

# Flitwick Town Council

Minutes of the 342nd Meeting of the Planning Committee held on Thursday 29th October 2020 at the Rufus Centre

Open Forum

There were no items.

**Committee Members Present :-** Councillor J Dann  
Councillor P Dodds (Chairman)  
Councillor P Earles  
Councillor M Platt (Vice Chairman)  
Councillor R Shaw

**Also in Attendance :-** Amenities Officer

**2723 To note declaration of interest on Agenda Items**

None.

**2724 To Accept Apologies for Absence**

No apologies received from Cllr Halligan.

**2725 Chairman's Announcements**

The Chairman acknowledged that he had not yet had chance to arrange a walkabout around the Town for the Highways meeting but would hope to get this done asap.

**2726 Minutes**

All Members agreed the minutes were a true recording of the meeting held on 8th October 2020.

**2727 Matter Arising**

None.

**2728 Planning applications for consideration**

2728- 1	19/00289/REG	Plot Ref :-	Type :-	OUT
	Applicant Name :-	Central Bedfordshire Council	Date Received :-	22/02/2019
	Location :-	Land off Fordfield Rd Fordfield Rd Steppingley MK45 XXX	Date Returned :-	15/03/2019
	Proposal :	Proposed new crematorium and ancillary facilities incorporating floral tribute and book of remembrance building, together with new site access/access road, car parking and service yard. New facility within newly landscaped setting, incorporating landscaped buffers, sculpted mound, footpath network, new lake/balancing pond and gardens of remembrance. Amendment - Revised siting of the building, by approximately 5 metres within the site.		
	Observations :	FTC - Object (Vote - all in favour) Members objected to the amendments on this application due to the original objections below. Members supported the objections made by the CPRE and Steppingley Parish Council.  FTC - Object (unanimous). Main Reasons: The unnecessary use of greenbelt land. Location not appropriate. Road junction would be dangerous. Implications for worsening traffic congestion through Flitwick. Alternative sites are		

available and should be considered. . The proposed design of the building is incongruous and monolithic.

The members were keen to establish the reason why other sites were not being proposed as this was part of the questioning from public consultations. A letter would be sent to CBC to ask this question.

See attached appendix for residents' views.

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2728- 2	20/00585/TRE	Plot Ref :-	Type :-	TRE
	Applicant Name :-	Mrs Alison Bowerbank	Date Received :-	08/10/2020
	Location :-	37 Salisbury Road Flitwick Beds MK45 1UD	Date Returned :-	29/10/2020
	Proposal :	Works to tree protected by a Preservation Order: English Oak (T1), to raise crown to 5m and remove, thin out and remove deadwood to MB/TPO/01/00027 (T4).		
	Observations :	FTC - Support Vote: all in favour		

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2728- 3	20/02015/FUL	Plot Ref :-	Type :-	FULL
	Applicant Name :-	Mrs Claire Briars	Date Received :-	08/10/2020
	Location :-	5 Osprey Road Flitwick Beds MK45 1RU	Date Returned :-	29/10/2020
	Proposal :	Erect a carport (retrospective).		
	Observations :	FTC - Support Vote: all in favour		

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2728- 4	20/03100/FUL	Plot Ref :-	Type :-	FULL
	Applicant Name :-	Saint Gobain Weber Ltd	Date Received :-	08/10/2020
	Location :-	Dickens House Enterprise Way Flitwick MK45 5BY	Date Returned :-	29/10/2020
	Proposal :	Removal of existing roof for a new twin skin steel profiled insulated system.		
	Observations :	FTC - Support Vote - all in favour		

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2728- 5	20/03419/FUL	Plot Ref :-	Type :-	FULL
	Applicant Name :-	Mr Michael Barrett	Date Received :-	08/10/2020
	Location :-	6 Heron Road Flitwick Beds MK45 1ND	Date Returned :-	29/10/2020
	Proposal :	Demolition of conservatory and erect single storey rear extension.		
	Observations :	FTC - Support Vote: all in favour		

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2728- 6	20/03479/FUL	Plot Ref :-	Type :-	FULL
	Applicant Name :-	Mr & Mrs Harris	Date Received :-	08/10/2020
	Location :-	9 Pilgrims Close Flitwick Beds MK45 1UL	Date Returned :-	29/10/2020
	Proposal :	Single storey rear extension following demolition of existing rear conservatory.		
	Observations :	FTC - Support		
	Vote:	all in favour		

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2728- 7	20/03648/FUL	Plot Ref :-	Type :-	FULL
	Applicant Name :-	Mrs Charlie Brown	Date Received :-	08/10/2020
	Location :-	23 Durham Close Flitwick Beds MK45 1UR	Date Returned :-	29/10/2020
	Proposal :	Single and two storey rear extension.		
	Observations :	FTC - Support		
	Vote:	all in favour		

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#### **2729 To note planning decisions from Central Bedfordshire**

Members noted the planning decisions from CBC.

#### **2730 Correspondence received**

1. CBC advised that the appeal for application CB/20/00949/FULL was complete. The decision against this appeal had been received as 'Planning Appeal Dismissed'.  
 2. CBC advised that the appeal for application CB/20/01179/FULL was complete. The decision against this appeal had been received as 'Allowed with Conditions'.

#### **2731 Highways Matters**

The Chairman advised that the next Highways meeting was due to take place on 2nd November. The Chairman had attended the Market and spoke to several residents who had raised Highway concerns and these would be raised at the Highways meeting.  
 Cllr Shaw asked who's responsibility the tree growth over major roads was, the Chairman advised that this would be CBC.

#### **2732 Members to note the 'Our Travel Charter' document**

Members noted the report.

#### **2733 Members to discuss writing to CBC regarding Enforcement Plan**

Members discussed the response from CBC as to why the Town Council were no longer receiving enforcement notifications.  
 It was RECOMMENDED to write to CBC regarding the Enforcement Plan, reasons for stopping notifications being sent and if this could be re-instated. (Vote - all in favour)

#### **2734 Parking Issues**

Members discussed the Officer report in relation to the Station Interchange Scheme. Members felt that due to COVID parking requirements would not be at such high demand for the foreseeable future. Cllr Shaw commented that the opening of Wixmas Station would also help ease the need for parking. The Chairman agreed to discuss this further within the Highways Meetings.

#### **2735 Questions**

Cllr Shaw asked for an update on the objection recently received from Tesco in relation to the Aldi application. Cllr Dann commented that no further information had been received however it seemed a normal procedure for business purposes only.

The Meeting closed at : 9.00pm

Signed :	Chairman	Date:
_____	_____	_____

On behalf of :- Flitwick Town Council

## Highways Meeting 2<sup>nd</sup> November 2020 at the Rufus Centre

Present: CBC Cllrs Gomm, Bunyan  
FTC Cllrs Dodds, Shaw  
Steppingley Parish Cllr Wood

Apologies: Amenities Officer  
Highways Officer – No apologies

### 1. Anti Skid Surface – Dunstable Road

Reported by CBC Cllrs work completed

### 2. Windmill Road / Chapel Road Parking & Speeding Issues

CBC Cllrs reported - The area is due to have a traffic survey in the near future pending covid -19 issues.

It is hoped this can be done when traffic flow is normal.

The plan then is to arrange meeting with residents as there is history attached to the issue.

### 3. Froghall Chicanes

MM advised that no amendments to the road layout could take place until the Highway had been officially handed over to CBC. CG agreed to address this issue with Tracey Harris.

Action: Cllr Gomm

Cllr Gomm reported to date no response from Tracey at CBC Highways

### 4. Water Lane

MM agreed to investigate this.

Action: Highways

Road surface still is an issue with no response to date from Highways

### 5. Dog Fouling

FTC now has a full list of Dog Bins and location, however it was noted that one bin on the path from Astwood to Froghall fields has been removed.

### 6. Steppingley 20MPH Limit & Cameras

MM advised that this was a matter for Paul Salmon's team. It was suggested that the Rural Match Funding Scheme 2021 could be used to implement traffic calming measures in the area. MM advised that a scheme would need to be presented to CBC in order to apply for this and suggested possible road painting to help narrow the area.

No further forward with the issue

CBC have said that a traffic survey will be done.

Portable street signs with smiley face could be fixed, however no response from CBC as to what street furniture these can be attached to.

Cllr Gomm offered to contact the portfolio holder if no response.

## **7. Condition of Footpaths**

Noted that hedges near Flitwick Lower and along the Dunstable Rd have been done. Nothing done outside Templefields School and along the path on Steppingley road. Need to check / identify as some of this is understood to be FTC responsibility.

It was noted that comments were made about the path from the allotments to Froghall Fields that brambles from FTC allotments were encroaching the footpath and need cutting back. Trees and hedges overgrowing and in poor condition encroaching footpaths from private residents was discussed and CBC Cllrs suggested that in the first instance that FTC send a polite letter to ask the resident to maintain their hedge/tree and if no action is taken escalate to CBC. I was agreed that Cllr Bunyan discuss with CBC legal advisor and Cllr Dodds talk to FTC

Action Highways, Amenities Officer, Cllr Bunyan, Cllr Dodds

## **8. Vehicle Crossing Verges**

Some areas in the Town have seen residents making crossings wider to enable parking of extra vehicles and to access properties.

CBC Councillors suggested pushing John Chandler for a response. It was also suggested that FTC write to Grand Union Housing to ask them to investigate the issue as not known if residents are private residents or Grand Union Residents.

Also reported of a Heavy Goods Vehicle for recovery of HGV's belonging to Stathams parking across the footpath on the bend in the road on a regular basis overnight.

Action: Highways/Amenities Officer

## **9. Speeding in Flitwick**

Action from previous meeting continuing with progress made with Bedfordshire Police, next stage is to identify areas, volunteers and training.

At a Cllr surgery a residents complained about speeding on Maulden Road and Kings Road with a request for an extension of 30MPH limit on Maulden Road.

Cllr Gomm suggested that on Steppingley Road and on other roads where a need arises to paint the 30MPH reminders on the road surface as in other areas of CBC

Action: Cllr Dodds/Amenities Officer

## **10. Roundabout Maintenance Licences**

The Amenities Officer asked MM if he could provide FTC with licences to work on the roundabouts currently maintained in the Town. MM agreed to do so.

This issue is still outstanding with no response to date.

Action: Amenities Officer/Highways

## **11. Froghall Road Railway Bridge Flooding**

CG commented that there was substantial flooding under the bridge following heavy rainfall.

MM suggested reporting via the portal.

This issue is outstanding and was reported on Portal. Case number to be circulated.

Action: Amenities Officer

## **12. Road surfacing on Manor Way**

CG advised that the road surfacing at Lark Way was in a very poor condition. MM advised that this was due to have 300m of patching works done before the end of the financial year.

Response as to date for full resurface to be provided by CBC as patching completed

Action: Amenities Officer

### **13. Kebab Van – Station Road**

Cllr Dodds advised that several comments had been received on social media regarding the catering van located on Station Road and the mess it was causing on the new paving recently laid as part of the Market Towns Project. The Amenities Officer agreed to contact the licence department at CBC to report this matter.

Issue still ongoing and awaiting response

Action: Amenities Officer

### **New Issues**

### **14. Hornes End Road**

Reported road surface condition is very poor.

Cllr Bunyan has been discussing this with Highways and planned for later this year.

Highways need to confirm a date for the works

Action Highways

### **15. Parking outside Spice and Mayflower – Vicarage Hill**

It was reported that residents complaining about parking in the area and situation not improving.

CBC Cllrs reported this is a long standing issue and would support the relining of the parking spaces. It was also discussed about the land in front of the shops to see if that could be used for parking. It is not known who owns this land

Action Highways

### **16. Pot Holes Steppingley**

Cllr Wood asked if pot hole repairs were still carried out during the current situation, as pot holes on the bends in Steppingley are getting very bad and making the situation on the bends very difficult.

It was also asked if fix my street that was reported at an earlier meeting is operative and the need for an update on both issues

Action Highways

### **17. Highways**

It was agreed by all that we express disappointment that no Highways representative was at the meeting to resolve or update on issues raised.

Next Meeting Dec 2020

**NOTIFICATIONS OF PLANNING DECISIONS FROM Central Bedfordshire Council**

**Minute Ref**

**Tue 10 November 2020**

**District Ref**

' C ' Contrary to District 'CD' Contrary Delegated  
' D ' Delegated  
' E ' Endorsed by District 'ED' Endorsed Delegated

Page No : 1

**GRANTED PLANNING PERMISSIONS**

E 20/02969/FUL	Approved	Lnd between 24&26 Trafalgar Dr
E 20/03357/FUL	Approved	21 Townfield Road

**EXAM 122:**

**Further Hearings  
Guidance Note**

**16 October 2020**

Central Bedfordshire Local Plan 2015-2035

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# **Independent Examination of the Central Bedfordshire Local Plan**

## **Examination Guidance Note Further Hearings – December 2020**

**Matthew Birkinshaw BA(Hons) Msc MRTPI**

**Helen Hockenhull BA(Hons) B.PI MRTPI**

**Inspectors appointed by the Secretary of State**

**Date: 16 October 2020**

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## Introduction

- 1) The *Central Bedfordshire Local Plan* was submitted to the Secretary of State for examination on 30 April 2018.
- 2) The hearing sessions as part of the examination were held between May and July 2019. Following the hearings, in September 2019, the Inspectors published their Initial Findings.<sup>1</sup>
- 3) Central Bedfordshire Council has produced additional information in response to the main soundness and legal compliance issues raised by the Inspectors. The documents are available to view on the examination website and have been subject to public consultation held between 18 June and 12 August 2020.<sup>2</sup> Where the additional information suggests that Main Modifications are made to the submission version Local Plan, these are summarised in Examination Document EXAM 117. Participants should also be aware of the additional information provided by the Council following the close of the hearings, which is set out in Examination Documents EXAM 20 to EXAM 105.
- 4) To allow for consideration of the additional information produced, and the suggested Main Modifications to the Local Plan, further hearing sessions will be held in December 2020. The purpose of this Guidance Note is to provide the necessary information on the procedural and administrative arrangements for the additional hearing sessions. It should be read alongside the original Guidance Note (dated 26 March 2019), which provides further information on the role of the Inspectors, the examination process and how changes are made to the Plan.

## The Programme Officer

- 5) The appointed Programme Officer for the remainder of the examination is Louise St John Howe. The Programme Officer is an independent Officer who is responsible for receiving, recording and distributing the examination materials, maintaining the examination library and organising the hearing sessions. Communication between the Inspectors and the participants is also handled by the Programme Officer, who can be contacted as follows:

Louise St John Howe  
PO Services  
PO Box 10965  
Sudbury  
Suffolk  
CO10 3BF

Telephone: 07789 486419  
Email: [louise@poservices.co.uk](mailto:louise@poservices.co.uk)

- 6) The Programme Officer is also responsible for making sure that the information regarding the examination and all relevant documents are made available on the examination website:

<http://www.centralbedfordshire.gov.uk/planning/policy/local-plan/examination.aspx>

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<sup>1</sup> Document EXAM69

<sup>2</sup> Documents EXAM106 – EXAM115

- 7) Should any participants not have access to the internet, please contact the Programme Officer so that alternative arrangements can be made.

### **Hearing Session Format**

- 8) Restrictions in place as a result of the Coronavirus ('COVID-19') mean that the traditional format of physical hearings is not possible. The hearing sessions will therefore take place electronically. Due to capacity restrictions there will also be no opportunity for interested parties to observe the sessions in person at the venue. However, the hearing sessions are public events and will be open for everyone to observe online from the examination website.
- 9) The sessions will be informal, but structured. They will take place in the form of a roundtable discussion led by the Inspector(s). Hearings are designed to allow the Inspectors to explore the main issues. People may choose to be professionally represented on the day, but there will be no formal cross-examination of witnesses or any detailed presentation of evidence.
- 10) It is important to stress that written representations carry the same weight as those made orally at a hearing session. Thus, participation at the hearings is only necessary if, in light of the matters, issues and questions raised, you have specific points that you wish to contribute orally at the hearing.
- 11) The Inspectors' *Further Matters, Issues and Questions for Examination* ('MIQs') will form the basis of the discussion at the hearing sessions. If you have any comments on this document (for example, because you feel there may be a significant omission) it is important that you contact the Programme Officer no later than **26 October 2020**.
- 12) Published alongside the *MIQs* is the *Hearing Programme*. This sets out which topics will be discussed on each day. In order to plan appropriately for each session, it is important that participants confirm with the Programme Officer if they wish to attend. This should be done in writing by **30 October 2020**. It may not be possible to accommodate participants making a request to attend after this date.
- 13) Each session will be arranged by topic, not necessarily by policy number. It is therefore important that representors check that they have been allocated to the correct session, contacting the Programme Officer if unsure. You should only attend a session if you have made a representation seeking a change to the Plan.
- 14) If there is a Matter that has been raised by the Inspectors, and one where several individuals (such as a group of local residents) wish to speak and make the same point, representors should consider whether they wish to nominate a single person to speak on their behalf.
- 15) A final version of the *MIQs* and *Hearing Programme* will be published on the examination website before the start of the hearings, if changes have been made. It will be for participants to check the progress of the hearings and to ensure that they are present at the right time.

### **Arrangements for Attending Hearings**

- 16) For those wishing to participate, Microsoft Teams will be used. Participants who are listed to attend a session electronically will be sent a link from the Programme Officer in advance of the session. The invitation will include a link to the meeting which participants will need to use in order to gain access to the hearing. For those participants who do not have internet access or who are unable to use on-screen facilities, the invitation will use a phone link.

- 17) It is important to note that only one person will be able to participate for each representor. When requesting to participate at a hearing session electronically, it is therefore important to inform the Programme Officer of the name and contact email address for the relevant representative.
- 18) Once participants have registered to speak and confirmed with the Programme Officer that they will be attending electronically, further detailed guidance will be circulated. Frequently Asked Questions ('FAQs') will also be made available on the examination website that will provide answers to technical questions.

### **Hearing Statements**

- 19) Ahead of the hearings, the Council should produce a Hearing Statement which responds directly to all the points raised in the *MIQs*.
- 20) Any representors who have made comments seeking a change to the Plan and who are invited to the hearing sessions may also submit Hearing Statements in response to the *MIQs* as required. This, however, is optional and is not a requirement of the hearings.
- 21) Statements should be concise and focused. They should not exceed a maximum of 3,000 words per Matter and appendices should only be included where directly relevant and necessary. Statements should only answer the specific Questions which are directly relevant to the original representation and should clearly identify the relevant topic to which they relate.
- 22) Statements should be provided for each Matter separately, and not bound as a single document.
- 23) All Hearing Statements must be submitted on time and received electronically no later than **18 November 2020**. Any Statements received after this deadline may be returned by the Programme Officer. Statements will be published on the examination website so that the other participants and interested parties may have access to them.
- 24) In responding to the *MIQs* participants should be aware of the additional information produced by the Council since the close of the hearings in July 2019. All of these documents are available to view and download on the examination website. If anyone does not have access to the internet, please contact the Programme Officer.
- 25) Representors that are not participating at the hearing sessions may also submit an additional Written Statement where necessary in direct response to the Inspectors' *MIQs*. However, this is not an opportunity to introduce further arguments, and the format and length of Written Statements is the same as for Hearing Statements.
- 26) No other written evidence can be submitted unless it is specifically requested by the Inspectors.

### **Statements of Common Ground**

- 27) The Inspectors invite Statements of Common Ground between participants where they would assist in identifying matters in agreement, and therefore allowing the hearing sessions to concentrate on the issues in dispute.
- 28) Where possible, Statements of Common Ground should be submitted alongside Hearing Statements. If representors are intending on submitting Statements of Common Ground, please make the Programme Officer aware.

## **Examination Programme**

29) Based on the above, the examination process and relevant dates are as follows:

- **16 October 2020** – publication of the Hearing Programme, Guidance Note and Further Matters, Issues and Questions;
- **26 October 2020** – deadline for any comments on the Further Matters, Issues and Questions;
- **30 October 2020** – deadline for confirming with the Programme Officer which hearing sessions that you wish to attend (based on your representations);
- **18 November 2020** – deadline for submission of Hearing Statements and Statements of Common Ground;
- **8-11 December 2020** – Hearing sessions week 1
- **14-18 December 2020** – Hearing sessions week 2
- **12 January 2021** – Reserve Date

## **Closing the Examination and the Inspectors' Report**

30) Following the hearing sessions the relevant findings will be set out in the Inspectors' Report, or in some cases, through Interim Findings. The Report will be sent to the Council at the end of the examination and will set out the conclusions, and where necessary, any Main Modifications to make the Plan sound and/or legally compliant.

31) The examination will remain open until the Report has been submitted to the Council. During this time no further written submissions or evidence will be taken into account unless specifically requested.

*Matthew Birkinshaw and Helen Hockenhull*

Inspectors

## **EXAM 124:**

# **Inspectors' Matters, Issues and Questions updated 05.11.20**

**06 November 2020**

Central Bedfordshire Local Plan 2015-2035

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# **Independent Examination of the Central Bedfordshire Local Plan**

## **Further Matters, Issues and Questions for Examination**

**Matthew Birkinshaw BA(Hons) Msc MRTPI**

**Helen Hockenhull BA(Hons) B.PI MRTPI**

**Inspectors appointed by the Secretary of State**

**Date: 16 October 2020, updated 5 November 2020**

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## Introduction

The hearing sessions as part of the examination of the Central Bedfordshire Local Plan were held between May and July 2019. Following the hearings, in September 2019, the Inspectors published their Initial Findings.<sup>1</sup>

Central Bedfordshire Council has produced additional information in response to the main soundness and legal compliance issues raised by the Inspectors. The documents are available to view on the examination website and have been subject to public consultation held between 18 June and 12 August 2020.<sup>2</sup> Where the additional information suggests that Main Modifications are made to the submission version Local Plan, these are summarised in Examination Document EXAM 117.

Prior to the hearing sessions, responses are invited from participants on the following additional Matters, Issues and Questions ('MIQs'). The further MIQs are based on the issues raised by representors in response to the public consultation. They also seek to address any material changes in circumstances which have occurred since the initial hearings in 2019.

In responding to the MIQs participants should also be aware of (and where applicable provide a response to) additional information provided by the Council following the close of the hearings in Examination Documents EXAM 86 to EXAM 100.

Further information about the format of the additional hearings and submission of written statements is provided in the accompanying Guidance Note, which should also be read alongside the MIQs.

## Update 3 November 2020

Following comments by representors the MIQs have been updated. Seven additional questions are shown in ***bold italics*** as follows:

- Matter 1, Issue 1, Question 8;
- Matter 1, Issue 1, Question 9;
- Matter 1, Issue 1, Question 10;
- Matter 1, Issue 1, Question 11;
- Matter 3, Issue 7, Question 5;
- Matter 4, Issue 4, Question 1; and
- Matter 8, Issue 1, Question 1.

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<sup>1</sup> Document EXAM69

<sup>2</sup> Documents EXAM106 – EXAM115

## **Matter 1 – Sustainability Appraisal ('SA')**

### *Issue 1 – Housing Strategy*

Paragraph 4.36 of the Supplementary SA states that urban extensions perform better than village extensions. This is because development on the edge of larger urban areas would provide residents with easier access, particularly via sustainable modes of transport, to services, facilities and employment opportunities.

The submission version Local Plan does, however, allocate land for housing on the edge of villages in Area A. The Supplementary SA confirms that this is to provide a mix of sites which can come forward in the short term, without relying solely on larger, strategic sites.

In considering how much land to allocate for residential development in the villages, the Inspectors' Initial Findings (paragraph 6) queried why only two options had been considered; either 2,000 dwellings across the villages or no development at all.

- Q1. Where does the submitted evidence justify the scale and distribution of development in the Area A villages? Is the spatial strategy for this area justified having regard to reasonable alternatives?
- Q2. The Supplementary SA Non-technical Summary (page 11), states that the SA has considered options of not allocating development at North of Luton or Luton West, allocating smaller scale development at North of Luton and Luton West, and, relying on village extensions instead. Where does the SA, through its various iterations, test the final option (relying on village extensions instead)?
- Q3. Does the Supplementary SA take into account the Council's suggested Main Modifications to the submission version Local Plan which seek to delete some of the Small and Medium allocations from Area A? If fewer homes are provided in Area A as a result of suggested changes to the Plan, do the same overall conclusions apply?
- Q4. What is the justification for the heritage scores in the Supplementary SA in respect of North of Luton? Would the effects of development on designated heritage assets be the same, or materially different when comparing options with, and without, the 'Eastern Bowl'?
- Q5. Does the assessment in the Supplementary SA provide robust, justified and clear reasons for allocating land North of Luton?
- Q6. What is the justification for assessing Checkley Wood Garden Village as an employment allocation, rather than a residential development in Area A?
- Q7. Prior to the hearing sessions in 2019, the Council confirmed that a new school would be required to support the level of growth proposed in Harlington. Does the SA, through the various iterations, test Site HAS20 against reasonable alternatives based on this requirement to accommodate a new school? Is the strategy for Harlington (and the provision of a new school) justified when considered against reasonable alternatives?

- Q8. ***What are the reasons for the changes in scoring between the Regulation 19 SA and the Supplementary SA? In particular, why does the Supplementary SA give different scores for land at Aspley Guise? What are the implications of these changes?***
- Q9. ***The Supplementary SA states that land at Aspley Guise was prevented from being allocated due to it being within the potential alignment for the Expressway, with the Council aware that the route would connect at Junction 13.***
- What is the most up-to-date position regarding the provision of the Expressway and its potential alignment? How has this been taken into account as part of the Supplementary SA?***
- Q10. ***Does the Supplementary SA provide robust, justified and clear reasons for removing the RAF Henlow allocation (Policy SE4) and/or for rejecting it as a reasonable alternative site?***
- Q11. ***Does the SA, through its various iterations, consider all reasonable alternative strategic housing sites, based on the most up-to-date information?***

*Issue 2 – Employment Strategy*

- Q1. The Supplementary SA tests two employment growth options. Option 1 provides land to meet some 'footloose' demand for strategic warehousing. Option 2 does not. What are the reasons for testing these scenarios, rather than considering different amounts of strategic warehousing based on identified needs, for example?
- Q2. How were the 16 reasonable alternative employment options in the Supplementary SA determined?
- Q3. Is the assessment of Policy SE3 (Holme Farm, Biggleswade) in the Supplementary SA based on the submission version Local Plan, or the Plan as suggested to be modified by Examination Document EXAM 112?
- Q4. The Inspectors' Interim Findings queried the Regulation 19 SA in respect of Policy SE3. In particular, the conclusion that the site is located in close proximity to Biggleswade railway station and would reduce the need to travel for potential employees. However, the Supplementary SA (page G-51) appears to reach the same conclusion, despite the fact that the train station is approximately 3km away and is on the opposite side of the A1. Are the conclusions in the Supplementary SA accurate, robust and justified?
- Q5. The Supplementary SA includes an assessment of New Spring Farm, Biggleswade, as a reasonable alternative. Does the site area reflect that which has been put forward through representations?
- Q6. In assessing New Spring Farm against landscape objectives, the Supplementary SA states that the site is highly visible, with concerns about the potential for development to spread south of the town into an area characterised by large scale arable land. It is scored '0?' for landscape.
- In contrast, the Supplementary SA scores Holme Farm '+?' for landscape, without mention of development extending south of Biggleswade into an

area characterised by large scale arable land. Are the conclusions in the Supplementary SA accurate, robust and justified?

- Q7. The Inspectors' Interim Findings also queried the positive landscape score in respect of Policy SE2 (Marston Gate Expansion). However, the Supplementary SA (page G-32) appears to reach the same conclusion. Are the conclusions in the Supplementary SA accurate, robust and justified?
- Q8. What evidence-based documents are the landscape conclusions drawn from the in the Supplementary SA?
- Q9. What were the reasons for discounting land at Junction 12 of the M1 from the Supplementary SA? Does the Supplementary SA adequately consider reasonable alternatives for the provision of strategic warehousing?
- Q10. Once the Supplementary SA had been completed, how did the Council conclude on which sites should be allocated?
- Q11. Given the need for strategic warehousing in the area, what are the reasons for not taking forward additional sites based on the findings in the Supplementary SA?
- Q12. Is the strategy for the provision of strategic employment sites justified?

## **Matter 2 – Housing and Economic Needs**

### *Issue 1 – Housing Needs*

The supporting text to Policy SP1 states that the objectively assessed housing need for Central Bedfordshire amounts to 32,000 dwellings over the plan period. The Local Plan also commits to providing 7,350 dwellings as a contribution towards Luton's unmet housing need. This results in a total housing requirement of 39,350 dwellings.

When assessing housing and economic development needs, the Planning Practice Guidance relevant to this examination ('the PPG') advises that:

*"Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued."*<sup>3</sup>

On 29 June 2020 the ONS published 2018-based household projections. The Inspectors subsequently wrote to the Council<sup>4</sup>, seeking its view on whether the latest household projections represented a 'meaningful' change in the housing situation for the purposes of the PPG.

In summary, the Council's response<sup>5</sup> states that the 2018-based projections identify a lower level of household growth (2,290 fewer households) than the Strategic Housing Market Assessment ('SHMA'). However, the 2018-based projections are derived from migration trends over a 2 year period. The Council's additional evidence suggests that using a longer-term perspective provides a more robust basis for establishing housing need. When using 5 and 10-year trends the evidence states that the projected level of growth is within 1% of the SHMA projection.

On this basis, Examination Document EXAM 119 concludes that there is no material difference between the SHMA and the 2018-based household projections, and thus, there is no meaningful change in the housing situation.

Taking this into account:

- Q1. What is the difference in the objectively assessed need for housing in Central Bedfordshire when calculated using the 2018-based household projections, compared to the 2014-based projections?
- Q2. Have the figures for Central Bedfordshire in Examination Document EXAM 119 been arrived at correctly and on a robust basis? Are the key assumptions reasonable?
- Q3. Has there been a meaningful change in the housing situation in Central Bedfordshire for the purposes of the PPG?

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<sup>3</sup> Paragraph:016, Reference ID: 2a-016-20150227

<sup>4</sup> Document EXAM118

<sup>5</sup> Document EXAM119

- Q4. Have the figures for Luton in Examination Document EXAM 119 been arrived at correctly and on a robust basis? Are the key assumptions reasonable?
- Q5. Has there been a meaningful change in the housing situation in Luton for the purposes of the PPG?
- Q6. If there has been a material change in the housing situation in Luton, what implications does this have for the soundness of the Central Bedfordshire Local Plan?

### *Issue 2 – Employment Needs*

The Employment Land Update<sup>6</sup> states that in order to meet the Local Plan target of 24,000 new jobs, a further 64 hectares of land is needed for 'general' employment uses for local needs over the plan period. It concludes that based on 30 hectares being provided at Marston Vale and 7 hectares at North of Luton (as suggested to be modified), there will be a shortfall of almost 27 hectares.

Taking this into account:

- Q1. Should the need for employment land be set out in the Local Plan, including a list of sites which are allocated for employment uses? Should the Local Plan identify that there is a shortfall of employment land?
- Q2. What is the most appropriate way of addressing the identified shortfall in employment land? Should the Local Plan include a mechanism, such as requiring an early review and update, to identify and bring forward additional sites? If so, what should this include?

The Employment Technical Paper<sup>7</sup> suggests that Policy SE3 (Holme Farm, Biggleswade) could be modified to provide approximately 25 hectares of general employment land in order to meet the identified shortfall.

- Q3. Is such a Main Modification necessary in the interests of soundness?
- Q4. Does the evidence base supporting the Local Plan justify allocating Holme Farm, Biggleswade for 25 hectares of general employment land?
- Q5. In the event that Policy SE3 was modified to provide a reduced amount of strategic warehousing, what implications would this have on the supply of land for such uses? Would additional sites for strategic warehousing be required to offset the loss at Biggleswade?
- Q6. What is the justification for providing 8 hectares of land for a petrol filling station and service uses as part of Policy SE3? Is this justified in this location?

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<sup>6</sup> Examination Document EXAM 109

<sup>7</sup> Examination Document EXAM 112

### **Matter 3 – Strategic Site Allocations**

#### *Issue 1 – North of Luton – Policy SA1*

- Q1. What is the justification for the suggested Main Modification which seeks to remove land to the north of the proposed M1-A6 link road from the allocation? Is this necessary in the interests of soundness?
- Q2. Would the removal of land to the north of the link road require any consequential changes to the amount of housing and employment land proposed across the site?
- Q3. In the interests of clarity and effectiveness, is it necessary to identify the 'Eastern Bowl' within the Local Plan and/or Policies Map?

The Council's Matter 6 Hearing Statement (for hearings held in 2019) suggested that the Eastern Bowl should be removed from the proposed allocation, with a subsequent reduction in site capacity to 3,100 dwellings. Paragraph 4.10.1 stated that its removal will *"...provide substantial mitigation, significantly reducing the impact of development on the AONB and its setting, as well as preventing harm to the nearby designated heritage assets."*

Examination Document EXAM 113 now suggests that the Eastern Bowl should be retained as part of the site boundary and removed from the Green Belt, with the allocation providing up to approximately 3,600 new homes.

- Q4. What specific evidence can the Council point to which justifies the suggested change in approach? How does this compare with the evidence prepared in support of the 2019 hearings?
- Q5. How do the suggested Main Modifications in Examination Document EXAM 113 relate to the heritage-led mitigation measures identified in the Council's Matter 6 Hearing Statement (for hearings held in 2019)? For example, how will the allocation ensure that the necessary buffers are provided around the Dray's Ditches Scheduled Monument?
- Q6. Is the potential for development within the Eastern Bowl a soundness matter for the purpose of the Local Plan examination, or, a design issue to be considered as part of the planning application process? Could the type, amount, size and scale of development in the Eastern Bowl be adequately controlled through the use of appropriately worded development criteria in Policy SA1?
- Q7. Subject to answers to the above questions, is it necessary to modify the total amount of development proposed in Policy SA1? Would the policy be justified and effective by referring to a figure of 'up to' 4,000 dwellings – with the final amount, including the type and quantum of development in the Eastern Bowl determined through the planning application process?
- Q8. What is the justification for seeking to remove recently completed employment development from the site boundary? Is this necessary for soundness?



*Issue 2 – Sundon RFI – Policy SE1*

- Q1. Examination Document EXAM 107 has been prepared in response to the Inspectors' Initial Findings. Does the additional evidence now demonstrate that the exceptional circumstances, as required by paragraphs 79-86 of the Framework, exist to justify the proposed revisions to the Green Belt boundary in this location?
- Q2. What is the justification for the suggested Main Modification to Policy SE1, which states that development proposals must contribute to the delivery of the M1-A6 link road? Is this necessary for soundness?
- Q3. How has the viability of the proposed development been considered, having regard to the expected contributions referred to in Question 2? Is it clear what contributions would be required and how they have been determined?
- Q4. Is it clear to decision-makers, developers and local communities what highway works will be necessary to facilitate the proposed development (other than the spur to the M1-A6 link road)? For effectiveness should they be set out in Policy SE1?
- Q5. For effectiveness is it necessary to specify when the intermodal rail facility shall be provided, rather than referring to the 'first phase of development'? Does the Local Plan include sufficient safeguards to ensure that the rail terminal will be constructed?

*Issue 3 – East of Arlesey – Policy SA3*

- Q1. Examination Document EXAM 113 has been prepared in response to the Inspectors' Initial Findings. Does the additional evidence justify the scale of development proposed at Arlesey?

In response to the Inspectors' Interim Findings, Examination Document EXAM 113 proposes three options. Option 1 would retain the existing site boundary but proposes to designate land to the east as a country park. Option 2 seeks to remove land immediately adjacent to Fairfield Park, whilst Option 3 also reduces the site boundary at the point where the proposed relief road joins Hitchin Road. Under Option 3 the capacity of the site allocation would be reduced from 2,000 to 1,800 new homes.

- Q2. How would Option 1 address the concerns in paragraphs 66-67 of the Inspectors' Initial Findings? If land to the east of the high-pressure gas pipeline, nearest Fairfield, is intended to remain as open agricultural fields, what is the justification for its inclusion in the allocation site boundary?
- Q3. Under Option 1, would it be clear to decision-makers, developers and local communities how future planning applications would be determined in this area?
- Q4. Would the suggested Main Modifications as set out in Examination Document EXAM 113 be effective in preventing any harmful coalescence between the development proposal and Fairfield?
- Q5. Under the suggested Main Modifications in Examination Document EXAM 113, is it sufficiently clear what type of leisure uses would be permitted in and around the Blue Lagoon?

*Issue 4 – East of Biggleswade – Policy SA4*

- Q1. What is the justification for the suggested Main Modification which seeks to identify the site as a commitment in the Local Plan, rather than a site allocation? Is this necessary for soundness?
- Q2. What is the latest position regarding the proposed access to the site? Has this now been resolved or are alternative access arrangements required?
- Q3. Is it necessary for soundness reasons to refer to the status of the site as a Garden Community or Garden Village?
- Q4. Does it remain the Council's intention to create a community which is visibly and physically separate from Biggleswade? Is it sufficiently clear to decision-makers, developers and local communities what is required at the detailed design stage?

*Issue 5 – RAF Henlow – Policy SE4*

As submitted, Policy SE4 allocates RAF Henlow for a mixed-use development comprising 85 hectares of specialist employment land and 45 hectares for a mixed-use visitor economy and residential scheme. In response to the Inspectors' MIQs (for hearings held in 2019), the Council confirmed that there is no justification for allocating the site for specialist employment uses and suggested that it should be deleted. Examination Document EXAM 112 states that the site should be considered as part of a partial review of the Local Plan.

- Q1. What is the justification for seeking to delete the entire allocation, which includes 45 hectares of visitor-economy and residential uses? Is this necessary for soundness?
- Q2. What is the latest position on the planned closure of the site?
- Q3. The Supplementary SA refers to *"...a significant lack of certainty as to what the site could deliver and how the impacts would be mitigated."* Does this take into account the additional information submitted on behalf of the landowners as part of the examination process?
- Q4. What would be the most effective way of identifying the site as part of a future review? Is it necessary to modify Policy SE4, or, include specific reference to RAF Henlow in a standalone review policy, for example?
- Q5. What should the proposed review mechanism include? Is it necessary to identify the type of uses envisaged for the site and likely timescales, or should greater flexibility be sought?

*Issue 6 - Marston Vale New Villages – Policy SA2*

Insofar as Junction 13 of the M1 is concerned, paragraph 2.2.11 of Examination Document EXAM 114 states that the Council and Highways England are now in agreement that the impacts of development proposed in the Local Plan can be mitigated, and, what that mitigation should be. This follows the completion of further modelling work and assessments in Examination Documents EXAM 114 and EXAM 114A-C.

- Q1. Does the additional evidence provided demonstrate that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development, as required by paragraph 32 of the Framework? Is the allocation justified?
- Q2. For clarity and effectiveness, should the necessary mitigation measures and upgrades to Junction 13 of the M1 be set out in the Local Plan?

The Council's Matter 6 Hearing Statement (for hearings held in 2019) suggested that a Main Modification was needed to change the requirement to provide a 'minimum' of 40 hectares of employment land to read 'up to' 40 hectares of employment land. Paragraph 6.3.4 stated that this change would provide greater flexibility whilst still allowing the jobs target to be met. This was in part due to the "*reasonable contingency on employment land*".

- Q3. Is the suggested Main Modification justified? Is it necessary for soundness?

*Issue 7 – M1 Junction 13 (Marston Gate Expansion) – Policy SE2*

The Inspectors' Interim Findings stated that due to the topography of the site, its prominence and the size and type of development proposed the allocation would have a significant visual impact. Situated on rising ground at the foot of the Greensand Ridge its appearance would be harmful to one of the defining landscape characteristics of the area.

In response, Examination Documents EXAM 112 and EXAM 106 set out a series of mitigation measures. These include the use of multi-barrel vaulted roof profiles with lower eaves and no parapets, colour banding to match the surrounding landscape, targeted off-site planting and a reduction of maximum building heights across different 'zones'.

- Q1. Will the measures identified be sufficient to mitigate the landscape impacts of the proposed allocation, especially in 'development zones' 2 and 3?
- Q2. Subject to the proposed mitigation measures, what effect would the proposed development have on the setting of the medieval Ringwork at The Round House and the setting of The Round House?
- Q3. Subject to the proposed mitigation measures, what effect would the proposed development have on the setting of Segenhoe Manor?
- Q4. Paragraph 6.4.25 of Examination Document EXAM 112 states that whilst the SA identified that the proposal "*...may have an effect on the setting of the heritage assets, it is considered that the economic benefit of the proposals outweigh any potential harm*". Where has this balancing exercise been carried out, including establishing the level of harm that would be caused to the significance of relevant heritage assets?

- Q5. ***Subject to the proposed mitigation measures, what effect would the proposed development have on other designated heritage assets, in addition to those referred to in Questions 2 and 3 above?***

*Issue 8 - Holme Farm, Biggleswade – Policy SE3*

The Inspectors' Interim Findings raised concerns regarding the proposed allocation boundary, which would result in two separate sites connected by a narrow access road. Paragraph 70 also stated that southern 'half' would spread a significant distance to the south of the town, extending the main built-up area of Biggleswade with linear development adjacent to the motorway. Combined, the size, shape and location of the allocation would result in a visually prominent development that would fail to integrate with the form and character of Biggleswade.

In response, Examination Documents EXAM 108, EXAM 108A-D and EXAM 112 suggest modifying the Local Plan by increasing the size of the site by to create a more logical boundary.

- Q1. How do the suggested Main Modifications address the concerns raised in paragraph 70 of the Inspectors' Interim Findings?
- Q2. In assessing New Spring Farm against landscape objectives, the Supplementary SA states that the site is highly visible with concerns about the potential for development to spread south of the town into an area characterised by large scale arable land. Do the same conclusions apply to Policy SE3, which would extend development south of Biggleswade to a similar point on the opposite side of the A1?

The Inspectors' Interim Findings also raised concerns regarding the accessibility of the site in the location proposed. In response, Examination Document EXAM 108 states that a shuttle bus service will be provided for those working and visiting the new development. A new pedestrian footbridge is also proposed over the A1 in addition to an ancillary retail outlet.

- Q3. How have the costs of the shuttle bus service and pedestrian footbridge been taken into account? Would the scheme be viable and deliverable with these additional infrastructure requirements?
- Q4. At what stage would the shuttle bus and pedestrian footbridge be provided? How would the Local Plan ensure that they were delivered?
- Q5. Is the proposed pedestrian footbridge deliverable? Who would it be delivered by and when?
- Q6. What existing or proposed pedestrian routes would the footbridge connect to on the eastern side of the A1? Are there any site ownership constraints that would prevent the bridge from coming forward?
- Q7. Examination Document EXAM 108 also states that the subway underneath the A1 to the north of the site will be upgraded. From the subway, Biggleswade Town Centre is described as approximately a 20-minute walk. How far would the proposed employment area be on foot from residential areas and the town centre in Biggleswade?

- Q8. Paragraph 5.4 of Examination Document EXAM 108 states that the area proposed for a petrol filling station and service uses will include a "...*hotel, conference centre and leisure facilities.*" What is the justification for these uses and do they form part of Policy SE3, either as submitted, or proposed to be modified?

#### **Matter 4 – Small and Medium Allocations**

##### *Issue 1 – Harlington – Site HAS20*

Additional information provided by the Council demonstrates that the necessary school in Harlington can be accommodated on site HAS20 without extending the site boundary as initially expected. This is primarily due to the removal of on-site sports pitches, with a preference for financial contributions towards off-site provision elsewhere, and by increasing site density.

- Q1. Does the approach to off-site provision accord with other Local Plan policies? Is it clear to decision-makers, developers and local communities what is required?
- Q2. Is the proposed increase in density justified? Will the suggested changes have any significant impact on the type of housing proposed or its design?

In response to the Inspectors' Interim Findings, Examination Documents EXAM 113 and EXAM 113D state that pedestrian and cycle access to the school could be taken from Westoning Road. The additional information also includes details of highway improvements proposed to Station Road and Toddington Road.

- Q3. What changes would be required to the footpath underneath the Midland Mainline on Westoning Road? What impact would this have on the safe and efficient operation of this stretch of highway?
- Q4. In seeking to demonstrate that the school can be delivered as part of HAS20, what consideration has the Council given to the likelihood of parents parking on Westoning Road to drop off and pick up school children?
- Q5. Would the proposed highway improvements on Station Road and Toddington Road overcome previously expressed concerns?

##### *Issue 2 – Hockcliffe – Sites HAS24, HAS25 and HAS26*

Additional information provided in Examination Document EXAM 92 concludes that on-site flood mitigation can be provided for sites HAS25 and HAS26. The new evidence, provided in January 2020, confirms that the sites can deliver around 14 and 27 dwellings respectively.

- Q1. What are the reasons, therefore, for the suggested Main Modifications which seek to delete (rather than reduce the capacity) of sites HAS25 and HAS26? Are the suggested Main Modifications necessary for soundness?

In relation to site HAS24, the Inspectors' Interim Findings noted that it was difficult to understand what the site boundary was based on, as it follows no obvious physical features on the ground, contrary to paragraph 85 of the Framework. The L-shaped site boundary was also found to be at odds with the linear form and character of Hockcliffe, with further information required to demonstrate that the allocation was justified. In response, Examination Document EXAM 113 suggests a Main Modification to delete the site.

- Q2. What is the justification for the suggested Main Modification which seeks to delete the site in its entirety? Is it necessary for soundness?
- Q3. What is the justification for the suggested Main Modification in Examination Document EXAM 113 which seeks to clarify that amendments to the Green Belt boundary may be made by a Neighbourhood Plan? Is this necessary for soundness?
- Q4. What would be the justification for this approach in Hockcliffe, but not other villages?

*Issue 3 – Shillington – Site HAS45*

- Q1. Is the suggested Main Modification in Examination Document EXAM 97 necessary for soundness?
- Q2. Is the revised site boundary capable of delivering approximately 15 dwellings?

***Issue 4 – Material Changes in Circumstances***

- Q1. Have there been any site-specific material changes in circumstances since the hearings in 2019, relevant to the soundness of other Small and Medium Allocations?<sup>8</sup>**

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<sup>8</sup> Inspectors' Note – This question does not relate to the deliverability of Small and Medium allocations, which is addressed by Matter 5 – Supply of Housing. Nor does it relate to the justification for the Small and Medium allocations, which was considered as part of the hearings in 2019. Instead, it seeks to identify if there have been any site-specific and material changes in circumstances relevant to the soundness of the Local Plan.

## **Matter 5 – Supply of Housing**

### *Issue 1 – Total Supply*

Following the hearing sessions in 2019, the Council produced an updated housing delivery by source note (Examination Document EXAM 86). In summary, this identified a total supply over the plan period of 44,082 dwellings. Policy SP1 sets out a housing requirement for 39,350 new homes.

- Q1. What is the current position regarding completions, existing commitments and expected delivery from the allocations in the Plan (as proposed to be amended)? To assist the examination, it would be useful for the Council produce an updated version of the housing delivery by source note as set out in Examination Document EXAM 86.
- Q2. Based on the suggested Main Modifications, and any material changes in circumstances since the hearings in 2019, will the policies and allocations ensure that the Local Plan meets the objectively assessed need for housing in Central Bedfordshire, with sufficient flexibility to adapt to change?

Examination Document EXAM 41 includes a suggested Main Modification to Policy SP1, as discussed during the hearing sessions in 2019. In summary, it lists those sites which are intended to contribute towards Luton's unmet housing need.

- Q3. What is the most up-to-date position regarding the likely contribution of the sites listed in Examination Document EXAM 41? To assist the examination, it would be useful for the Council to produce an updated version of the housing trajectory (Examination Document EXAM 90) and updated schedule of changes (Examination Document EXAM 91).
- Q4. Based on the suggested Main Modifications, and any material changes in circumstances since the hearings in 2019, will the policies and allocations in the Plan ensure that the contribution towards Luton's unmet housing need (7,350 dwellings) will be met?

### *Issue 2 – Five-Year Housing Land Supply*

- Q1. What does the updated version of the housing trajectory (see Issue 1, Question 3 above) show? Have there been any significant changes in the expected delivery of housing sites?
- Q2. Will the policies and allocations in the Local Plan ensure that there will be an up-to-date supply of specific, deliverable sites sufficient to provide five years' worth of housing land against the requirements of Policy SP1 upon adoption?

## **Matter 6 - Meeting Housing Needs**

### *Issue 1 – Custom and Self Build – Policy H7*

During the hearing sessions in 2019, the need for custom and self-build housing was discussed, along with the requirement for potential Main Modifications to Policy H7. Further to the hearing sessions, the Council produced Examination Document EXAM 93.

In summary, this includes a suggested Main Modification to Policy H7 that would require proposals for 10 or more dwellings to deliver a minimum of 10% and no more than 20% of the site's capacity as custom and self-build plots. Where plots have been made available and appropriately marketed for at least 12 months, and have not sold, they may be constructed by the developer and sold.

- Q1. How was the minimum requirement of 10% calculated? Is it an accurate and robust calculation?
- Q2. Does the evidence justify that a minimum of 10% of plots as custom and self-build will be required over the plan period?
- Q3. Are the Council's suggested Main Modifications justified, effective and necessary for soundness?
- Q4. What is the justification for a 12-month marketing period?
- Q5. Is a threshold of 10 dwellings or more justified?

### *Issue 2 – Housing Mix, Housing Standards and Housing for Older People – Policies H1, H2 and H3*

- Q1. Are Policies H1, H2 and H3 positively prepared, justified, effective and consistent with national planning policy?

### *Issue 3 – Affordable Housing – Policy H4*

- Q1. Is Policy H4 positively prepared, justified, effective and consistent with national planning policy for the purposes of this examination?

### *Issue 4 – Gypsy and Traveller and Travelling Showpeople Accommodation – Policy SP8*

The Council's Matter 9 Hearing Statement (for hearings held in 2019), suggested that a Main Modification was required to Policy SP8 in order to amend the number of pitches required for gypsies and travellers over the plan period, from 71 pitches to 28. Examination Document EXAM 21 confirms that since the base date of the Gypsy and Traveller Accommodation Assessment ('GTAA'), planning permission has been granted for an additional 31 pitches (excluding temporary permissions and those which have lapsed).

- Q1. Have there been any material changes in circumstances, either in the assessment of need or the supply of pitches for gypsies and travellers (and plots for travelling showpeople) since the hearings in 2019? What is the most up-to-date position?
- Q2. Is the approach taken to calculating and accommodating 'unknown household' need in the Council's Matter 9 Hearing Statement robust, accurate and appropriate?



## **Matter 7 – Retail and Town Centres**

### *Issue 1 – Town Centres, Primary Shopping Areas and Shopping Frontages*

The Council's Matter 12 Hearing Statement (for hearings held in 2019) includes a review of the Town Centre boundaries as proposed on the submission version Policies Maps. This review concludes that some alternations are required as discussed at the hearings.

Paragraph 23 of the National Planning Policy Framework states that, amongst other things, local planning authorities should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres. Examination Document EXAM 95 therefore includes further suggested changes to the Policies Maps to include primary shopping areas and primary and secondary frontages.

- Q1. Are the proposed changes justified? Do they accurately reflect the type and distribution of uses throughout the designated centres?

Paragraph 23 of the National Planning Policy Framework also states that in addition to defining the extent of town centres and primary shopping areas, local authorities should set policies that make clear which uses will be permitted in such locations. Examination Document EXAM 95 includes a suggested Main Modification to Policy R1 to reflect this requirement.

- Q2. Are the suggested Main Modifications necessary for soundness?
- Q3. Subject to the suggested Main Modifications, will the Local Plan be justified, effective and consistent with national planning policy?

Examination Document EXAM 95 also includes a suggested Main Modification which seeks to delete the section entitled 'Outside designated town centres' from Policy R1 and to introduce a new policy into the Local Plan setting out the requirements for retail impact assessments.

- Q4. What is the justification for this suggested change to the Plans retail and town centres policies? Is it necessary for soundness? Are the local criteria justified by the evidence?

### *Issue 2 – Changes to Use Classes Order*

On 21 July 2020, the Government published The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The changes came into force on 1 September 2020.

In summary, parts of use classes A, B and D no longer exist, and have been replaced by a new class E (commercial, business and service).

- Q1. What implications does this have for the evidence base and policies in the submission version Local Plan, including the suggested Main Modifications in Examination Document EXAM 95?
- Q2. Do any of the policies in the submission version Local Plan need to be modified for soundness reasons to reflect the changes to the Use Class Order, including policies relating to economic and business development?

## **Matter 8 – Settlement Hierarchy and Settlement Envelopes**

### ***Issue 1 – Settlement Audit Update***

- Q1. *During the hearing sessions in 2019, the Council committed to reviewing the Settlement Audit.<sup>9</sup> Has this review been carried out, and if so, what does it demonstrate?***

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<sup>9</sup> Central Bedfordshire Council Matter 4 Hearing Statement, Appendix D

**EXAM 125:**

**Hearing Programme  
and Participants updated  
06.11.20**

**06 November 2020**

Central Bedfordshire Local Plan 2015-2035

**A great place to live and work.**





# **Independent Examination of the Central Bedfordshire Local Plan**

## **Draft Examination Hearing Programme Further Hearings – December 2020**

**Matthew Birkinshaw BA(Hons) Msc MRTPI**

**Helen Hockenhull BA(Hons) B.PI MRTPI**

**Inspectors appointed by the Secretary of State**

**Date: 16 October 2020, updated 6 November 2020**

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## **Hearing Day 1: Tuesday 8 December (Week 1)**

### **Matter 1 – Sustainability Appraisal**

#### **Morning – 10:00 – 13:00**

- 1) Introduction and Inspectors' Opening Announcements
- 2) Matter 1 Issue 1 – Housing Strategy

#### **Participants**

- Central Bedfordshire Council
- Abbey Land (JB Planning)
- Arnold White & Denison Investments (Arrow Planning)
- Bedfordshire Land Promotions Ltd (JLL)
- Catesby Estates (Turley)
- Claydon Land Developments Ltd (Mr. Simon Cooke) (DLP)
- Cllr Sylvia Collins
- CPRE Hertfordshire
- DIO & Homes England (JLL)
- Firoka Group (Terra Strategic) (DLP)
- Gladman Developments
- Hallam Land Management (Carter Jonas)
- Hayfield Consortium (Savills)
- IM Properties (Barton Willmore)
- Legal & General (Barton Willmore)
- Luton Borough Council
- North Luton Consortium (Robert Barber)
- O & H Properties (David Lock)
- Save the World's First Garden City
- Scott Properties
- Taylor Wimpey (Turley)
- The Crown Estate (Savills)
- Willis Dawson (Pegasus)
- Woods Hardwick representing:  
City & County Projects, Connolly Homes, and Countryside Properties

### **Afternoon – 14:30 – 17:00**

#### 3) Matter 1 Issue 2 – Employment Strategy

#### **Participants**

- Central Bedfordshire Council
- Arnold White & Denison Investments (Arrow Planning)
- Barnack Estate Ltd and Solai Holdings & (DLA Planning)
- Biggleswade Town Council
- Cllr Sylvia Collins
- CPRE Hertfordshire
- DIO & Homes England (JLL)
- Hallam Land Management (Carter Jonas)
- Hayfield Consortium (Savills)
- IM Properties (Barton Willmore)
- Legal & General (Savills)
- O & H Properties (David Lock)
- Prologis (Lichfields)
- Ridgmont Parish Council (Aragon Land)
- Save the World's First Garden City
- Tritax Symmetry (Woods Hardwick)
- Willis Dawson (Pegasus)

## **Hearing Day 2: Wednesday 9 December (Week 1)**

### **Matter 2 – Housing and Economic Needs**

#### **Morning – 10:00 – 13:00**

#### **4) Matter 2 Issue 1 – Housing Needs**

#### **Participants**

- Central Bedfordshire Council
- Abbey Land (JB Planning)
- Claydon Land Developments Ltd (Mr. Simon Cooke) (DLP)
- CPRE Hertfordshire
- DIO & Homes England (JLL)
- Gladman Developments
- Hayfield Consortium (Savills)
- IM Properties (Barton Willmore)
- Legal & General (Barton Willmore)
- Lichfields representing:-  
Abbey Land, Catesby Estates and Richborough Estates
- Luton Borough Council
- North Luton Consortium (Pegasus)
- O & H Properties (David Lock)
- Save the World's First Garden City
- Taylor Wimpey (Turley)
- The Crown Estate (Savills)
- Woods Hardwick representing: Connolly Homes, Countryside Properties and Landcrest Developments



### **Afternoon – 14:30 – 17:00**

#### 5) Matter 2 Issue 2 – Employment Needs

#### **Participants**

- Central Bedfordshire Council
- Biggleswade Town Council
- CPRE Hertfordshire
- Denison Investments (Arrow Planning)
- DIO & Homes England (JLL)
- Gladman Developments
- Hayfield Consortium
- IM Properties (Barton Willmore)
- Legal & General (Savills)
- Lidlington Parish Council
- O & H Properties (David Lock)
- Prologis (Lichfields)
- Ridgmont Parish Council (Aragon Land)
- Save the World's First Garden City
- Tritax Symmetry (Woods Hardwick)

## **Hearing Day 3: Thursday 10 December (Week 1)**

### **Matter 3 – Strategic Site Allocations**

#### **Morning – 09:30 – 13:00**

- 1) Matter 3 Issue 1 – North of Luton – Policy SA1

#### **Participants**

- Central Bedfordshire Council
- Abbey Land (JB Planning)
- Arnold White (Arrow Planning)
- Chalton Parish Council
- Chiltern Society
- Claydon Land Developments Ltd (Mr. Simon Cooke) (DLP)
- Cllr Sylvia Collins
- CPRE Hertfordshire
- Firoka Group (Terra Strategic) (DLP)
- Gladman Developments
- Harlington Parish Council (to confirm)
- Historic England
- IM Properties (Barton Willmore)
- Keech Care Homes
- Luton Borough Council
- North Luton Consortium (Pegasus)
- The Crown Estate (Savills)

### **Afternoon Session 1 – 14:30 – 15:30**

2) Matter 3 Issue 3 – East of Arlesey – Policy SA3

#### **Participants**

- Central Bedfordshire Council
- Axiom Arlesey (Bidwells)
- Claydon Land Developments Ltd (Mr. Simon Cooke) (DLP)
- CPRE Hertfordshire
- Fairfield Parish Council
- Firoka Group (Terra Strategic) (DLP)
- Land Group Arlesey (Stephen Hinsley Planning)
- Mr. Roger Watson
- Save the World's First Garden City
- Vistry Group (formerly Linden Group)
- Woods Hardwick representing: City & County, All Land Investments and Pigeon Land

### **Afternoon Session 2 – 16:00 – 17:00**

3) Matter 3 Issue 4 – East of Biggleswade – Policy SA4

#### **Participants**

- Central Bedfordshire Council
- Biggleswade Town Council
- Claydon Land Developments Ltd (Mr. Simon Cooke) (DLP)
- Cllr. Hayley Whitaker
- CPRE Hertfordshire
- Martin Grant Homes (Pegasus)
- Save the World's First Garden City
- Taylor Wimpey (Turley)

## **Hearing Day 4: Friday 11 December (Week 1)**

### **Matter 3 – Strategic Site Allocations continued...**

#### **Morning – 10:00 – 13:00**

4) Matter 3 Issue 5 – RAF Henlow – Policy SE4

#### **Participants**

- Central Bedfordshire Council
- CPRE Hertfordshire
- DIO & Homes England (JLL)
- General Aviation Council
- Save the World's First Garden City

### **Afternoon – 14:30 – 17:00**

5) Matter 3 Issue 6 – Marston Vale Villages – Policy SA2

### **Participants**

- Central Bedfordshire Council
- Arnold White & Denison Investments (Arrow Planning)
- Catesby Estates (Turley)
- Claydon Land Developments Ltd (Mr. Simon Cooke) (DLP)
- Cllr. John Baker
- CPRE Hertfordshire
- Lidlington Action Group
- Lidlington Parish Council
- O & H Properties (David Lock)

## **Hearing Day 5: Monday 14 December (Week 2)**

### **Morning – 10.00 – 13:00**

- 6) Reserve Session – If required

### **Afternoon – 14:30 – 17:00**

- 7) Matter 3 Issue 2 – Sundon RFI – Policy SE1

### **Participants**

- Central Bedfordshire Council
- Chalton Parish Council
- Chiltern Society
- Cllr Sylvia Collins
- CPRE Hertfordshire
- Dr John Reynolds
- Harlington Parish Council (to confirm)
- IM Properties (Barton Willmore)
- North Luton Consortium (Pegasus)
- Prologis (David Lock Associates)
- Save the World's First Garden City

## **Hearing Day 6: Tuesday 15 December (Week 2)**

### **Matter 3 – Strategic Site Allocations continued...**

#### **Morning – 10:00 – 13:00**

8) Matter 3 Issue 7 – M1 Junction 13 (Marston Gate Expansion) – Policy SE2

#### **Participants**

- Central Bedfordshire Council
- Cllr John Baker
- CPRE Hertfordshire
- Greensand Trust
- Hallam Land Management (Carter Jonas)
- Historic England
- IM Properties (Barton Willmore)
- Lidlington Parish Council
- Mr. Michael Janes
- Mr. & Mrs Spearing
- Mr. Thomas Doherty
- O & H Properties (David Lock)
- Prologis (Lichfields)
- Ridgmont Parish Council (Aragon Land)

**Afternoon – 14:30 – 17:00**

9) Matter 3 Issue 8 – Holme Farm, Biggleswade – Policy SE3

**Participants**

- Central Bedfordshire Council
- Biggleswade Town Council
- CPRE Hertfordshire
- Hallam Land Management (Carter Jonas)
- IM Properties (Barton Willmore)
- Save the World's First Garden City
- Tritax Symmetry (Woods Hardwick)



## **Hearing Day 7: Wednesday 16 December (Week 2)**

### **Matter 4 – Small and Medium Allocations and Matter 5 - Supply of Housing**

#### **Morning Session 1– 09:30 – 11:00**

1) Matter 4 Issue 1 – Harlington – Site HAS20

#### **Participants**

- Central Bedfordshire Council
- Claydon Land Developments (Mr. Simon Cooke) (DLP)
- Cllr. Sylvia Collins
- CPRE Hertfordshire
- Denison Investments (Arrow Planning)
- Harlington Parish Council
- Mr. Keith Fine (DLP)
- Scott Properties
- Willis Dawson (Pegasus)

#### **Morning Session 2– 11:30 – 13:00**

2) Matter 4 Issue 2 – Hockcliffe – Sites HAS24, HAS25 and HAS26

3) Matter 4 Issue 3 – Shillington – Site HAS45

4) Matter 4 Issue 4 – Material Changes in Circumstances

#### **Participants**

- Central Bedfordshire Council
- Claydon Land Developments (Mr. Simon Cooke) (DLP)
- CPRE Hertfordshire
- Denison Investments (Arrow Planning)
- Gladman Developments
- Hockcliffe Parish Council
- Willis Dawson (Pegasus)

### **Afternoon – 14:30 – 17:00**

- 1) Matter 5 Issue 1 – Total Supply (Updated Position)
- 2) Matter 5 Issue 2 – Five-Year Housing Land Supply (Updated Position)

### **Participants**

- Central Bedfordshire Council
- Arnold White (Arrow Planning)
- Axiom Arlesey (Bidwells)
- Bedfordshire Land Promotions Ltd (JLL)
- Claydon Land Developments (Mr. Simon Cooke) (DLP)
- CPRE Hertfordshire
- Firoka Group (Terra Strategic) (DLP)
- Gladman Developments
- Kier Living Ltd (Savills)
- Legal & General (Barton Willmore)
- Lichfields representing:-  
Abbey Land, Catesby Estates and Richborough Estates
- Luton Borough Council
- O & H Properties (David Lock)
- Save the World's First Garden City
- Taylor Wimpey (Turley)
- The Crown Estate (Savills)
- Willis Dawson (Pegasus)
- Vistry Group (formerly Linden Group)
- Woods Hardwick representing:  
City & County Projects, Connolly Homes, Countryside Properties, Landcrest Developments, All Land Investments and Pigeon Land

## **Hearing Day 8: Thursday 17 December (Week 2)**

### **Matter 6 – Meeting Housing Needs**

#### **Morning - 09:30 – 13:00**

- 1) Matter 6 Issue 1 – Custom and Self Build – Policy H7
- 2) Matter 6 Issue 2 – Housing Mix, Housing Standards and Housing for Older People – Policies H1, H2 and H3
- 3) Matter 6 Issue 3 – Affordable Housing – Policy H4

#### **Participants**

- Central Bedfordshire Council
- Abbey land (JB Planning)
- Gladman Developments
- Luton Borough Council
- North Luton Consortium (Pegasus)
- O & H Properties (David Lock)
- Taylor Wimpey (Turley)

#### **Afternoon – 14:30 – 17:00**

- 4) Matter 6 Issue 4 – Gypsy and Traveller and Travelling Showpeople Accommodation – Policy SP8

#### **Participants**

- Central Bedfordshire Council
- TBC

## **Hearing Day 9: Friday 18 December (Week 2)**

### **Matter 7 – Retail and Town Centres and Close**

#### **Morning – 10.00 – 13:00**

- 1) Matter 7 Issue 1 – Town Centres, Primary Shopping Areas and Shopping Frontages
- 2) Matter 7 Issue 2 – Changes to Use Class Order

#### **Participants**

- Central Bedfordshire Council
- Biggleswade Town Council
- Keech Care Homes

#### **Afternoon – 14:30 – 17:00**

- 3) Matter 8 Issue 1 Question 1 – Settlement Audit Update
  - 4) Round up session and Close – discussion of next steps, any further actions required, Main Modifications and closing remarks.
- Central Bedfordshire Council
  - CPRE Hertfordshire
  - IM Properties (Barton Willmore)
  - North Luton Consortium (Pegasus)
  - O & H Properties (David Lock)

**Hearing Day 10: Tuesday 12 January (Week 3)**

**Reserve Day**

**Morning – 10.00 – 13:00**

IF REQUIRED

**Afternoon – 14:30 – 17:00**

IF REQUIRED

28 OCTOBER 2020

## **PR11-20 | WHITE PAPER: PLANNING FOR THE FUTURE**

I am writing in response to the MHCLG Planning White Paper: Planning for the Future consultation.

The National Association of Local Councils (NALC) is the nationally recognised membership and support organisation representing the interests of around 10,000 parish and town councils and many parish meetings in England, 70% of which are situated in rural areas. Local (parish and town) councils are the backbone of our democracy and closest to local people, providing our neighbourhoods, villages, towns and small cities with a democratic voice and structure for taking action, contributing over £2 billion of community investment to supporting and improving local communities and delivering neighbourhood level services.

### **Summary**

- NALC is urging the government to ensure any changes to the planning regime enshrine a continued strong role for our sector, the closest level of democratic input to planning the future development of communities and places.
- NALC agrees with the government that the planning system could be improved and should have more emphasis on building design and we endorse the recommendations in the [Living with beauty: report of the Building Better, Building Beautiful Commission](#).
- NALC welcomes the government's commitment to retaining neighbourhood planning and given the vast majority of neighbourhood plans are being led by local councils, we are committed to continuing to working positively constructively to ensure they are strengthened, better protected, support is provided, take-up extended, and to take forward the recent report on the Impacts of Neighbourhood Planning in England.
- NALC urges MHCLG to re-think the changes it has proposed in the Planning White Paper and in 'Changes to the Current Planning System'.
- The changes would result in a democratic deficit, do not meet NALC's aspirations for greater devolution opportunities to be offered to local councils, and would not tackle the key issue slowing down the delivery of more housing that was identified by Sir Oliver Letwin in his report [Independent Review of Build Out](#) which he presented to Parliament in October 2018.

- Sir Oliver Letwin identified that the key problem was the market absorption rate, i.e. the rate at which builders were prepared to deliver homes which would ensure their market price in any given local area was not affected adversely. Sir Oliver, whose report was commissioned by the chancellor of the exchequer, expressed support for master planning (which is not mentioned in the current consultation documents) and the use of 106 agreements (which, it is proposed, should be dropped, despite these agreements having delivered significant affordable housing).
- Whilst the narrative in the two consultation documents says much about having a planning system that is fit for purpose, inclusive and which improves public trust, the proposals come on top of a significant extension to permitted development rights and they:
  - Dictate the amount of housing each Local Planning Authority (LPA) has to deliver, based on an algorithm geared to delivering over 300,000 housing units per year – despite a lack of verisimilitude for that over-arching figure and despite falling population projections.
  - Require LPAs to divide all land into one of three (or possibly only two) zones, ensuring that the two development zones ('Growth' and 'Renewal') together are large enough to accommodate the housing they have been instructed to supply, thereby forcing the LPAs to not place land in the 'Protected' zone which would be worthy of being there.
  - Allow only 30 months for the evolution of and consultation on Local Plans and thereafter remove from principal authorities the right to decide on planning applications on a case by case basis and the right of local councils to comment upon them.
  - Abolish Sustainability Appraisals and question the value of the 'Duty to Co-operate' between neighbouring local planning authorities and Strategic Environmental Assessments.
  - Do nothing to strengthen Neighbourhood Plans and stop them from being overturned when principal authorities cannot meet housing numbers or housing land tests and do not tackle the community capacity problem if they have to be reviewed every five years.
  - Do not recommend that a percentage of the income to LPAs from developers is automatically distributed via local councils for the benefit of their local communities.

- Do not align with the climate change agenda (N.B. NALC has declared a climate emergency).

### **Specific NALC planning positions concerning the White Paper**

NALC recently adopted the below specific positions in response to the publication of the Planning White Paper:

- NALC has signed up to the proposition that there is a climate emergency and will, therefore, as a general principle, promote and support moves and policies which help to mitigate it. For instance, NALC supports the need for Local Plans and large developments to be subject to environmental appraisals and it supports energy-efficient homes and more trees.
- NALC will support a planning system which incorporates a significant role for local councils. It will not support any diminution of town and parish councils' statutory right to comment on planning issues at all stages of their evolution, whether they be development planning matters or spatial planning policies.
- NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land and which represents the three pillars of sustainability equally, i.e. social, economic and environmental factors.
- NALC will support changes to the planning system which it perceives will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments. It will not support planning changes which it perceives will work in the opposite direction.
- NALC would support a very much strengthened version of the 'duty to co-operate' between neighbouring local authorities or an alternative policy which made it compulsory for neighbouring LPAs to work in close co-operation with each other on spatial planning.
- NALC does not support an across-the-board extension of permitted development rights in the planning system. Policies on permitted development rights should be the prerogative of LPAs in their Local Plans or Neighbourhood Forums.
- NALC supports the recommendations of the Building Better, Building Beautiful Commission.
- NALC recognises the need for more affordable housing and would welcome initiatives that would enable LPAs and local councils to deliver some. Also, NALC would like to see more housing delivered that is



suitable for the disabled and those with mobility impairments and also a range of different types of tenures facilitated.

- NALC wants to see a fair infrastructure levy system which gives local councils a voice and benefits them financially so that they, in turn, can deliver more for their local communities.
- NALC has concerns about housing tests based on standard methodologies/algorithms. It wants to see a planning system which recognises that every planning application and every location is different.

The Planning White Paper does not meet NALC's policy positions. Nor does it meet NALC's aspirations for greater devolution opportunities to be offered to local councils. The White Paper limits engagement with Local Plans to a six-week consultation period at the preparatory stage and it removes from local councils (as well as principal authorities and the public) the right to engage with planning applications in most instances.

The White Paper expresses a wish to increase the engagement of residents and communities in the planning system. Good engagement already exists through Neighbourhood Planning. The typical level of community engagement in developing a Neighbourhood Plan is dramatically greater than is the case for a Local Plan.

Much important detail is missing from the Planning White Paper but it appears to wish to confine the input of local councils and neighbourhood forums primarily to helping to draw up design codes.

Instead of empowering local communities (something the government has committed to doing) and giving them more say on planning issues, the White Paper seeks to impose centralised development policies and housing numbers from the top down.

NALC cannot support the thrust of the White Paper and it cannot support the majority of the specific land-use proposals. It urges the government to look again at how the planning system can be improved in a way which does not try to impose an overly simplistic framework and which does not prevent principal authorities, local councils, neighbourhood planning groups, other stakeholders and the general public from having a meaningful say in the process.

## Consultation questions

NALC's responses to the consultation questions are as follows:

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

**Up to enactment of the Planning and Compulsory Purchase Act of 2004,** the three words that could have been most closely associated with the planning system in England were:

**(1) Detailed, (2) Reliable and (3) Fair.**

However, that Act of Parliament did away with detailed Local Plans which were a pillar of the system and introduced instead less specific, higher-level Local Development Frameworks. This was followed in 2010 by the revocation of the Regional Spatial Strategies (RSS) which, by then, were functioning well and ensuring that there was a holistic element to Local Plans in any one region. RSS had caused LPAs to operate in close alliance with each other, to understand the 'bigger picture' and to learn best practice from each other. But, following their revocation, LPAs (by and large) returned to silo working. Apart from a few instances where LPAs have come together for financial reasons or, more recently as part of Combined Authorities, most have not engaged in the sort of close co-operative working recommended for plan-making.

Also, in 2012, the reliably detailed Planning Policy Guidance and Planning Policy Statements were revoked, along with much other planning legislation, and replaced by the less specific National Planning Policy Framework which has generated much legal argument and interpretation. This, combined with further deregulatory reforms and a statutory requirement for LPAs to meet formula-derived housing numbers and housing land allocations, has resulted in a system that is hugely different from that of less than 20 years ago. Consequently, the three words which now best describe the planning system are:

**(1) Unspecific (as explained), (2) Misguided and (3) Unfair.**

Misguided because of the way that developers (as described in the Letwin review of 2018) have been allowed to dominate the system, despite objections from LPAs, local councils and communities and unfair because

only developers have a third party right of appeal against planning decisions. Local councils should also be able to appeal decisions.

Any further changes to the planning system must not exacerbate these shortcomings or reduce democratic input and should aim to introduce a robust system of joint LPA working on important spatial planning issues involving roads, large scale infrastructure proposals and matters such as Green Belt and Green Gaps.

## **2. Do you get involved with planning decisions in your local area? [Yes / No]**

Yes – planning is the single biggest issue for local councils in England. NALC has well over 30 planning positions. Though England's 10,000 local councils (NALC's members) are the entities in our sector who are involved directly in planning applications in their areas.

Local councils currently have a statutory role in commenting upon planning applications. They take that role extremely seriously. Local councils are the grassroots eyes and ears of the community. They are often able to offer information about local circumstances that the principal authority is not aware of. They also frequently find themselves reminding the LPA of relevant provisions in Neighbourhood Plans, supplementary planning documents, Parish Plans, Village Design Statements etc. This function has become increasingly important since more local planning authorities have farmed-out planning work to contractors. Also, it needs to be recognised that whenever contentious planning applications arise, the first port of call for objectors is the local council, where one exists. It cannot be overstated how many local councils value their role in commenting upon planning applications. It would be a major loss of their democratic voice if they were to lose this, just as it would be a loss of principal authorities' democratic rights if they were no longer able to make planning decisions.

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

NALC does not agree with the proposition that the proposals in the Planning White Paper will *"make it much easier to access plans and contribute [the views of local councils] to planning decisions"*. The proposals would (1) reduce the number of opportunities whereby local councils – and members of the public – could interact with the formulation of the Local Plan, (2) reduce the

time within which it would be possible to interact, (3) remove opportunities to influence the details of planning applications and obligations placed upon developers, (4) remove the opportunity local councils currently have to engage in S106 agreements and secure bespoke provisions for the local community and (5) make the planning system much less specific and less open to influence by the local communities which have to live with the outcomes. Local councils wish to remain statutory consultees and for their comments to be given more weight. NALC also emphasises to MHCLG that the ability for a community to shape its area through neighbourhood planning is an important part of the social role of planning.

**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]**

Of the more specific options offered, the answers to this question will inevitably vary by local area. However, the point which NALC would make in response to the question is that without environmental resilience and without prioritising biodiversity and action on climate change nothing else can exist. NALC has declared a climate emergency. It believes that serious measures are necessary to address them. Establishing a looser planning system is not the way. Via local councils in parished areas - whatever works to reach local councils in different planning authority areas (all media). NALC again emphasises to MHCLG that the ability for a community to shape its area through neighbourhood planning is an important part of the social role of planning.

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

Of the more specific options offered, the answers to this question will inevitably vary from local area to local area. However, the point which NALC would make in response to the question is that without environmental resilience and without prioritising biodiversity and action on climate change nothing else can exist. NALC has declared a climate emergency. It believes

that serious measures are necessary to address them. Establishing a looser planning system is not the way.

NALC supports Proposal 24 - to significantly strengthen enforcement powers and sanctions – but not concerning the new planning system being promulgated (which we do not endorse). This strengthening is needed now concerning the current system and should include an obligation on local planning authorities to take action where planning rules are broken.

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

No. NALC asks MHCLG to reconsider its decision to require local authorities to review their Local Plans every 5 years. The concept of Growth Areas, if widely adopted, will lead to large increases in house building with fewer controls than at present. NALC does not agree that Local Plans, which underpin so much of what contributes to the quality of life, should be simplified. We would mount the contrary argument. Having detailed Local Plans that are carefully constructed after extensive research and consultation ensures more certainty and allows for proper democratic input and less challenge by developers. NALC agrees that the country needs more affordable homes but does not agree that the way to achieve them is by further simplifying the planning system. The system needs to be tightened to ensure that developers build-out their planning permissions and deliver the affordable homes they promise at the outline permission stage. In far too many instances, developers apply for and are granted outline planning permission for developments where they offer to provide a significant percentage of affordable homes. However, they then subsequently return to the LPA with questionable viability assessments showing that they cannot afford to deliver what they originally promised and are ultimately granted detailed planning permission for fewer affordable homes or, in many cases, none.

**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 a supporting statement.]**

No. We believe that this approach risks severely limiting the power given to local communities to determine the best development strategy for their area.

We support the wider use of design codes, especially local codes developed through Neighbourhood Plans. If they are going to receive public support such design codes must be robust and legally enforceable. To ensure there is an

effective level of localism within the system where a design code has been developed through a Neighbourhood Plan this should take precedence over a district-wide or national design code.

Permitted development rights have already been significantly extended, leading to some inappropriate developments in the countryside, some ugly extensions and overly small living units in former office buildings. Now the White Paper proposes to enable “popular and replicable forms of development to be approved easily and quickly, helping to support gentle intensification” - and it makes several references to “gentle densification”.

NALC have concerns about the continued extension of permitted development rights. Those which have already been instituted are changing the characteristics of some villages and neighbourhoods already. Densifying rural settlements may be appropriate in some cases and some locations but it would be wrong to assume that it would work – and be acceptable – across the board. Urban areas are different from semi-urban areas, which are different from semi-rural ones, which are different from rural ones. Every market town, village and sparse rural settlement has its unique characteristics, aspirations and housing needs. It is inappropriate to try and introduce a ‘one rule fits all’ approach.

**7. 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 a supporting statement.]**

No. There is no crystal-clear definition in the White Paper as to what would constitute the proposed new ‘single sustainable development test’. There is undoubtedly room to improve sustainability appraisals and strategic environmental assessments and how they are judged. For instance, Local Plans should be required to demonstrate how they will reduce greenhouse gas emissions. But, it is not possible to support scrapping SAs and SEAs for an as yet undefined new test.

The requirement in the National Planning Policy Framework (NPPF) for a five-year land supply for housing needs to be either dropped because of the way it has been allowed to override carefully prepared Local Plans and Neighbourhood Plans or amended and clarified in a way which prevents developers riding roughshod over the wishes of local communities and endorsed planning policies. The proposed reduction in local plan tests is not



something to be supported. What is needed is a proper insistence on the present tests.

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

(i) Environmental issues should not be treated lightly and/or in a manner which makes them too easy to dismiss in a 'tick box' manner, particularly at a time when the UK is committed by statute to achieving a carbon zero situation. Environmental capital must be addressed with due care and attention - in all its facets - whether this is in respect of air pollution, carbon sinks, wildlife, trees or whatever. NALC, plus a large percentage of individual local councils have signed up to the concept that there is a climate emergency. Also, along with 35 other organisations, NALC is a signatory to the Charter for Trees which the Woodland Trust instigated. We welcome the government's commitment to ensuring that trees are planted in urban streets, but it is important that not only protections remain for ancient woodlands, veteran trees and other specified trees but also that promises to plant new woodlands are kept. Trees absorb excess water and prevent damage from run-off and mudslides as well as capturing carbon. Also, NALC would like to see environmental appraisals retained as a fundamental part of a sound planning system.

(ii) The 'duty to co-operate' for local authorities has not worked as intended. For instance, LPAs are merely required to demonstrate that they have had meetings or conversations with each other, not that they have necessarily come to agreements and engaged in close co-operative working. However, some version of statutory cross-border working needs to exist to avoid unnecessary conflict and to ensure that, for example, the same jobs and economic benefits are not counted more than once by two or more adjoining LPAs. Planning inspectors adjudicating over examinations in public have tended to accept employment and economic projections without testing too closely the employment and economic projections of those authorities that share boundaries with the one they are examining. Over-counting is not a good practice. It can lead to the release of more land for development than is necessary. In future, those LPAs which fall within Combined Authority areas can be regulated to comply with a duty to co-operate via the area-wide spatial frameworks. Other areas will need to be regulated differently in the absence of regional government.

**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 a supporting statement.]**

No. A one size fits all approach does not work here. Local circumstances need to be taken into account. Any standard methodology applied across the board carries the risk of being unfavourable in some areas simply because fixed methodologies /algorithms cannot accommodate the vast range of individual local circumstances that exist that need to be taken into consideration in a fair planning system.

This is why it has been considered entirely appropriate hitherto to have teams of professional planners and other specialists come together to draw up Local Plans and then to have them adjudicated upon individually and independently. The danger of inflicting algorithms in circumstances where there is any number of variables has been highlighted recently with their application in the education system. The same mistake should not be made with the complex issue of what gets built where. It has already become apparent that, despite the government's commitment to focus development on brownfield areas, the algorithm proposed focuses significant development on areas which would have to re-allocate green-fields and countryside as 'growth zones' to meet housing targets. Also, it is understood that the intention, once zones and regulations for those zones are agreed, is that computer programmes would largely control planning decisions in future.

**(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 a supporting statement.]**

No - not solely, they are not. There are several factors which should be taken account of (including transport infrastructure). The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to Housing Associations and a failure to make use of empty properties that could be used for housing for local people. There also needs to be a review of all town centres to potentially reduce the retail and commercial areas and re-assigning parts of those areas for residential use. More people living immediately adjacent to town centres would mean more business for the remaining retail units.



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

No. This question assumes that the concept of growth zones is the right one and that the growth zones identified are appropriate and unchallengeable. It is a question posed very much from the perspective of a desire to promote/carry out unhindered development. It is not posed in a neutral manner which accepts that there is an alternative perspective - that of local communities living in or adjoining the proposed growth zones. The concept of zoning in such a simplistic manner is not supported by NALC and therefore the concept of allowing fast-track planning in such zones is not supported. This is also a view shared by the Foundation for Integrated Transport which produced the much-acclaimed report 'Transport for New Homes' in 2018. This would require safeguards if it was to proceed.

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

No. The proposals for these zones are founded on the same questionable principles as those for the growth areas. The concept of zoning in the way proposed is not appropriate and should be dropped. Also, it is understood from the proposals that local authorities would need such an exceptionally powerful reason for refusing consent that they would, in effect, be rendered mute. We are making the case here to MHCLG that if it goes ahead and reduces the timeframes involved in planning appeals, it must factor in the need to ensure that local communities are given sufficient time to take part in the process.

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

No. Local councils would need to be legally consulted regarding new settlements in their area first. The NSIP regime is particularly unfavourable to objectors - as those who have tried to engage with it have discovered. It relies heavily on consultation upfront, which can be ignored, and then - once the formal process starts rolling - the process heavily favours the proponent.

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

No. There is no proven or automatic connection between a speeded-up planning system and a good one and there is no evidence that decision making on the subject of planning would be better for being subjected to the strictest methodologies/algorithms and to being automated. There is any number of aspects to good planning which rely on a combination of professional judgement and local knowledge/discretion. It is difficult to see how a sound system is equitable with a de-humanised one and one which is significantly less democratic than the present system. It is worth quoting the Building Better, Building Beautiful Commission' report of January here: *"councils need radically and profoundly to re-invent the ambition, depth and breadth with which they engage with neighbourhoods as they consult on their local plan. More democracy should take place at the local plan phase"* (page 3). The Planning White Paper exalts this report.

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

Yes. Local Plans can be viewed online now. However, there is a case for greater mapping detail to be made available remotely to the public and there is also a case for all LPAs to adopt the same digitised system. As a broad principle, therefore, the idea is supported – although the point has to be made that improving digitised access will not necessarily increase engagement. When introducing web-based Local Plans - account should be taken of the fact that there are still significant areas of the country where broadband availability would limit access. Care must also be taken when introducing web-based Plans to ensure that some communities are not excluded because of limited access to the necessary equipment to review the Local Plan. Stakeholders will want to feel that they can have an impact on planning outcomes. All that appears to be on offer in the Planning White Paper is an easier way to view planning decisions already made.

What is not supported is the concept of zoning as is currently being consulted upon and of that being the reason/driving force for more accessible web-based Local Plans. Planning authorities should include 'Insert Maps' for all villages, regardless of whether or not they have been allocated development growth in the Local Plan or Local Development Framework. The delineation of

the village envelope is an important tool in development control and in halting encroachment into the countryside.

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

No. Essential components of a Local Plan are that it is a soundly based and reliable tool for the most sustainable allocation of land, arrived at following detailed consideration of social, economic and environmental factors. And there has to be a robust democratic process in place. Sound Local Plans which have been thoroughly researched and not only consulted upon but which have taken into consideration the results of that consultation cannot be produced in 30 months. The land is a finite resource and must be treated as such. Once green fields and important open spaces are lost, they are lost forever. The whole process cannot be rushed if it is to be done well. It should be the case that the objectives of any process should meet the neighbourhood planning process, not the other way round.

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

Yes. NALC supports a strengthened Neighbourhood Plan system. However, the government needs to understand that there is no point retaining neighbourhood plans whilst at the same time introducing ever more criteria which, if the principal authority fails to meet, results in the over-ruling of both Local Plans and Neighbourhood Plans. Currently, Local and Neighbourhood Plans are rendered void if the principal authority fails to achieve centrally set housing land use requirements and/or housing test numbers. Also, there have been other factors which have also been allowed to render Neighbourhood Plans ineffectual. This is not fair to local councils and local communities which have pulled themselves through the challenging Neighbourhood Plan process. The many potential pitfalls are outlined in NALC's publication 'Where Next for Neighbourhood Plans?', published in 2018, which also contains several recommendations as to the way forward (<https://www.nalc.gov.uk/library/publications/2755-where-next-for-neighbourhood-planning/file>).

Neighbourhood plans should be retained; it should be the case that the objectives of any process should meet the neighbourhood planning process,

not the other way round. We agree with Locality that Neighbourhood Plans should not simply become Village Design Statements – their relevance to influence local growth should be retained.

**(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?**

There is already the opportunity within the Neighbourhood Plan process for communities to express preferences on design but, that said, it could be emphasised more. The matter of greater use of digital tools would depend on the competence of the Neighbourhood Forum concerned. However, there is also an issue at the local community level of ongoing capacity and willingness to contribute voluntary time, especially given the current government recommendation – that Local Plans should be reviewed every five years. If Local Plans are reviewed, then any Neighbourhood Plans attached to them would also need to be reviewed. Such a constant turnover of Local and Neighbourhood Plans is not desirable, creates a lack of certainty and causes a major issue of finding volunteers to keep serving on Neighbourhood Forums. NALC would suggest that a Local Plan review period should be 10 years. This process would be aided by granting more time to produce NPs and promoting increased NP grants in the local government and community sectors.

Keynsham Town Council is currently working in conjunction with English Heritage to produce a design guide for their main High Street and conservation area. This design guide will be incorporated into the Keynsham Neighbourhood Plan.

**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 a supporting statement.]**

Yes. Over the last decade, developers have failed to build out roughly one million homes for which they have planning permission. Figures released in February showed that 2,564,600 homes had been granted planning permission by local planning authorities since 2009/10 – but only 1,530,680 were completed (source: LGA). The problem with the lack of supply of housing does not lie with the planning system. Sir Oliver Letwin, identified in his 2018 review of 'build out' on behalf of the government that the bottleneck on housing delivery was due to "the market absorption rate" – the rate at

which newly constructed homes can be sold on the local market without materially disturbing the existing market price. A most effective way of speeding up build-out would be if there were a financial penalty and a threat of removing permission from developers if they do not build-out within a given period, e.g. five years for a medium-sized development.

**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]**

Other - national organisation. This is a national response on behalf of NALC and therefore is not specific to only one area. However, we agree with the opening statement in the Building Better, Building Beautiful Commission's report of January 2020, 'Living with Beauty', i.e: *"All around us we see ugly and unadaptable buildings, decaying neighbourhoods and new estates that spoil some treasured piece of the countryside or are parasitic on existing places, not regenerative of them."*

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

Other - sustainable planning applications in parished areas. This is a national response on behalf of NALC and therefore not specific to one area. NALC would comment here that it supports the three-legged stool of sustainability, i.e. that social, economic and environmental matters are all given equal weight in policy and decision-making. This needs to happen alongside climate change considerations. Therefore, we can endorse all of the suggestions made in the question as to a more sustainable way forward, i.e. *"More green and open spaces, energy efficiency of new buildings and more trees"*. Also, protect ecosystems to protect food security. Also, we would appeal for a statutory requirement that new developments make adequate provision for health care, education and leisure. The developments in Rothley (Leicestershire) have been very extensive and will continue but with little thought given to the provision of school places, medical facilities and other amenities. Other responses NALC received were mixed.

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

Yes. NALC notes and welcomes the government's commitment to "*effective inputs from the local community*" (page 40). We also look forward to the consultation on further recommendations by the Building Better, Building Beautiful Commission. That said, we find it somewhat puzzling that on the one hand the government has continued to extend permitted development rights but, on the other, is expressing a desire to have higher design standards. These two different approaches do not mesh together coherently. It is also disappointing that the focus is so entirely on new build and not on improving extant buildings. And, additionally, it is unclear from the White Paper how design codes would be enforced and what powers would be available to LPAs in the event of breaches of the code. The existing role of local councils in examining and responding to, planning applications, should be enhanced.

The other key point to make here is that there should be a requirement for design codes to set zero carbon criteria. Every aspect of planning needs to work towards climate change targets.

**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 a supporting statement.]**

Yes – if this helps enforce agreed planning conditions. NALC very much supports the concept of each LPA having a chief officer for design and place-making but, given the straitened times that principal authorities are working within, we wonder how this might be enacted on the ground. Would it, for instance, be considered acceptable for LPAs to simply give the title to an existing planning officer in addition to their existing duties? We recognise and welcome the government's promise to improve the resourcing of planning departments (para. 3.12), but are deeply concerned to note that this is tied together with "*streamlining plan-making*". There is a need to bolster planning departments, which have suffered during the recent period of austerity. The need, however, is to have more trained planners in post, making professional judgements – not computerised systems which make decisions without taking all the local circumstances into account.



**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 a supporting statement.]**

Yes. NALC supports this proposal. The government needs to ensure that planning conditions imposed to allow the grant of planning permission is enforced. This does make sense – provided Homes England has regard to local councils when framing its objectives around beauty and design.

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

No. NALC does not support the fact that this proposal is tied together inextricably with the zoning proposals. We do not approve of the proposals for zoning as currently set out. There is a need for planning applications to be found to be premature from the very early stages of neighbourhood plan preparation, depending on the scale and significance of any unresolved objections and the scale of community support. Whilst it is right that the Ministry wants to improve design quality – there is a fear amongst local (town and parish) councils that faster building will mean even less meaningful consultation with themselves, although they are the first tier of local government.

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

Nationally – more affordable housing in parished areas. The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to housing associations and a failure to make use of empty properties that could be used for housing for local people. As stated in response to question 8 (b), there is also the issue of making better use of failing town centres. There is a case for reducing the size of the retail and commercial elements and replacing some areas with housing. This would utilise brownfield land and bring life back to the remaining town centres. However, this needs to happen following a proper master planning exercise – not by simply zoning.

**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 a supporting statement.]**

Other - but local councils would still then have to yield 25% of IL receipts where they had made NPs and IL regimes should be made mandatory for adoption by LPAs for this to have a chance of working. This is a national response on behalf of NALC. We recognise that each planning application and each area is different. In some instances, more affordable housing may well be the priority, whereas – in others – it may be one of the other aspects listed. It is because every planning application and every set of local circumstances is different that we contend it would not be appropriate to create zones which are governed by a set of generic rules any more than it would be appropriate to do away with the ability of principal authorities and local councils to comment upon individual planning applications. IL would also have to be enforced properly so that residents in parished areas benefitted proportionately.

**(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]**

Set locally by the LPA in consultation with local councils who should also receive a percentage of the IL to be used for the benefit of their local communities.

**(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 a supporting statement.]**

More value: the same principle would therefore apply to IL; that there would need to be a fair distribution of monies from IL to residents of parished areas. If local councils can derive more community benefit from IL than from CIL and S106 and the monies can be distributed in a more timely and fair way – then we would support this.



**(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 a supporting statement.]**

Yes – but this should be the choice of the LPA in consultation with local councils. IL will need to ensure that, broadly speaking, small communities can respond to the impact of development. Borrowing should only be approved if the community will benefit – after consultation with local councils.

**23. Do you agree that the scope of the reformed infrastructure levy should capture changes of use through permitted development rights?]**

No. S106 planning obligations have been a very useful tool through which local councils have been able to obtain community benefits from developers. Local councils must retain the right to play their part in negotiations which can secure new local community assets. The government should first review Part B of the schedule to the Town & Country Planning (Use Classes) Order 1987 (SI 764).

**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 a supporting statement.]**

Yes. The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to housing associations and a failure to make use of empty properties that could be used for housing for local people. There is a need for more affordable housing in rural and parished areas than ever before. So yes – MHCLG 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. NALC does not support the recent changes to permitted development rights. We concur with the 2018 Raynsford Review final report which called for *“the restoration of development management powers that have been lost as a result of the extension of permitted development rights”*.

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

Yes - In-kind payment. Affordable housing should be secured as in-kind payment towards the Infrastructure Levy.

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

Yes.

**(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 a supporting statement.]**

Yes. The government should reverse the negative impact on the availability of affordable social housing caused by factors such as the reduced contribution to housing associations and a failure to bring back into use sufficient numbers of empty properties that could provide housing for local people.

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

No. But the government should give local councils the freedom to spend Infrastructure Levy monies (developers' contributions) on leisure and recreation facilities as they judge to be necessary. Local authorities should be given greater leeway to spend their own IL receipts after consultation with local councils. And local councils should be given more freedom to spend their IL receipts on leisure and recreation facilities as they judge to be necessary for their areas using the Neighbourhood Share.

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

Not sure. Controls need to be in place around what will be substantial sums of money and there may be an argument for having a percentage of the income explicitly devoted to affordable housing. However, there should also be a provision that a percentage of income from development is allocated to local councils which are sharing the burden of housing development and is required to take on ever more community responsibilities.

**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?**

Yes. The needs of disabled people and those with mobility impairments do not appear to have been dealt with in the Planning White Paper, even though there is a shortage of homes for wheelchair users and others with special mobility requirements. This is despite a report by the Equality and Human Rights Commission which highlighted how many disabled people suffer serious deterioration in mental wellbeing because of the unsuitable accommodation they have to put up with.

Should you require any further information on this response please do not hesitate to contact Chris Borg, policy manager, on 07714 771049 or via email at [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk).

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