



## **MHCLG consultation on the Planning White Paper – Planning for the Future**

### **A response by National Parks England**

**27 October 2020**

#### **Introduction**

1. National Parks England (NPE) exists to provide a collective voice for the nine English National Park Authorities and the Broads Authority. It is governed by the Chairs of the ten Authorities. Our response represents the collective view of officers who are working within the policies established by the National Park and Broads Authorities. Some individual National Park Authorities and the Broads Authority will be submitting separate responses, which will draw on the specific issues for their particular area.
2. In our role as the statutory local planning authorities for our respective areas, National Park Authorities and the Broads Authority collectively cover just under 10% of the land area of England and are home to over 330,000 people. We have already responded to the concurrent consultation on the proposed changes to the current planning system (August 2020) and this further representation sets out our response to the proposals outlined in the Planning White Paper (August 2020).

#### **General Comments**

3. We have the expertise and networks necessary to support the Government in its ambition to introduce a whole new planning system for England, and to do so quickly. The scale and scope of the proposed reforms will require new primary and secondary legislation. We would therefore be pleased to assist MHCLG officials in drafting new legislation and national policy guidance as it relates to National Parks and the Broads.
4. We agree there are areas where the current planning system could be improved and the proposals in the White Paper pick up on a number of these. For example, emphasising the importance of Local Plans, speeding up plan preparation and ensuring the evidence required to support them is proportionate, the need to raise the bar on design quality and removing the duplication of national advice in local plan policies are all areas that we believe would benefit from reform. There are also opportunities to embed public health objectives upstream into policy frameworks, design guides and environmental assessments.
5. Whilst there are proposals we support, there are also areas where the lack of detail has led to different interpretations. We believe greater clarity is required in

understanding the full extent and scope of the reforms. We do not recognise in National Parks the stated failings of the planning system. 80% of National Park Local Plans have been adopted since 2015 and the remaining two are in advanced stages of preparation. We have a good track record in determining planning applications within the 8 and 13 week targets. Across all the National Parks and the Broads, we approve some 90% of planning applications to support small scale development that is vital to sustaining our local communities and working landscapes. And user surveys of the National Parks planning services show a customer satisfaction of 82%.

6. We believe the White Paper underestimates the complexity of the issues being addressed by the planning system, especially as it applies to rural areas and protected landscapes. There are many other factors at play that influence land use change, the rate of new development and the affordability of housing and these all need to be addressed in tandem with the proposed planning reforms. We also have concerns about what the reforms would mean for community engagement and public participation, both at the plan making stage and in considering applications for new development. We would not wish to see these diluted in the new system.
7. Above all, we need much more clarity on the role and status of National Parks and the Broads in any new planning system. The proposals are surprisingly silent on National Parks. We assume that is not the intention of Government and that National Parks and the Broads would be afforded 'protected' status under the current proposals. In doing so, we ask that the two statutory national park purposes and associated duty are adequately reflected in the proposals, particularly in relation to the standardised housing requirement methodology and environmental protection.
8. Any new planning system for England must be firmly rooted in the principles set out in the Government's 25 year Environment Plan and support the new land management arrangements being introduced through the Agriculture and Environment Bills. The recommendations of the Government commissioned Landscapes Review led by Julian Glover ('the Glover Review') are equally relevant in considering how the planning reforms should apply to protected landscapes. We look to the Government to implement the proposals on permitted development rights and protecting the setting of protected landscapes as recommended in the report.
9. Appended to this letter are our detailed responses to the 26 consultation questions but our main points can be summarised as follows.

#### **Planning for development (local plans and decision-making)**

10. We have concerns about how the three proposed 'areas' for Local Plans would apply to National Parks and the Broads. The proposed new zoning regime fails to explain how small scale new development would be provided in 'protected' areas.
11. We believe it is very important that the high level of protection afforded to National Parks and the Broads, as currently expressed in paragraph 172 of the National Planning Policy Framework (NPPF) retained and carried forward in any new legislation / national guidance. This is important to uphold the manifesto commitment of "making our most loved landscapes greener, happier, healthier and open to all".

12. Proposals to streamline and speed up the decision making process, with planning applications judged against national rather than local policies, all suggest a move to centralise and ‘automate’ planning decisions. Our National Parks and the Broads are exemplars in facilitating bespoke development to meet a diverse range of local needs that will be much harder to deliver through a more centralised and codified planning system, with less room to exercise discretion and planning judgment according to local and individual circumstances.
13. For the same reason, we are opposed to ‘consolidating existing routes to permission’ in National Parks and the Broads. We prefer to work proactively with the resident and business community in meeting their development needs in a highly sensitive environment, rather than through permitted development rights which can be a blunt instrument. Exempting National Parks from further permitted development rights was a key recommendation of the Glover Review and to do otherwise would appear to contradict the clear policy intention of the White Paper to restrict and control new development in ‘protected’ areas.
14. Any new planning system must prioritise and support new affordable housing in National Parks rather than catering for external housing demands (as currently iterated in the Government National Parks Circular 2010).
15. We question how a digitally enabled planning system might work in remote rural areas that do not have sufficient broadband coverage / speeds. We are also concerned that the proposals would exclude local councils and the public from commenting on planning applications.
16. The abolition of the ‘duty to cooperate’ is considered to be a retrograde step and is not supported by any evidence to justify its removal. There is a need to consider the impact of new development beyond and close to National Park boundaries. Local Plans must have regard to ‘wider-than-local’ matters and the duty to cooperate plays an important role in supporting the Section 62 ‘duty of regard’<sup>1</sup> towards the two National Park purposes. The Glover Review proposed strengthening the Section 62 duty with a requirement for all relevant authorities to ‘further’ the two statutory national park purposes and this should be reflected in the planning reforms.

### **Planning for beautiful and sustainable places (design, environmental impacts and climate change)**

17. We welcome the stronger emphasis on design quality but have concerns that the production of Design Codes is likely to result in the building of identikit houses. Rather than reinforcing local vernacular and local distinctiveness, it risks replacing it with uniform development typologies. The pattern book approach may be appropriate in some large scale housing developments but it is less well suited to the scale of development that takes place in our National Parks and the Broads.

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<sup>1</sup> The ‘[Have Regard’ Duty](#) places a duty on certain bodies to have regard to the statutory purposes of National Parks in undertaking their activities. The duty was introduced in 1995 and amends the *National Parks and Access to the Countryside Act 1949*.

18. We support the Government's commitment for a reformed planning system to play a more effective role in mitigating and adapting to climate change and maximising environmental benefits but it is unclear how this will be achieved.
19. We believe that in simplifying the environmental assessment process any reforms must retain the legal precautionary principle in protecting the National Parks' most important habitats. We note this will be the subject of a separate consultation later.

### **Planning for infrastructure and connected places**

20. Most National Park Authorities do not currently operate CIL and the proposed abolition of Section 106 agreements would be a concern. These agreements currently enable on-site measures to be secured and other mitigation measures that cannot be secured through an infrastructure levy.
21. We are unsure how the reformed infrastructure levy will deliver affordable housing and note with concern the White Paper's admission that this approach would transfer risk for providing affordable housing to the local planning authority. Addressing housing affordability simply through increasing delivery is not a model that will work in protected landscapes.
22. In order to provide affordable housing that responds to local needs in perpetuity, NPE has recommended a number of proposals. We would welcome discussing with MHCLG how these could be furthered to deliver change in short order. The most significant measure would be for MHCLG to proactively support the pilot that Homes England has developed with the South Downs National Park Authority and the Rural Housing Network to ensure its Land Assembly Fund is made available to small suitable sites in rural areas. Other measures include ensuring the criteria for the Single Housing Infrastructure Fund enables NPAs to access this funding for their local communities; extending funding to Local Community Land Trusts to support local housing schemes within National Parks; and investing in Housing Enablers.

### **Delivering change**

23. We welcome the intention to strengthen enforcement powers and sanctions and await further details about how this will be achieved.
24. National Parks are the most sensitive and cherished landscapes in the country and often require a more fine grain approach and high levels of communication and engagement. National Park Authorities have built up a great deal of expertise in the special challenges and sensitivities of delivering planning in National Parks that we would like to deploy in support of the Government's emerging new planning system. We would therefore welcome a National Park voice at the table as MHCLG and Defra develop the details of the new system.

## Annex I - National Parks England Response to the Planning White Paper Consultation Questions

Number	Question	Response
1	What three words do you associate most with the planning system in England?	<p>Planning is the primary statutory vehicle for delivering the two national park purposes and associated socio-economic duty so the three 'phrases' we associate most with the planning system are:</p> <ul style="list-style-type: none"> <li>• To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;</li> <li>• To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public; and in pursuing these:</li> <li>• To seek to foster the economic and social well-being of the local communities within the National Park.</li> </ul>
2(a)	Do you get involved with planning decisions in your local area?	<ul style="list-style-type: none"> <li>• Yes – all the English National Parks and the Broads Authority are the sole statutory local planning authority for their areas.</li> </ul>
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?	<ul style="list-style-type: none"> <li>• We already publicise each stage of our Local Plans' process via social media and online via our websites. Weekly lists of planning applications &amp; decisions are also set out on our websites, applications can be viewed and comments made online. We regularly receive email notification of planning documents and proposals from adjacent authorities. Anything that improves these lines of communication will be welcomed.</li> </ul>
4	What are your top three priorities for planning in your local area?	<ul style="list-style-type: none"> <li>• The environment, biodiversity and action on climate change</li> <li>• Increasing the affordability of housing for local needs</li> <li>• Protection of existing heritage buildings or areas</li> </ul>
5	Do you agree that Local Plans should be simplified in line with our proposals?	<ul style="list-style-type: none"> <li>• We have good up to date local plan coverage but recognise that this is not universal across all English local planning authorities. We therefore support the proposals for reducing the time it takes to prepare Local</li> </ul>

		Plans but there must still be scope for communities to engage with plan preparation in advance of submission for Examination.
6	Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?	<ul style="list-style-type: none"> <li>• It is essential that NPPF paragraph 172 and the major development test remain in any revised national policy.</li> <li>• It is considered that the proposals go too far in taking out all local Development Management (DM) policies for ‘protected’ areas would be too simplistic.</li> <li>• National policy will not be able to cover all the needs of local communities, and be sensitive to different local circumstances, as well as ensuring consistency with National Park purposes. Local policies play an important role in responding to specific local issues (for example on Exmoor policies supporting succession farm and extended family dwellings), and promoting local distinctiveness, which is particularly important in National Parks.</li> <li>• The new planning system should offer scope for new policy to be included within local plans, provided that policy does not duplicate policy in the NPPF. This approach is referenced in the ‘alternatives’ discussed on page 30 of the White Paper and we would support a system that enables planning authorities to prepare local planning policies where justified and where they do not duplicate national policy set out in the NPPF.</li> <li>• We are concerned at the potential loss of locally specific (and in places innovative) policies, such as policies on dark night skies, primary residency and ecosystem services.</li> <li>• NPE would welcome the opportunity to work with the Government on formulating specific DM policies relating solely (or specifically) to National Parks and the Broads.</li> </ul>
7(a)	Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable	<ul style="list-style-type: none"> <li>• Proposal to replace sustainability appraisal with a less complicated ‘sustainable development test of the local plan’ has merit.</li> </ul>

	development”, which would include consideration of environmental impact?	<ul style="list-style-type: none"> <li>• The term ‘sustainable development’ is open to multiple interpretations and must be carefully defined in any reforms to the planning system.</li> <li>• We would expect any new test to embrace the environmental principles included in the Government’s Environment Bill, currently before Parliament.</li> </ul>
7(b)	How could strategic, cross-boundary issues could be best planned for in the absence of a formal Duty to Cooperate (DtC)?	<ul style="list-style-type: none"> <li>• Through these planning reforms there is a clear opportunity to strengthen the ‘section 62 duty of regard’ towards the two National Park purposes. The Section 62 duty is included in the Environment Act 1995 and places a duty on certain bodies to have regard to the two Statutory purposes of National Parks in undertaking their activities/ making decisions.</li> <li>• In the absence of a formal DtC there needs to be an alternative mechanism that is ‘wider than local’ to ensure effective liaison and co-operation on cross-boundary, strategic planning matters.</li> <li>• Introducing a higher tier of policy making would make local plan preparation quicker and more efficient.</li> </ul>
8(a)	Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?	<ul style="list-style-type: none"> <li>• It is not clear whether National Park Authorities will be given a binding housing requirement for their Local Plans or whether the figure will be given to their constituent district/borough authorities. If the latter, the issue remains about how this is then divided up between the constituent authorities and the National Park. At present this is a matter for local discussion under the DtC, however this is now proposed to be abolished with no alternative suggested.</li> <li>• The imposition of binding housing requirements for National Parks is contrary to the Government National Parks Circular (2010) and conflicts with the first statutory National Park purpose.</li> <li>• National Park Authorities should instead be able to plan for small-scale development to meet identified local needs arising from within their local communities without the need to meet a nationally-generated binding annual housing requirement.</li> </ul>

		<ul style="list-style-type: none"> <li>National Park Authorities are currently required to calculate their housing need figure based on the best available local evidence (NPPG section on ‘Housing and economic needs assessments’). We would call for this approach to be maintained, rather than the imposition of binding housing requirements in nationally protected landscapes.</li> </ul>
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?	<ul style="list-style-type: none"> <li>Both indicators are simplistic and are not positive or pro-active planning tools. In particular, the level of affordability is a blunt tool. This is because increasing the quantity of development in the least affordable areas does not resolve affordability.</li> <li>The approach simply perpetuates existing patterns of development – leading to the overheating of some parts of the country and a lack of investment in others. This would not support the Government’s levelling up agenda.</li> </ul>
9(a)	Do you agree that there should be automatic outline permission for areas for substantial development ( <i>Growth</i> areas) with faster routes for detailed consent?	<ul style="list-style-type: none"> <li>The zoning approach appears to be an oversimplification which would be too blunt a tool for the sensitive and detailed planning required in a National Park.</li> </ul>
9(b)	Do you agree with our proposals above for the consent arrangements for <i>Renewal</i> and <i>Protected</i> areas?	<ul style="list-style-type: none"> <li>For ‘protected’ areas to be genuinely protected we consider permitted development rights should be removed in these areas. There is an opportunity to address some of these current anomalies under the new planning system. Such an approach is supported in the Government commissioned ‘Glover Landscapes Review’ 2019.</li> <li>The argument put forward in the White Paper that generic development management policies are vague and discretionary and should be replaced by binding codes and rules is then contradicted if such policy is simply transferred to the NPPF for ‘protected’ areas.</li> </ul>



9(c)	Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?	<ul style="list-style-type: none"> <li>• Yes - the NSIP regime is well understood, fair and efficient and is geared up to determine such complex applications.</li> </ul>
10.	Do you agree with our proposals to make decision-making faster and more certain?	<ul style="list-style-type: none"> <li>• We welcome the government's intention to develop a comprehensive resources and skills strategy to support the implementation of the reforms.</li> <li>• NPAs support the proposals for new software provision – much of our existing planning software is expensive, slow and cumbersome (where a few large national suppliers enjoy a monopoly).</li> <li>• Need to consider carefully refunds of application fees, especially where the delays reside with applicants. We are opposed to refunding fees on applications allowed on appeal; a better alternative would be to reform the costs regime.</li> <li>• In general, this section of the White Paper appears overly weighted towards the interests of developers and landowners and gives little regard to the needs and views of local communities within the National Parks and the Broads.</li> </ul>
11	Do you agree with our proposals for accessible, web-based Local Plans?	<ul style="list-style-type: none"> <li>• Consideration should be given for those locations where superfast broadband is not yet a reality, and where a high percentage of the population cannot access digital technology. Flexibility should still be used to ensure effective engagement.</li> </ul>
12	Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?	<ul style="list-style-type: none"> <li>• The examination stage is lengthy and disproportionate under the current system, any improvement to this is welcomed. The White Paper reforms will therefore need to ensure the Planning Inspectorate is resourced and able to meet the timescale commitments.</li> <li>• The alternative approach outlined on page 41 of the White Paper – whereby certain less complex Local Plans are examined through written representations only, also has some merit.</li> </ul>

		<ul style="list-style-type: none"> <li>• However, evidence gathering is an essential stage to ensure our Local Plans contribute to the achievement of sustainable development, and plan for the assessed local needs of the community. This is particularly relevant in National Parks and the Broads where policies provide strong reasons to restrict the overall scale, type or distribution of development, emphasising ‘local’. 12 months seems a particularly tight timescale to draw up the Local Plan.</li> <li>• Overall we consider 30 months to be unrealistic and the individual stages need to be given more thought. As an overarching comment we believe the proposed system would not allow people to engage meaningfully with the process.</li> </ul>
13 (a)	Do you agree that Neighbourhood Plans should be retained in the reformed planning system?	<ul style="list-style-type: none"> <li>• Yes – Neighbourhood Plans can add value and should not be reduced to simply delivering more housing site allocations.</li> </ul>
13 (b)	How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?	<ul style="list-style-type: none"> <li>• Neighbourhood Plans should not be reduced to simply performing the role of design guides and codes – they should enable local communities to genuinely plan for their areas.</li> <li>• There is already a lot of publicly available data that communities can tap into to understand their local area. By using digital tools to make this data more visually interesting it can help to engage with the wider community and facilitate community dialogue to better understand the key issues in their area. This can include 3D visualisation of potential schemes, or showing a variety of options for a particular site in 3D. There is a platform called Commonplace that already facilitates digital community engagement, and is used by Planning Authorities, developers and communities.</li> </ul>
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?	<ul style="list-style-type: none"> <li>• Planning permission should not facilitate speculative housing development and land banking in our National Parks where developing sites are scarce and therefore of even more importance. Planning permission should serve to meet identified needs and be built out in a timely manner. Any</li> </ul>

		<p>material commencement made on site should be substantial, incurring an appropriate cost that reflects a genuine intention to build out the development.</p> <ul style="list-style-type: none"> <li>• Yes, agree that there should be a stronger emphasis on the build out of developments. However, very little is set out in the White Paper to address this. The Letwin Review set out various proposals. For example, planning permissions could be conditioned so that a meaningful commencement is made within a year, or that planning permissions not commenced are taxed.</li> </ul>
15	What do you think about design of new development that has happened recently in your area?	<ul style="list-style-type: none"> <li>• Generally, the new development that has taken place in our National Parks and the Broads has been high quality and helps to conserve local distinctiveness and a sense of place.</li> <li>• A number of National Park Authorities operate local design awards to celebrate and recognise good design, with a number of developments going on to achieve RTPI design awards.</li> <li>• There have been examples of developments undertaken under permitted development rights that have been poorly designed.</li> </ul>
16	Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?	<ul style="list-style-type: none"> <li>• The concept of genuine sustainability – where environmental, social and economic needs are met – does not have any in built prioritisation.</li> <li>• The White Paper is almost silent on other Government agendas, such as delivering biodiversity net gain.</li> <li>• Energy efficiency is an important aspect of ensuring sustainability in new development and addressing climate change. Encouraging developers and applicants to include energy efficiency measures through a scheme such as the former Code for Sustainable Homes is a relatively easy way to do this, and we would welcome Government re-introducing such a scheme.</li> </ul>

17	Do you agree with our proposals for improving the production and use of design guides and codes?	<ul style="list-style-type: none"> <li>• NPE supports and welcomes the emphasis on design quality.</li> <li>• However, we are concerned that extended Permitted Development Rights and ‘Pattern Book’ design could lead to mediocre development or stifle innovative designs. The pattern book approach used by the larger house builders creates the danger of every built environment replicating every other built environment, which is contrary to the need to reflect a ‘sense of place’ and enhance local distinctiveness.</li> <li>• It is unclear as to whether the National Design Code will seek to reflect local, vernacular character and design, or whether this will be left to local design codes and guides, and what level of detail the latter will include.</li> <li>• NPE would recommend that the National Design Code allows some discretion at the local level, to allow flexibility to accommodate local circumstances, particularly within protected landscapes.</li> </ul>
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?	<ul style="list-style-type: none"> <li>• Yes, but it is unclear how this will be resourced. On the one hand LPAs are being asked to appoint chief design officers, but on the other hand the White Paper is centralising planning decisions, publishing a National Design Code, preparing national development management policies, and extending permitted development rights. There is a conflict.</li> <li>• We support a new national design body to encourage and support design. If the idea of accreditation for agents/designers was pursued this body should lead so that the expected standard of work is consistent.</li> <li>• Most National Park Authorities have a chief planning officer and in-house design and conservation expertise. We support all authorities having design and conservation expertise.</li> </ul>
19	Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?	<ul style="list-style-type: none"> <li>• Homes England currently have a limited role in National Parks but we support the emphasis on design quality and the importance of leading from the front on this matter.</li> </ul>
20	Do you agree with our proposals for implementing a fast-track for beauty?	<ul style="list-style-type: none"> <li>• NPE disagrees with the principle of legislating to widen and change the nature of permitted development within protected landscapes, which</li> </ul>

		<p>would lead to multiple forms of replicable development that would not respect the special qualities of the National Parks and the Broads.</p> <ul style="list-style-type: none"> <li>• We consider this approach to be at odds with National Park purposes and duty. The ‘pattern book’ approach used by the large construction firms would be completely at odds within areas in National Parks. NPE strongly urges the Government to exclude National Parks and the Broads from this approach.</li> <li>• Concerned by the idea of whether suitably experienced architectural specialists can have earned autonomy from routine listed building consent. Officers have experience of private “conservation accredited” professionals acting as agent for an application and where the application was contrary to local conservation and heritage policies and general best practice conservation understanding, because they are guided by the client brief.</li> <li>• There are multiple design and conservation bodies, which take slightly different approaches and have different ethos (IHBC, SPAB, The Design Council etc) so how would accreditation create a work standard and how would it be regulated?</li> </ul>
21	When new development happens in your area, what is your priority for what comes with it?	<ul style="list-style-type: none"> <li>• Our priority is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and promote opportunities to enjoy its special qualities. In pursuing these two statutory purposes we also have a socio economic duty towards our local communities and a key part of this is ensuring a supply of affordable homes for local people.</li> </ul>
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?	<ul style="list-style-type: none"> <li>• Not all s106 agreements relate to financial matters. We are concerned that the Infrastructure Levy will squeeze out the ability to secure other development impact mitigation which the Levy will not cover and which cannot be adequately dealt with by planning conditions.</li> <li>• It is also unclear how conservation covenants referenced in the Environment Bill will work locally.</li> </ul>

		<ul style="list-style-type: none"> <li>• We are concerned by the loss of s106 agreements, which will still be needed to secure on-site measures and other mitigation measures that cannot be secured via planning condition (e.g. Solent and New Forest habitat mitigation).</li> <li>• Development value varies considerably across the country which means the proportionately lower levy in lower value areas will not support much needed infrastructure there. This would not assist in the Government's levelling up agenda.</li> </ul>
22(b)	Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?	<ul style="list-style-type: none"> <li>• Rates should be set locally or regionally to take into account local land values and in order to try and help address the imbalance in growth and economic development between regions.</li> </ul>
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?	<ul style="list-style-type: none"> <li>• The Infrastructure Levy should aim to capture at least the same amount of value overall as current models. The current approach to development viability is weighted in favour of developers to the detriment of local communities.</li> <li>• More value if s106 agreements are not retained as the new CIL would have to absorb combined payments from both the previous CIL and s106 agreements.</li> </ul>
22(d)	Should we allow local authorities to borrow against the Infrastructure levy, to support infrastructure delivery in their area?	<ul style="list-style-type: none"> <li>• Not sure - there would be uncertainty as to how much money a LPA would receive, since the current proposal suggests making the payment dependent on the actual value of the property which would be determined after the development would be completed. Should there be a sudden, unexpected downturn in the housing market, the LPA could receive considerably less than expected or even no payment at all.</li> </ul>
23	Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?	<ul style="list-style-type: none"> <li>• Yes, as such changes of use may involve significant floorspace. Where the new use is residential significant demand on local infrastructure is likely to result.</li> </ul>

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?	<ul style="list-style-type: none"> <li>• Yes, as the levels of affordable housing provided are already well below the levels of need and should not be reduced further.</li> </ul>
24(b)	Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?	<ul style="list-style-type: none"> <li>• How would either of these options secure the affordable housing in perpetuity like a s106 agreement?</li> <li>• No – a range of options should be available to the developer and planning authority, rather than just one, depending on size of development and local circumstances. However, both proposed options could work in specific situations.</li> </ul>
24(c)	If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?	<ul style="list-style-type: none"> <li>• The single option of relying on an in-kind delivery is not supported.</li> </ul>
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?	<ul style="list-style-type: none"> <li>• As above.</li> </ul>
25	Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?	<ul style="list-style-type: none"> <li>• We are concerned that the White Paper says that the Levy could be used to 'improve services or reduce council tax'. There is a real danger the levy will not be spent on delivering the infrastructure needed but supporting general Council budgets.</li> <li>• National Park Authorities and the Broads Authority are local planning authorities but are not local authorities and as such would not receive the proceeds of a levy if it was channelled through local authorities to reduce council tax. This is already an anomaly within the New Homes Bonus that the Government commissioned Glover Landscapes Review has recommended be addressed. We wish to avoid this being repeated.</li> <li>• Notwithstanding the above, there is a case that local authorities would benefit from a clearer framework setting out how the Infrastructure Levy should be spent.</li> </ul>

25(b)	If yes, should an affordable housing 'ring-fence' be developed?	<ul style="list-style-type: none"> <li>• Yes – given the significant need for more affordable housing, there is merit in ring fencing funding to support its delivery. As outlined above, there is a risk that Infrastructure Fund receipts could be used to generally improve services, rather than support the provision of local infrastructure.</li> </ul>
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?	<ul style="list-style-type: none"> <li>• Ensuring that there remains a variety of ways for people to engage with the planning process, not just in a digital way, but facilitating engagement with those who have visual or hearing impairments, or whose first language is not English.</li> <li>• Notwithstanding the fact that place of residence is not a protected characteristic, the drive towards digitisation of planning could also have an adverse impact on people living in remote rural areas because of poor internet coverage.</li> </ul>

**National Parks England**

**October 2020**