

Report to Sustainable development panel
18 July 2018
Report of Director of regeneration and development
Subject Planning policy update and work programme

Item

6

Purpose

To update members on the current work programme of the Planning Policy team and to set out the key work items that are expected to be reported to Sustainable Development Panel in coming months.

Recommendation

To note the contents of this report.

Corporate and service priorities

The report helps to meet the corporate priority a prosperous and vibrant city, a safe, clean and low carbon city, and a healthy city with good services.

Financial implications

None

Ward/s: All Wards

Cabinet member: Councillor Stonard - Sustainable and inclusive growth

Contact officers

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Judith Davison, planning policy team leader 01603 212529

Background documents

None

Report

Purpose

1. This report summarises key elements of the council's planning policy work programme, including strategic planning activity including the Norfolk Strategic Planning Framework (NSPF) and emerging Greater Norwich Local Plan (GNLP), and local planning policy issues. It also includes responding to changes in national policy guidance.
2. It identifies reports which are expected to be discussed by Sustainable Development Panel in the current civic year 2018-19.

Norfolk Strategic Planning Framework

3. Following the endorsement of the first version of the NSPF in March 2018, work is now under way on updating the document in light of the anticipated content of the revised National Planning Policy Framework (NPPF) (which is due to be published by government on 26 July) and commitments made in the current NSPF. The NSPF work programme centres on the update of the NSPF and developing this into a Statement of Common Ground.
4. Key aspects of the NSPF work programme for 2018 include:
 - (a) Developing the NSPF into a Statement of Common ground covering the whole of Norfolk.
 - (b) Review of agreements in the NSPF to ensure they fit the government guidelines on the Statement of Common requirements.
 - (c) Review of the impacts of the new housing methodology on the housing section and the ability of each authority to meet its own housing needs. This will involve writing to each authority involved in the NSPF and all neighbouring authorities, on behalf of the Norfolk wide Member Forum, to formally confirm if they will need to seek assistance from their neighbours to meet their housing need.
 - (d) Review of the section on delivery issues and proposed actions to take forward jointly.
 - (e) Producing a GI Strategy for Norfolk and review of GI section within the NSPF; and
 - (f) Commissioning a study looking into housing with care and other specialist housing needs which will include a supported and agreed planning and housing need evidence base.
5. A report to Sustainable Development Panel is anticipated in September in relation to point (c) above, to provide Norwich City Council's response to the Norfolk wide Member Forum on the issue of housing need.
6. It is also anticipated that the draft revised NSPF (which will serve as a formal Statement of Common Ground as anticipated to be required by the NPPF) will be reported to the sustainable development panel in December, which will then be consulted upon in early 2019.

Greater Norwich Local Plan

7. Progress on the emerging GNLP is set out in a separate report to this Panel meeting: see this report which provides feedback from the Regulation 18 consultation and the revised plan production timetable. Despite the slippage to the timetable, significant progress has been made on the emerging plan which is now expected to be adopted by September 2021.
8. The next stages include:
 - (a) A report to the Greater Norwich Development Partnership in September providing detailed feedback on the Regulation 18 public consultation
 - (b) A verbal report to panel in September (prior to a report to GNGB later that month) on the content of the consultation on newly proposed and revised allocation sites due to commence in October.
 - (c) It is anticipated that there will be further reports in early 2019, feeding back from the consultation and on the development of strategy options.

National planning policy

9. As reported to this panel in March, the National Planning Policy Framework and guidance on Developer Contributions were published for consultation in early 2018, alongside associated documents including draft planning practice guidance. The city council's response to both consultations was informed by the panel debate and was issued under delegated powers in advance of the 10 May deadline. Copies of both responses are appended (NPPF response appendix 1, developer contributions response appendix 2).
10. It is expected that the final NPPF will be published on 26 July, a timetable which suggests that the scale of change to the emerging document may not be great. The council's response to the revised NPPF will be dependent on its content and this may involve either reporting back to this panel in the autumn and/or training sessions being run for members of sustainable development panel and planning applications committee.

Local policy issues

11. Work is currently underway on several housing policy issues namely affordable housing, student housing, and housing in multiple occupation (HMOs). Given that these are related issues, it is important that they are considered in the round and that reports are taken to the sustainable development panel in relatively close proximity.

Affordable Housing

12. A council resolution in September 2017 stated that Norwich is losing out on affordable housing due to developers producing viability assessments that allow them to avoid affordable housing obligations. It asked cabinet to consider, amongst other things, that the supplementary planning document (SPD) makes viability assessments publicly accessible online and therefore

open to public scrutiny, and for the SPD to clarify what is meant by 'reasonable profit' of a developer.

13. A review of the current SPD is underway. This is required to address any changes to policy that arise out of the NPPF, in addition to addressing the issue of viability. It is anticipated that a report will be taken to sustainable development panel in the autumn, likely to be October. This timing should enable the revised SPD to take full account of any revisions to the NPPF.

Student Housing

14. Given the major growth in planning applications and requests for pre-application advice for purpose built student accommodation (PBSA) in the last couple of years, there is a need to better understand current and future need for new student housing in Norwich in order to inform planning policy implementation and planning decision-making.
15. Planning practice guidance states that local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Student housing provided by private landlords is often a lower-cost form of housing. Encouraging more dedicated student accommodation may take pressure off the private rented sector and increases the overall housing stock however it is important that this is informed by an up-to-date assessment of the need for this form of accommodation.
16. The council is currently working with UEA and NUA to better understand the current and future need for PBSA, with a view to providing guidance for student accommodation to inform planning decision making. It is anticipated that draft guidance will be reported to the sustainable development panel in late 2018.

Housing in Multiple Occupation (HMOs)

17. A cabinet resolution in September 2016 asked the sustainable development panel to reconsider the approach for managing HMOs across the city taking account of a number of issues including take-up of the voluntary accreditation scheme for HMO properties, the impact of planned welfare reform, and plans for the growth of academic institutions and implications for number of students and purpose built student accommodation.
18. Although HMOs can impact on residential amenity, they are an important element of supply for the student housing population and may be an increasingly important housing choice for those affected by welfare and tax reforms given the reduction in social and affordable rented opportunities.
19. Work on HMOs will help inform work on the student accommodation issue. National planning practice guidance requires plan-makers to 'consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university provided accommodation'.

20. It is anticipated that a report will be taken to the sustainable development panel by the end of 2018 considering a policy response to HMOs.

Monitoring

21. A review of Norwich's retail monitor is current underway based on a survey of retail uses carried out in June 2018. This will be reported to sustainable development panel in the autumn and will update the most recent retail monitor which was published in 2016. The retail monitor will report on vacancy rates and changes of shop type across the city and will help ensure that the council can measure the implementation of retail policies.
22. The Joint Core Strategy Annual monitoring report (JCS AMR) is produced by the GNLP team on an annual basis and is likely to be reported to the sustainable development panel by the end of 2018 or early 2019. This will report progress on implementation of JCS policies and Norwich's local planning policies.

Local Development Scheme (LDS)

23. As referred to in the GNLP report, changes to the GNLP timetable will require revisions to the LDS for the Greater Norwich districts. The intention is to prepare a revised LDS for Norwich for discussion at September's meeting of the sustainable development panel.

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

Your details

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

[Click here to enter text.](#)

Please provide the name of the organisation (if applicable)

Norwich City Council

Chapter 1: Introduction

Question 1

Do you have any comments on the text of Chapter 1?

No comment

Chapter 2: Achieving sustainable development

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

No comment

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Not sure

Please enter your comments here

The consultation states that the revised NPPF tightens the evidence expected to support the production of a 'sound' plan, which is welcomed, however it would be helpful to provide further information in paragraphs 25 and 33 as to what would be considered 'proportionate'. This could include some examples or case studies for different types of evidence.

The Council welcomes revisions to the 'positively prepared' and effective' tests of soundness to make more specific reference to joint working and statements of common ground. The Council also welcomes the 'justified' test which now refers to 'an appropriate strategy'. This should help speed up local plan production by helping local planning authorities to better judge evidence requirements and potentially reducing local plan examination timescales.

Question 6

Do you have any other comments on the text of chapter 3?

Norwich City Council welcome the requirement to produce a SOCG in accordance with the approach set out in the draft planning practice guidance. It is considered a proportionate way to manage the duty to co-operate in the absence of any democratic mechanism to prepare genuinely strategic plans in most of the Country. We would point to the recently adopted Norfolk Strategic Planning Framework as an example of good practice in how such documents may be delivered in practice. Details of this document can be seen at:

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/norfolk-strategic-planning-member-forum>

The approach to viability assessments is an area of great concern to Norwich City Council, in particular the proposed greater emphasis on viability at plan-making stage and to a lesser extent at decision-making stage. It is considered that the emphasis on assessing viability at plan-making stage will result in a lengthier plan process, given the level and site-specific detail of evidence required, but is very unlikely to prevent the need for later assessment of viability at decision-making stage. Many factors can change between the adoption of a local plan and subsequent decision-making on a planning application, for example, land values, build costs, market conditions, changes in national policy, infrastructure provision etc. Provision of viability assessment at plan-making stage is unlikely to avoid potential challenge from developers on viability at application stage.

Most of the content of the draft Planning Practice Guidance is helpful with the exception of the comments on viability being assessed at plan making stage, discussed above, and the section on developer's' profit. The guidance suggests that the latter is fixed at 20% of GDV for plan making viability assessments however this should be revised to refer to 17.5-20% of GDV depending on the risk profile of the development.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Not sure

Please enter your comments here

The proposal to make all viability assessments publicly available is welcomed.

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

No

Please enter your comments here:

It would be counter-productive to set out specific circumstances where viability assessments to accompany planning applications would be acceptable – the current proposal allows for some flexibility.

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

Norwich City Council supports the use of review mechanisms in appropriate circumstances where they can help to deliver sites that would otherwise stall, for example large or multi-phased development with marginal viability, in order to capture increase in values over time. Use of review mechanisms in these circumstances could help increase development viability and result in greater benefits to residents through provision of infrastructure. It is important that there is local flexibility about how to apply this approach. However there is not much detail in the Planning Practice Guidance about how to achieve this without impacting on developer certainty and potentially on the deliverability or viability of schemes.

Question 10

Do you have any comments on the text of Chapter 4?

The text of paragraph 54 is unclear. The wording should be changed to make clear that article 4 directions should be capable of being used to promote the well being of an area i.e.

not simply to protect something existing but also to do something positive to deliver a strategy, such as ensuring a good level of supply of commercial premises suitable for new business. There is also little point in restricting the demolition of local facilities if the use of the facility cannot be protected. It is therefore suggested that this section is reworded as follows:

“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to promote the wellbeing of the area or to protect local amenity (this could include the use of Article 4 directions to require planning permission for the demolition or change of use of local facilities).”

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

This approach does not make sense, is overly prescriptive, and is likely to be counterproductive. Small and medium sized sites can contribute significantly to housing delivery, however the proportion of such sites will vary dependant on the nature of different local authority areas and local circumstances including housing need. Focusing on this requirement may also be to the detriment of the delivery of larger brownfield sites. Therefore the introduction of a minimum percentage requirement is considered a crude tool and is not supported.

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No

Please enter your comments here

Norwich City Council does not support the proposed measures including the housing delivery test as a means to increase housing completions. The housing delivery test would penalise councils for the failure to build enough houses but does not acknowledge that it is the house building industry that is not delivering. Indeed the Letwin Review identifies that the fundamental driver for build-out of large sites with planning consent is the ‘absorption rate’ – the rate at which homes can be sold into the local market without materially affecting the price. In order to increase output of the housing industry, greater intervention is required in the housing market alongside revisions to the planning system. Norwich City Council repeats its comments made in previous consultations that councils require additional powers to enable them to intervene in situations where land is not coming forward for development, for example through land-banking, allowing them to challenge landowners who are not

seeking to bring forward underused and vacant development sites, or where sites are stalled. The consultation documents overall do not include robust mechanisms to really address these key issues affecting housing delivery, including delivery of significant levels of affordable housing.

Furthermore applying a delivery test based on %age of need delivered without any regard to capacity of areas to deliver is considered to be inappropriate. In the case of Norwich, an underbounded small urban authority, we do not have the capacity to meet our needs within our boundaries and have a joint local plan in place with our neighbours ensuring that our overall need for housing can be met outside our boundary. In such circumstance the new NPPF should be clear that any housing delivery test should be capable of being applicable across the joint plan area rather than the individual Council area. To fail to do this would risk to undermine joint planning which the remainder of the NPPF appears to seek to encourage.

A further comment on the Housing Delivery Test is that the Draft Rule Book states that the HDT does not apply to National Parks, but excludes reference to the Broads Authority. This is at odds with the Government's response to the 'Planning for the Right Homes in the Right Places' consultation where it specifies that the HDT will not apply in 'National Park Authority and Broads Authority areas'. This omission needs to be rectified. This could be achieved by including a definition of national park authorities in the glossary which clarifies that the Broads Authority is included in the definition.

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 14

Do you have any other comments on the text of Chapter 5?

Norwich City Council strongly objects to the requirement in para 65 for at least 10% of homes on major sites to be for affordable home ownership. To apply such a crude target based approach nationally is nonsensical and potentially counter productive. It completely ignores regional and local housing market conditions and may result in housing being built for which there is locally little demand or need. In Norwich for instance many of our development sites are centrally located and those with waterside locations frequently command values at least 50% in excess of similar properties that are already on the market in other parts of the city (often fairly nearby). To force the delivery of affordable homes for ownership on such sites will simply serve to extend the choice available to those already able to buy in the City (and therefore not considered to be in housing need) at the expense of those in housing need. The impact will be particularly acute in regions where prices are relatively low as these areas may have lower proportionate affordable housing targets. It may also prejudice viability on certain schemes.

If this proposal is introduced it should be amended so that any target is expressed as a percentage of overall affordable housing to be delivered and conditioned to ensure that housing is affordable in perpetuity. At least this may reflect local conditions in some respects and not prejudice overall deliverability of schemes.

Para 65(c): what is the justification for excluding self-build from the requirement for affordable home ownership?

Para 69 (d): concerned at the artificial subdivision of large sites. This could impact on the level of affordable housing provision depending on how sites are subdivided, and may not actually result in increased rates of delivery - developers may be reluctant to speed up the rate of development as this may depress values (as per the previous comments on the outputs of the Letwin Review (see answer to Qu 12). Also it is not clear from the NPPF how the subdivision would be achieved, particularly on sites which already have consent.

Para 74 refers to the annual position statement. This has to be consulted on and endorsed by the SoS – timescales are an issue here in that by the time we have been through the consultation process and submitted to the SoS and PINS have considered it the evidence could well be out of date. This looks like a 12 month process each year, in which case annual position statements could still be challenged at appeal by developers if the evidence on which they were based is no longer relevant. Whilst fixing the 5 year land supply position for a year is a good idea in principle, the mechanisms are somewhat flawed.

In relation to Build to Rent, the draft practice guidance suggests that 20% would be a suitable benchmark for affordable private rent homes to be provided in any build to rent scheme. Again this statistically based approach is unlikely to reflect local need, may not sit well with adopted local policies (which may for example require a higher proportion of affordable housing), and is likely to be an area which developers will seek to exploit. In addition further detail is required in the practice guidance on the mechanisms that will ensure that the affordable private rent homes will be secured in perpetuity.

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 16

Do you have any other comments on the text of chapter 6?

No comment

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 18

Do you have any other comments on the text of Chapter 7?

No comment

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No comment

Question 20

Do you have any other comments on the text of Chapter 8?

No comment

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 23

Do you have any other comments on the text of Chapter 9?

No comment

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

No comment

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Please select an item from this drop down menu

Please enter your comments here

On para 119 Norwich City Council maintains that the range of proactive measures described are grossly inadequate to make any meaningful difference to the problems that are being experienced in delivery (see answer to Qu 12 above).

Para 120 should recognise that not all allocated sites may be capable of alternate use and particularly with regard to strategic employment uses it may be necessary to

take a long term perspective. For instance parts of Norwich Airport are allocated specifically for aviation uses providing the potential scope for new engineering based aviation operators to locate in Norwich. Such long term potential on sites with unique locational advantages should not be sacrificed just because of no reasonable prospect of an application coming forward. Landowners may be driven by short term financial pressures to release site for other forms of development when the public interest is best served by safeguarding these sites for higher value uses in the long term.

Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 27

Do you have any other comments on the text of Chapter 11?

No comment

Chapter 12 : Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No comment

Question 29

Do you have any other comments on the text of Chapter 12?

No comment

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 31

Do you have any other comments on the text of Chapter 13?

No comment

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

Does the chapter implicitly place greater emphasis on climate change adaptation (Para 149a) rather than on mitigation measures (149b)? This appears to be a change in emphasis from the existing NPPF.

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Please select an item from this drop down menu

No comment

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 35

Do you have any other comments on the text of Chapter 15?

No comment

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

No comment

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

No comment

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Please select an item from this drop down menu

Please enter your comments here

No comment

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

No comment

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

No comment

Glossary

Question 43

Do you have any comments on the glossary?

No comment

Developer Contributions Consultation response form

If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space. Required fields are indicated with an asterisk (*)

This form should be returned to
developercontributionsconsultation@communities.gsi.gov.uk

Or posted to:

Planning and Infrastructure Division
Ministry of Housing, Communities and Local Government
2nd floor, South East
Fry Building
2 Marsham Street
LONDON
SW1P 4DF

By 10 May 2018

Your details

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation.*

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

Norwich City Council

Reducing Complexity and Increasing Certainty

Question 1

Do you agree with the Governments' proposals to set out that:

- i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making?

Yes

- ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need?

Yes

iii Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence?

Yes

Question 2

Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?

(i) Norwich City Council can see the advantages in relying on the local plan evidence for CIL-setting purposes and supports this suggestion. (ii) The Council would hope the Government will assist provision of infrastructure through the provision of funding opportunities to ensure the delivery of strategic infrastructure. This will greatly assist local planning authorities to deliver the growth in the numbers of new homes being completed. (iii) While the Council welcomes the proposed pragmatic approach to

responding to significant changes in market conditions, it remains doubtful as to whether the development industry or planning inspectors will follow this approach. It is likely there will still be a requirement to have some form of independent verification. The Council suggests that, when reviewing the CIL Regulations, the Government considers making amendments that would allow a review of a local plan and CIL to be done together, with one examination. This would help streamline the process, and would be a manifestation of the Government's proposals that local plan viability evidence will form the basis of a CIL charging schedule.

Ensuring that consultation is proportionate

Question 3

Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement?

Yes

Question 4

Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?

As set out in the response to question 2, the Council believes there is merit in using the local plan process to meet the statutory requirement of adopting CIL. If local plans and CIL charging schedules were prepared together, and consulted as part of the local plan there would be adequate engagement with all relevant stakeholders.

Removing unnecessary barriers: the pooling restriction

Question 5

Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:

- i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106?

Yes

- ii. Where significant development is planned on several large strategic sites?

Yes

Question 6

- i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices?

Yes

- ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?

No comments

Question 7

Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:

- i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or

The Council suggests both options be available to local planning authorities. It is important to be able to pool contributions to enable strategic sites to deliver essential infrastructure across the local plan area.

- ii. all planning obligations from a strategic site count as one planning obligation?

The Council suggests both options be available to local planning authorities. It is important to be able to pool contributions to enable strategic sites to deliver essential infrastructure across the local plan area.

Question 8

What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?

The Council asks the Government to take into account the following factors: The contribution the site(s) make in delivering the new housing allocation requirement. In a place such as Norwich we would suggest that around 500 homes or 10,000sqm of commercial floorspace would be appropriate. In addition, sites that require infrastructure that has benefits across the whole plan area should be considered as strategic. Such infrastructure will have been identified as a requirement through the local plan process.

Question 9

What further comments, if any, do you have on how pooling restrictions should be lifted?

The Council would welcome the lifting of pooling restrictions. It is a member of the Greater Norwich Development Partnership which pools CIL receipts arising from three partner authorities and share a common charging schedule. Allowing pooling of S106 would greatly assist the three local planning authorities to strengthen their collective ability to provide infrastructure across the partnership area. Also, the draft implies that pooling is only an issue where significant development is planned, but it is also an issue for smaller scale development, such as where pooling could allow for the provision of meaningful areas of open space and play provision to be provided for developments which of themselves cannot provide on-site requirements. Therefore, there should be a general lifting of the pooling restrictions.

Improvements to the operation of CIL

Question 10

Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development?

Yes

Question 11

If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?

In order to simplify the Regs consideration should be given to a 2 month grace for the submission of all commencement notices, not just where exemptions have been agreed. Introducing a penalty would add further complexity, ie is it proportionate to when the notice was submitted within the 2 month grace period (small penalty at the beginning of the 2 months, larger penalty at the end). If 2 months was given for all commencement notices, but the date for payment remained 60 days from the commencement date, the "penalty" would be that those submitting late would have less time in which to pay the liability. Any penalty tends to have more impact on smaller developers due to the maximum surcharge of £2500, so consideration should be given to lifting this.

Question 12

How else can the Government seek to take a more proportionate approach to administering exemptions?

Should remove relief for domestic extensions. This is predominantly an administrative exercise with no clawback provision.

Question 13

Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development?

Yes

Question 14

Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?

If the floorspace from a previous phase could be offset against future phases, this could create difficulties where the payment has already been paid. ie on larger developments, the timing of payments relative to one phase could already have been paid and committed to infrastructure, and a proportion passed to the Parish Council/neighbourhood area. An abatement should not be available where payment has already been made.

Question 15

Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?

Yes

Increasing market responsiveness

Question 16

Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land?

Yes

Question 17

If implementing this proposal do you agree that the Government should:

- i. encourage authorities to set a single CIL rate for strategic sites?

Yes

- ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? Yes/No

Yes

- iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use?

Yes

- iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?

There are likely to be challenges in establishing the extent of different uses, the implications of the extent of the “planning unit” and whether uses are lawful or whether they have been abandoned. The definition of “lawful use” differs in the current CIL regs to planning practice and this could create difficulties in different definitions for the establishment of the relevant CIL rate and subsequently establishing which floorspaces can be offset from liability calculations.

Question 18

What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?

If CIL is to be examined at the same time as the Local Plan to which it relates it should be possible to set out how the existing use is to be assessed in the Local Plan

Indexing CIL rates to house prices

Question 19

Do you have a preference that CIL rates for residential development being indexed to either:

- a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; OR

Yes

- b) The change in local authority-level house price indexation on an annual basis

No

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development?

Yes

Question 21

If yes, do you believe that indexation for non-residential development should be based on:

- i. the Consumer Price Index? OR

No

- ii. a combined proportion of the House Price Index and Consumer Prices Index?

Yes

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

None

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

No comments

Improving transparency and increasing accountability

Question 24

Do you agree with the Government's proposal to?

- i. remove the restrictions in regulation 123, and regulation 123 lists?

Yes

- ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement?

Yes

Question 25

What details should the Government require or encourage Infrastructure Funding Statements to include?

Norwich City Council very much welcomes the increased flexibility that removing the restrictions in regulation 123 would give to CIL authorities seeking to meet the infrastructure needs of their area. Such needs can change rapidly and can be best successfully addressed by using finance from a number of different sources. We are aware that this proposal has given rise to some concerns from industry and infrastructure providers but would suggest that arrangements that in exist in organisations such as Greater Norwich Growth Board, where CIL revenues are pooled and used to fund a shared infrastructure need across a wide area which are agreed not only by the local three District/City Councils but also the County Council and the Local Enterprise Partnership. We consider that these procedures should be sufficient to address the concerns raised so would request that even if the government does not press ahead with the proposal to remove the restrictions in regulation 123 it does find a way to give the proposed flexibility to authorities such as those within the GNGB who are working co-operatively across boundaries and different tiers of government to prioritise infrastructure spending in order to maximise delivery.

Question 26

What views do you have on whether local planning authorities may need to seek a sum as part of Section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.

In certain circumstances it is reasonable to local planning authorities to seek contributions via sec 106 agreements to allow for their monitoring by either the local planning authority or third parties (such as County of Parish Councils). It is therefore appropriate that there is scope for a monitoring payment to be required in certain circumstances.

A Strategic Infrastructure Tariff (SIT)

Question 27

Do you agree that Combined Authorities and Joint Committees with strategic planning powers should be given the ability to charge a SIT?

Yes

Question 28

Do you agree with the proposed definition of strategic infrastructure?

Yes

Question 29

Do you have any further comments on the definition of strategic infrastructure?

Consider that there should also be scope to charge a strategic infrastructure tariff in areas where other joint strategic plans are adopted by local authorities working together rather than by Combined Authorities or Joint Committees. The Greater Norwich Development Partnership prepares the Local Plan as a joint planning function and undertakes the preparation of the Infrastructure Delivery Plan through the Greater Norwich Growth Board. It is considered appropriate that such a body should be considered as a combined authority for the purposes of CIL and that we should not be excluded from the ability to charge a SIT just because no formal joint committee has been formed.

Question 30

Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure?

No

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

If a SIT is introduced it should only be used for delivering strategic infrastructure priorities. Local Infrastructure priorities should be funded from CIL and/or sec 106. There should be no need to top slice any of the SIT for local priorities provided a CIL is in place.

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority?

Yes

Question 33

Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT?

Yes

Technical clarifications**Question 34**

Do you have any comments on the other technical clarifications to CIL?

No comments