop their own plans rather than reduce their role.

The Council believes that the government should do significantly more to promote Neighbourhood Planning in rural areas as Neighbourhood Plans do enable communities to directly influence where development is located, what type of development and what it should look like in responding to identified local characteristics and preferences. However, the White Paper appears to undermine the whole purpose of Neighbourhood Plans as it is unclear what future role they would play in the proposed planning system and what weight they would carry if sites are allocated via the proposed Local Plan zoning method with associated design codes. It appears that their role would now be reserved to the development of design guides for their local area, which is considered to be a backward step.

It is also unclear what is the position for those made Neighbourhood Plans and those in the pipeline following the implementation of the White Paper's proposals.

**Question 13 (b). How can the Neighbourhood Planning process be developed to meet your objectives, such as in the use of digital tools and reflecting community preferences about design?**

The use of digital tools in neighbourhood planning will be significantly affected by the skills and knowledge available in any particular community. This will be dependent on the willingness of those with skills in this area to get involved, and the willingness of those who lack these skills to undertake training.

Accessibility to cheap software and hardware will also be key to their use as will improving broadband in rural areas to ensure that communities can access these new technologies in the first place.

**Question 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.)**

**Answer: Yes**

Any measures that would increase build out but also deliver a wider range of new housing and increase competition to improve quality would be welcomed. It remains unclear exactly how this is to be achieved as the ownership of land and how it is disposed of is key to achieving this.

Models where a development corporation or public body have brought forward development on their land and acted as master developer have been far more successful in achieving diversification, quality and build out. It is these mechanisms that need to be explored further to address this issue

Measures penalising a developer for not building out sites could be considered (including, for example, the requirement to pay council tax on the properties approved but not completed within an agreed amount of time)

## **Pillar 2: Planning for Beautiful and Sustainable Places**

This chapter sets out key proposals to achieving high quality design in our built environment.

**Question 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**

**Developments (especially those from national builders) usually comprise of 'off the peg' design templates with little or no reference to the local vernacular or local context regarding density and layout. The Local Planning Authority has very little 'teeth' to influence the design of new developments especially at appeals.**

**Question 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 or new buildings/more trees/other-please specify**

Less reliance on cars is not considered to be a practical or reasonable test of sustainability in the diverse and predominantly rural district of Breckland.

The priority is energy efficiency of new developments encompassing enhanced biodiversity and tree planting, bringing social and economic benefits to local communities.

**Question 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.)**

**Answer: Not sure**

The proposals to publish a National Model Design Code and an updated Manual for Streets are welcomed. Proposals to help deliver local design that is distinctive and that encourage community involvement from an early stage are also welcomed. Design codes would be one effective method of influencing what design can be approved.

However, producing detailed local design guides/codes and involving the community in this would be highly intensive and time-consuming exercise. The proposal would not be possible without significant additional resources for their implementation and unlikely to be completed quickly.

Breckland is a large rural area with 5 market towns and 112 parishes all with differing characteristics and diverse local views on design. It is likely that only a few of these communities would have the desire and time to contribute to the development of design codes, leading to imbalances across the district. To be effective, more



resources would also be needed to monitor the implementation of proposals, especially where large developments are planned involving volume housebuilders.

A great deal is expected from the design guides and codes to deliver and would require a great deal of urban design expertise which is currently scarce in most local authorities including Breckland. One case in point is the proposed “growth” zone which would allow for any application to be fast-tracked through the planning process upon adoption of the Local Plan. Design codes are expected to be developed alongside the 30-month plan making process for “growth” zones and considerable skill would be required to nail the design with the foresight of what those applications are likely to be.

Design codes would have to be sensitively applied to different contexts and at the same time ensure that they address critical issues including decarbonisation, climate resilience, health and equality. The Design codes would really need to deliver to ensure that they lead to a drive up towards better standards rather than a drive down to the minimum. On top of that the design codes would need to be highly specific to prevent the back and forth between council and builders over details.

The Council considers that the White Paper is not ambitious enough in its commitment to energy efficiency in its housing design proposals to enable it to reach its zero-carbon target by 2050. Houses need to be built close to zero carbon now and by 2050 for it to be obligatory. There is also no comment on how to nationally retrofit infrastructure for a zero-carbon economy and how housing delivery will be complemented with much needed national retrofit strategy.

The Council also considers that to focus predominantly on local vernacular character and materials could lead to pastiche development and stifle innovation and modern methods of construction and materials.

The pursuit of high-quality design is to be supported by the provision of greater powers to the enforcement team to enforce high standards of environmental performance and design. More details would be required on what these powers would look like.

**Question 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.)**

**Answer: Not sure**

Any initiative that aims to support the local authority in building better places, including advice from an expert body and providing resources for new skills is welcomed. However, it is not possible to comment further until the more detailed options have been explored. Subject to resources, a chief officer with expertise to raise the profile of design within the local authority would be welcome.

**Question 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.)**

**Answer: Yes**

Design quality is of great importance and should be given greater emphasis in Homes England strategic objectives. The re-introduction of detailed design standards, or improvement of existing ones in Homes England projects and programmes is welcomed.

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

**Answer: Not sure.**

The idea of fast-tracking proposals that meet with agreed detailed, locally agreed design codes sounds good. However as previously explored, it is highly unlikely that the process to get to this position could be achieved quickly, or equally across a large district. There would also be a need to review the guides and codes regularly, to reflect developments in design and technology (for example in low carbon solutions).

Guidance on redeveloping existing buildings where appropriate in “Renewal” areas is welcomed. However, there is a danger in standardising building form that our towns across the nation will be ‘anywhere housing.’ The input of planning officers on details of context would be important and therefore take time.

“Pattern books” for popular and replicable design that may be acceptable as good design in one local community may not be in another. Equally, a design should respond to its specific location, the landscape and the local built environment. These can vary within a locality and as such the design should respond to these rather than a standardised one-size fit all approach. Furthermore, quality is not just about form but also quality of details, the finish, sense of place and landscaping. Research has indicated that the agendas of speed of delivery and quality in design tend to be polemic. Experience in Breckland is that design quality in housing has sometimes been lost when delivered by volume builders.

**Question 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/more employment space/Green space/don’t know/other-please specify**

The priority is the provision of appropriate local infrastructure to meet the needs of the development

## **Pillar 3: The Infrastructure Levy**

This chapter sets out key proposals to reform the mechanism for developer contributions

**Question 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.)**

**Answer: Not sure**

It is difficult to respond to this question when there is contradiction and a lack of detail. The White Paper lacks detail about the fixed proportion of development value and the threshold at which IL will be applied to understand how that would affect the delivery of affordable housing and the infrastructure to support housing development in general. There is also lack of clarity on whether s106 will still remain. The proposed Infrastructure Levy could save time and resources locally if it were set centrally, however, any savings would be lost if s106 was still necessary to covenant land to ensure the delivery of affordable housing.

It is noted that a minimum threshold will be set, below which the Infrastructure Levy will not apply, but until we can test that threshold locally, the local impact on IL to raise sufficient funding for infrastructure and affordable housing, remains unknown therefore difficult to make a meaningful comment. There are concerns that in an area such as Breckland where local land values are low that the Levy would not raise sufficient funds to cover infrastructure requirements, affordable housing and the cost for the plan making process and design codes.

In short, The Council has concern that whilst the proposed new Levy could have some merit by simplifying developer contributions, the list of requirements which the new Levy would need to cover would mean that the fund would be spread too thinly to serve any of them properly.

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

**Answer: Locally**

Setting the rates locally would ensure a bespoke approach taking account of local costs and values, along with infrastructure and affordable housing needs. There are massive variations in values and costs not just across the country but within regions and local authority areas. It is difficult to see how nationally set rates could possibly pick up on these local variations and therefore would risk either setting rates too low and not capturing sufficient value from developments or setting rates too high such that they are not viable. Local knowledge and understanding are needed to set appropriate rates. A national approach would be far too simplistic and risks delivery of sites with higher existing use values and greater constraints.

Breckland has relatively low land and rental values compared to its neighbouring authorities with higher land values and these regional inequalities could favour those areas with higher land values. The government intends for the new levy to decrease risk for developers and potentially speed up development, but the Council believes that this would be at the cost of gravely eroding Breckland's ability to benefit from true values of new developments.

**Question 22(c). Should the Infrastructure Levy aim to capture the same amount of value overall or more value, to support greater Investment in Infrastructure, affordable housing and local communities? (Same amount overall/More value/Less value/Not sure. Please provide supporting statement.)**

**Answer: More value**

The Council would require significant infrastructure investment to support the housing growth proposed by the new standard methodology calculation, but Breckland has relatively low land values which could lead to insufficient funding for the investment required.

The local assessed need for affordable housing in Breckland concluded that there is a need to provide additional 35.7% of affordable housing across the housing market area. Breckland's Local Plan recommends a target of 25% affordable housing which is below this target as the assessed target could not be consistently achieved due to implications on viability and deliverability. This is further demonstrated by historical completions records in the district which shows that over the past ten years the average yearly percentage of affordable home completions is 20%. Therefore, the Levy would have to capture more value.

The Council supports measures to capture more value from the uplift of land values with the benefit of planning as Landowners, particularly of greenfield sites, can currently make substantial sums when their land is released for development. The Infrastructure Levy should seek to suppress land values at a national level, to ensure more value is available to support local investment in infrastructure, affordable housing and local communities. This could be consistent on a national level by setting a specific proportion of value as a component of calculation of infrastructure levy rates but allow local knowledge and understanding to inform other elements of the calculation.

Given the proposal is to capture the new infrastructure levy at occupation, it would seem reasonable to set the Levy at a higher rate than authorities receive at present, given that the developer will benefit from the greatly reduced risk associated with low cash flows throughout the course of a development.

Clarity needs to be provided by when and how payment is made on 'occupation' and how this is monitored and how delays in payment are prevented.

**Question 22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? (Yes/No/Not sure. Please provide supporting statement.)**

**Answer: No**

The proposal for all planning obligations to be included in an Infrastructure Levy, payable by developers at point of occupation, could lead to substantial risk and uncertainty in delivering the necessary infrastructure to support development. Such infrastructure is traditionally delivered by developers, so passing this responsibility to local authorities, particularly where it is required upfront, could be a significant financial burden for local authorities. Under this proposal local authorities would be required to deliver enabling infrastructure when there might be uncertainty over when the Levy would be paid by the developer as if the housing market stalls and occupation is not forthcoming, the Council would still have the burden of borrowing infrastructure funds to maintain.

**Question 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.)**

**Answer: Yes**

It makes sense that changes of use where viable should pay towards the infrastructure that the development will require through the infrastructure levy. Changes of use to residential uses should be captured by this whether they gain consent through planning permission or permitted development rights.

**Question 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.)**

**Answer: Yes**

There is an acute need for affordable housing and any changes need to ensure that they are at least maintained if not markedly increased. On-site provision by the developer is generally the best way of achieving this and should be the norm.

**Question 24 (b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rate s for local authorities? (Yes/No/Not sure. Please provide supporting statement.)**

**Answer: Not sure.**

The Council considers that affordable housing should be secured as in-kind payment, but more details are needed to make an informed comment. The timing of the valuations will be critical and there are concerns that developers will have no incentive to build affordable housing as quickly as needed and not to a high standard.

If all affordable housing came forward under the 'right to purchase' then this would place a massive additional burden on local authorities to administer this and given the number of homes concerned this may be unrealistic.

A hybrid approach whereby in-kind payment is the normal approach but on large scale strategic sites the 'right to purchase' could be applied. This would give local authorities greater flexibility on developments such as new communities to ensure that they make suitable provision for affordable housing but this does not all need to be as part of the development itself and can instead help to deliver affordable housing elsewhere in the district.

**Question 24 (c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? (Yes/No/Not sure. Please provide supporting statement.)**

**Answer: No**

If the value secured through in-kind payments is greater than the final levy liability then the Council would not want to be in a position of monies being reclaimed from the Council, however the system should be designed in such a way that this does not happen. It would seem fundamentally unfair for a developer to be penalised for providing on-site affordable units.

**Question 24(d) If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? (Yes/No/Not sure. Please provide supporting statement)**

**Answer: Yes**

The Council is concerned that the Levy will not enforce developers to build good quality sustainable housing which would form part of the cohesive development. In turn this could lead to poorer quality affordable housing delivered separately to market housing creating community divisions and inequalities. The Council would like more information on how affordable housing will be guaranteed to be delivered and delivered at a good quality.

Affordable housing providers generally have their own requirements in terms of standards such as space standards, accessibility standards, epc ratings etc which mean that the affordable housing units are often built to a higher standard than the market units. It would however make sense to standardise this approach and roll out these standards for all new homes both market and affordable so that there is a consistency of approach and everyone can benefit from a quality home.

**Question 25: Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? (Yes/No/Not sure. Please provide supporting statement)**

**Answer: Yes**

Flexibility in how the Levy is spent is supported, however, some controls must remain in place to ensure that key items such as infrastructure and affordable housing are funded.

The White Paper states that the new Levy will provide more funds than CIL and provide more infrastructure than S106, however, the evidence to support this and further details on the rate and how it is applied would be required to comment further.

**Question 25(a). If yes, should affordable housing 'ring-fence' be developed? (Yes/No/Not sure. Please provide supporting statement)**

**Answer: Yes**

It is important that the infrastructure levy is ring-fenced for infrastructure and affordable housing and any other freedoms should be secondary to this.

**Question 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?**

**Answer: Yes**

The Council considers that the infrastructure levy could have a detrimental impact on the delivery of affordable homes and as such a detrimental impact on certain protected groups, including age, disability and sex. The Council also considers that the proposed exclusive use of technology for public engagement and the losing of other forms of public engagement in local plan making could potentially disenfranchise certain groups e.g. the elderly, the poor and those regions with poor digital connectivity.

There is a duty on public authorities to consider how their policies or decision affect people who are protected under the Equality Act 2010 and Public sector duty. If a public authority has not properly considered its public sector equality duty, it can be challenged in the courts.