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**FOREWORD**

6 The National Organisation of Residents Associations (N.O.R.A.) has members from all over  
7 England and Wales, who in turn represent nearly two and half million residents. Members  
8 are advised of Government Consultation Papers relevant to residents in order to discover  
9 their responses. A draft Response including all their responses is circulated for their review  
10 before offering the NORA Response to Government. This practice justifies our claim to  
11 represent the views of our members.

12 Members have two main issues about the White Paper, which proposes yet another change  
13 in the planning regime.

14 It is considered that the intention of some the proposals introduce a fundamental change in  
15 the planning legislation, which may not be apposite.

16 N.O.R.A.'s perception of the proposed changes is that it is the intention to expedite the  
17 granting of more applications for the building of new housing and that there is an intention  
18 that partiality is weighted in favour of developers to the detriment of local communities. This  
19 would, in effect, centralise the planning process.

20 N.O.R.A. also is of the opinion that the proposed changes will produce some 300,000 new  
21 builds is based on erroneous data and this is borne out by figures that the Office of National  
22 Statistics have published. Examination of these since 1949 show that the rise and fall in the  
23 number of new builds is determined by the state of the national economy and there have  
24 been only seven years when the number of new builds has exceeded 200,000.

25 There is no correlation between the number built annually and the various relaxations of the  
26 planning regulations of the past decade. These have not, in N.O.R.A.'s submission, have  
27 had no discernible effect on the number of new builds. Certain of the Permitted  
28 Development Rights have allowed, and will allow, inappropriate building of and conversion of  
29 unsuitable accommodation and extensions which will lower standards and change the  
30 character of many local communities.

31 N.O.R.A. is of the opinion that that the proposed changes within this consultation paper  
32 would, if implemented, result in a spate of applications below the 40-50 site affordable  
33 housing trigger. While this may, in the short-term, produce an increase in the supply of new  
34 houses, this may be at the expense of the number of affordable houses. It is, therefore, to  
35 be of benefit to whomever owns the land, be it an individual or a developer. The potential  
36 home buyer will be at a considerable disadvantage in this.

37 N.O.R.A. identifies that this reveals a defect in the Government's interpretation of the  
38 economics and the relationship between house building and the value of land. In effect, this  
39 demonstrates that the processes of calculation are, at best, erroneous and at worst, is  
40 completely misleading.

41 While it is highly desirable that there is a sufficiency in the number of homes available for the  
42 first-time buyer, there is a divergence between the price of affordable homes and the market  
43 value of the housing that is too expensive for people of limited means.

44 In considering Permission in Principle, bigger sites pose greater complications and  
45 developers of these are more likely to elect to apply for outline planning permissions.  
46 Permission in Principle will, for all intents and purposes, create a “zonal system”.

47 N.O.R.A. considers that the implementation of these centralised policies and the imposition  
48 of centralised policies and digitalisation, along with the removal of community involvement  
49 from key stages in the planning regime is in breach of the Localism Act and undemocratic.

50 N.O.R.A. would cite the words contained in the (then) DCLG “A plain English guide to the  
51 Localism Act” published in November 2011:

52 *“The Localism Act seeks to give effect to the Government's ambitions to decentralise power  
53 away from Whitehall and back into the hands of local councils, communities and individuals  
54 to act on local priorities.”*

55 In this, it would appear that the centralised policies are in conflict with the above Act. It is  
56 therefore queried whether the Act would be substantially revised or new legislation enacted.

57 It is N.O.R.A.'s considered view that Local Planning Authorities should encourage and  
58 promote the involvement of communities especially where there are established Residents  
59 Associations and also be more cognisant of the observations submitted to them by individual  
60 residents when deciding the outcome of a planning application.

61 N.O.R.A. would therefore oppose the withdrawal of the proposed planning changes as it  
62 considers that they are unfit for purpose.

63 It is proposed that Local Plans should be visual and map-based, standardised, based on the  
64 latest digital technology, and supported by a new standard template.

65 N.O.R.A. is in favour of this proposal. This would greatly simplify the procedure and would  
66 make the understanding of Local Plans easier for the layman, i.e. residents, who are often  
67 discouraged by the voluminous documentation and technical terms contained therein.

68 The proposal that Local Authorities and the Planning Inspectorate will be required through  
69 legislation to meet a statutory timetable (of no more than 30 months in total) is welcomed.

70 By limiting the amount of time to finalise and bring a Local Plan into operation, it will reduce  
71 considerably the present protracted process which can extend over a period of years.

72 N.O.R.A. would also concur that decision-making should be faster and more certain.

73 Furthermore, the strengthening of enforcement powers and sanctions is also welcomed.  
74 The financial restraints presently being forced upon Local Planning Authorities has resulted  
75 in a reduction of staffing in the Enforcement Departments and an inability to follow up on  
76 reports and discovery of not only infringements of planning legislation but other  
77 contraventions allied to them.

78 So far as the proposal that there is to be development of comprehensive resources and skills  
79 strategies. It is noted that the Ministry of Housing Communities and Local Government  
80 announced on the 5th November 2019 that a new expert advisory council dedicated to the  
81 digital transformation of the property sector. N.O.R.A. welcomes this proposal. It would  
82 draw attention to the Planning Portal website, which is far from “user friendly” and is difficult  
83 to navigate.

84 The development of a comprehensive resources and skills strategy for the planning sector to  
85 support the implementation of the proposed reforms is noted.

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

88 **Response:** *It is difficult to understand what data might be extracted from this question.*  
89 *However, Complicated, specialised, abstruse are suggested.*

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

91 **Response:** *Yes. N.O.R.A. and its members, who are Residents Associations and their*  
92 *resident members are so involved and these are an integral and important part of the*  
93 *decision-making process.*

94 **Question 3.** Our proposals will make it much easier to access plans and contribute your  
95 views to planning decisions. How would you like to find out about plans and planning  
96 proposals in the future?

97 **Response:** *Access to information on planning applications should be simple. Local*  
98 *Authorities' Planning websites currently allow searches by weekly or monthly lists of new*  
99 *applications which can be further filtered by Wards. Community bodies, such as*  
100 *Residents Associations or Amenity Societies, carry out regular searches and inform their*  
101 *members accordingly by emails or by posting the information on their websites or by*  
102 *email, although some do not have these. For the individual resident, who may not be a*  
103 *member of their Residents Association and who do not carry out their own personal*  
104 *searches, are at a disadvantage, often only learning about planning applications in their*  
105 *immediate locality at the last minute or after a decision has been made.*  
106 *It is suggested that Local Authorities introduce an "alert" scheme, which registered*  
107 *subscribers would receive notifications on their devices of the latest weekly or monthly lists.*  
108 *These should be by either text or email, which is universal and receivable on all devices.*  
109 *Additionally, a notice displaying the details of the planning application should be posted on*  
110 *or near the subject property where the development is deemed to be of major importance or*  
111 *having a major impact on the area.*  
112 *All documentation contained in a planning application should be in the same format. The*  
113 *universally recognised format is the "portable document format" which is easily shared*  
114 *and printed. Today almost everyone has a version of Adobe Reader or other program on*  
115 *their computer or other device that can read these files. However, for instance,*  
116 *correspondence is often in different messaging programs which are sometimes*  
117 *indecipherable unless that particular program is installed. Therefore, all documents*  
118 *should be converted to PDF.*  
119 *Social media such as Facebook, Twitter, Instagram, Snapchat, and YouTube are not*  
120 *subscribed to by everyone and therefore they are unsuitable.*  
121 *The Planning Portal: This is not user friendly and should be revamped. N.O.R.A.*  
122 *members have complained that navigation to planning applications in their area is difficult*  
123 *and that all documentation is required to be downloaded, saved and opened in the*  
124 *appropriate programme. This is time wasting and inconvenient. This is especially*  
125 *applicable to those with devices that have limited storage. Documentation should be able to*  
126 *be viewed onscreen, with the option of downloading and saving. The present system*  
127 *presents problems where there are numerous documents, sometimes several hundred in the*  
128 *case of proposed major developments.*  
129 *It should also be recognised that the use of internet accessible devices is not yet*  
130 *universal.*  
131 *We refer, also, to our observations in the answer to Question 13(b).*  
132

133 **Question 4.** What are your top three priorities for planning in your local area?

134 **Response:** *Protection of green spaces. The design of new homes and places. Supporting*  
135 *the high street. N.O.R.A. would also add that the preservation of historic and listed*  
136 *buildings is also of significant importance and that sympathetic and creative conversions*  
137 *and adaptations help preserve the significant character of our towns and cities. By so*

138 *doing, this would ensure continuing maintenance of these buildings and their use for the*  
139 *benefit of future generations.*

140 **Question 5.** Do you agree that Local Plans should be simplified in line with our proposals?

141 **Response:** *No. The proposals for three kinds of land are poorly defined and would*  
142 *introduce differences of interpretation at the expense of the environment. It is noted that*  
143 *while Local Plans will be retained, the consequence will be a significant reduction in latitude, the*  
144 *designation being decided in advance. This would result in consent being granted for some*  
145 *development categories and thus the challenging of the Local Plan being made more difficult.*  
146 *There is no real evidence that the present planning system inhibits house building and that*  
147 *“zoning” will improve and curtail the current system.*

148 *Evidence in the public domain from the Local Government Association shows that 90% of*  
149 *planning applications are approved, while there are more than one million homes with planning*  
150 *permission that are still to be built. The LGA analysis found 2,564,600 units had been given*  
151 *planning permission since 2009-10 and that 1,530,680 had been constructed and the number of*  
152 *granted planning permissions for new homes in England almost doubled between 2012-13 and*  
153 *208-19 from 198,800 to 3161,800.*

154 *This, it is argued, means that Local Authorities were not the block to the Government’s target of*  
155 *creating 300,000 new homes per year. Evidence of this exists at local Borough Council level*  
156 *nationally. The planning system, as it exists presently, gives developers more than enough*  
157 *“tools” to do the job but they are not fulfilling their part of the deal by delivering on permissions*

158 **Question 6.** Do you agree with our proposals for streamlining the development management  
159 content of Local Plans, and setting out general development management policies  
160 nationally?

161 **Response:** *There is a great diversity of environments and therefore, it would be*  
162 *inadvisable and unworkable to impose a standard, “one size fits all” across the board.*

163 **Proposal 3: Local Plans should be subject to a single statutory “sustainable**  
164 **development” test, replacing the existing tests of soundness**

165 **Question 7(a).** Do you agree with our proposals to replace existing legal and policy tests for  
166 Local Plans with a consolidated test of “sustainable development”, which would include  
167 consideration of environmental impact?

168 **Response:** *No, local policy tests need to be local to match the different environments.*  
169 *These proposals would simplify the often-protracted process which can, and does lead to*  
170 *an adopted Local Plan being outdated before it can be implemented resulting in the whole*  
171 *process having to be reopened and thus delayed unnecessarily. It is not obvious that a*  
172 *consolidated test of sustainable development will be possible. There are implications for*  
173 *compliance with both UK and international law. However, it would be helpful to simplify*  
174 *the evidence base.*

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

177 **Response:** *A formal duty to cooperate needs to be implemented.*

178 **Proposal 4: A standard method for establishing housing requirement figures which**  
179 **ensures enough land is released in the areas where affordability is worst, to stop land**  
180 **supply being a barrier to enough homes being built. The housing requirement would**  
181 **factor in land constraints and opportunities to more effectively use land, including**  
182 **through densification where appropriate, to ensure that the land is identified in the**  
183 **most appropriate areas and housing targets are met.**

184 **Question 8(a).** Do you agree that a standard method for establishing housing requirements  
185 (that takes into account constraints) should be introduced?

186 **Response:** No. With such a variety of environments available, including land, the risk of  
187 building on floodplains, the consideration of local features, the nature of community and  
188 local facilities to be taken into consideration, there is not any formula or no equivalence or  
189 algorithm that would produce a method that, N.O.R.A. feels, will be fair and reasonable.  
190 While planners may propose the development requirements, in reality, they remain the  
191 decision of the developer.

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

194 **Response:** No. There is, so far as N.O.R.A. is aware, no evidence to relate affordability to  
195 the number of new-builds needed. The factors being used to assess affordability are  
196 flawed, since using average income relates to one person and not the household, and  
197 secondly commuting disconnects income with site.

198 **Proposal 5: Areas identified as Growth areas (suitable for substantial development)**  
199 **would automatically be granted outline planning permission for the principle of**  
200 **development, while automatic approvals would also be available for pre-established**  
201 **development types in other areas suitable for building.**

202 **Question 9(a).** Do you agree that there should be automatic outline permission for areas for  
203 substantial development (Growth areas) with faster routes for detailed consent?

204 **Response:** No. There is no justifiable reason to have one type of service for one area in a  
205 district and another for other parts. All should receive the same service.

206 **Question 9(b).** Do you agree with our proposals above for the consent arrangements for  
207 Renewal and Protected areas?

208 **Response:** No. The definition of Renewal Areas is too vague to justify a different  
209 approach. Protected Areas should be resolutely protected without exception, otherwise  
210 how can they be labelled "Protected"?

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

213 **Response:** No. To be subject to outside control when the proposals are to affect the local  
214 community, it is undemocratic and a breach of the Localism Act, as has been stated above  
215 in the Foreword, to exclude the involvement of the community.

216 **Proposal 6: Decision-making should be faster and more certain, with firm deadlines,**  
217 **and make greater use of digital technology**

218 **Question 10.** Do you agree with our proposals to make decision making faster and more certain?

219 **Response:** No, not at the expense of the community's interest. Developers can, and do,  
220 make last minute alterations in the hope of avoiding local scrutiny, so decisions must allow  
221 for an appropriate delay when this occurs. The value of digital technology in the planning  
222 process has not been evaluated. The application of digitalisation to beauty and local  
223 architecture has not been implemented and may not be possible.

224 **Proposal 7: Local Plans should be visual and map-based, standardised, based on the**  
225 **latest digital technology, and supported by a new template.**

226 **Question 11.** Do you agree with our proposals for accessible, web-based Local Plans?

227 **Response:** Yes, but not only should the Local Plans be easily accessible but also should  
228 include an easily read summary which is comprehensible and clear to the general public,  
229 who are, not, in the main, professionals.

230 **Proposal 8: Local authorities and the Planning Inspectorate will be required through**  
231 **legislation to meet a statutory timetable for key stages of the process, and we will**  
232 **consider what sanctions there would be for those who fail to do so.**

233 **Question 12.** Do you agree with our proposals for a 30-month statutory timescale for the  
234 production of Local Plans?

235 **Response:** *No. Successive reductions in funding of planning departments has led to a*  
236 *dearth of experienced planners, and to expect the current staff to re-write their Local Plans*  
237 *in the present climate with the present staff is unrealistic. Many Local Plans have been*  
238 *exhaustingly examined, modified but finally approved after years of work, and 30 months*  
239 *will be destructive. It is conceivable that Local Authority planners will most likely leave*  
240 *the public sector to seek private employment elsewhere.*

241 **Proposal 9: Neighbourhood Plans should be retained as an important means of**  
242 **community input, and we will support communities to make better use of digital tools**

243 **Question 13(a).** Do you agree that Neighbourhood Plans should be retained in the reformed  
244 planning system?

245 **Response:** *Yes, but they must be given cogent power and not be side-lined. It is crucial*  
246 *that where the local community has produced a Local Plan that it is accorded full*  
247 *recognition and implementation. Local Plans can take up to seven years from inception to*  
248 *adoption and if abolished in favour of simplified housing plans and “design codes” which*  
249 *would be required to be in place with 30 months, and which meets the provisos set out, they*  
250 *would gain approval automatically.*

251 **Question 13(b).** How can the neighbourhood planning process be developed to meet our  
252 objectives, such as in the use of digital tools and reflecting community preferences about  
253 design?

254 **Response:** *The objectives and purpose of a Neighbourhood Plan should indicate the*  
255 *wishes of the local community by public consultation. Certainly, the preferences for*  
256 *compatible and acceptable designs of new developments that reflect the character,*  
257 *environment and historic architecture should be those predominant in the area. In the*  
258 *matter of design, this should also embody a wider assessment of the environment,*  
259 *including the protection of open and green spaces, and the existing infrastructure.*  
260 *N.O.R.A. is cognisant that the term “digital tools” includes websites or online resources that*  
261 *can make the process easier to understand, accessible especially by the general public who*  
262 *reside and work in the area. A survey published by the Office for National Statistics*  
263 *(ONS) in 2019 shows 5.3m Britons have either never gone online or not used the internet.*  
264 *It is important that all the population have access to digital information and while*  
265 *computers are usually available at public libraries and Local Authorities’ offices, to view*  
266 *planning applications, and provide assistance. these are not sometimes easily accessible,*  
267 *especially to those who need to travel. Therefore, Local Authorities should provide hard*  
268 *copies of documents, on request.*

269 **Proposal 10: A stronger emphasis on build out through planning**

270 **Question 14.** Do you agree there should be a stronger emphasis on the build out of  
271 developments? And if so, what further measures would you support?

272 **Response:** *Yes. The rate at which developers ‘build out’ is decided by their business plans*  
273 *and available finances. They will only build if they can sell their dwellings. Penalties on*  
274 *planners for the ‘slow building out’ are illogical since they don’t build the dwellings.*  
275 *Penalties on developers will potentially impede the progress of the developments and may*  
276 *even result in the abandonment of the development. The rate of completing and selling*  
277 *property is not a matter of planning but related to the economic situation of the time, the*  
278 *availability of mortgages or loans and the desirability of the dwellings.*

279 **PILLAR 2: PLANNING FOR BEAUTIFUL AND SUSTAINABLE PLACES GOOD DESIGN**

280 **Question 15.** What do you think about the design of new development that has happened  
281 recently in your area?

282 **Response:** *In too many instances the same designs of new builds are used, especially by*  
283 *large developers, so that traditional or local design and features are not considered, thus*  
284 *making new developments invariably uniform and unimaginative. Good design reflecting,*  
285 *but not necessarily, copying local existing styles is unfortunately infrequent.*

286 **Question 16.** Sustainability is at the heart of our proposals. What is your priority for  
287 sustainability in your area?

288 **Response:**

289 *Less reliance on cars: Improvements in public transport are long overdue. Regrettably,*  
290 *most public transport routes, especially buses, are operated by private companies and*  
291 *profitability rather than service is the criterion for their continuance regardless.*

292 *Open spaces: The lack of provision of open spaces, especially in town and city centres has a*  
293 *predisposition to the “canyonisation” and overbearing tall buildings.*

294 *Energy efficiency: should be paramount in new buildings, of whatever type.*

295 *Trees: Seven or eight trees’ worth produce 740kg of oxygen per year. They combat*  
296 *pollution and they contribute pleasant surroundings in an urban environment.*

297 *Inappropriate developments are not transient but permanent. This is detrimental and*  
298 *harmful to the character of the area.*

299 **Proposal 11: To make design expectations more visual and predictable, we will expect**  
300 **design guidance and codes to be prepared locally with community involvement, and**  
301 **ensure that codes are more binding on decisions about development.**

302 **Question 17.** Do you agree with our proposals for improving the production and use of  
303 design guides and codes?

304 **Response:** *Yes, provided they are relevant to their locality and planners stipulate their*  
305 *implementation. Attempts to digitise beauty is unworkable and, to quote, “Beauty is in the*  
306 *eye of the beholder” and cannot be quantified. Guides may help but codes are*  
307 *dehumanising. The Government’s Report in January 2020 entitled “Living with Beauty”*  
308 *states “Refuse Ugliness. Ugly buildings present a social cost that everyone is forced to bear.*  
309 *They destroy the sense of place, undermine the spirit of community, and ensure that we are*  
310 *not at home in our world. Ugliness means buildings that are unadaptable, unhealthy and*  
311 *unsightly and which violate the context in which they are placed. Preventing ugliness*  
312 *should be a primary purpose of the planning system.”*

313 **Question 18.** Do you agree that we should establish a new body to support design coding  
314 and building better places, and that each authority should have a chief officer for design and  
315 place-making?

316 **Response:** *N.O.R.A. would support local proposals but consider that centralising design is*  
317 *adverse, since it imposes a central view when local views should be paramount. In taking*  
318 *into account proposed designs in planning applications for new builds, Planning Officers*  
319 *should be trained in design and be able to take into their deliberation as to whether the*  
320 *proposed designs are attuned to and harmonious with the existing surroundings.*  
321 *Therefore, N.O.R.A. is greatly in favour that Local Planning Authorities should be required*  
322 *to appoint a locally led Chief Officer to administer and approve the design evaluations. It*  
323 *is desirable, therefore, that there should be the establishment of a new body which would*  
324 *issue the appropriate guidance on the above.*

325 **Proposal 12: To support the transition to a planning system which is more visual and**  
326 **rooted in local preferences and character, we will set up a body to support the**  
327 **delivery of provably locally-popular design codes, and propose that each authority**  
328 **should have a chief officer for design and place-making.**

329 **Proposal 13: To further embed national leadership on delivering better places, we will**  
330 **consider how Homes England’s strategic objectives can give greater emphasis to**  
331 **delivering beautiful places.**

332 **Question 19.** Do you agree with our proposal to consider how design might be given greater  
333 emphasis in the strategic objectives for Homes England?

334 **Response:** *Yes. We have referred to the Homes England Strategic Plan 2018 to 2023 in*  
335 *which it is stated that this body “will work with construction, design, development, housing*  
336 *associations, Local Government and other partners”. It remains to be seen how this might*  
337 *be affected if Homes England can practically “intervene in the right places at the right time*  
338 *to change the market”. It is vital that local views should be paramount, so residents should*  
339 *be included, after all, they have to live with the proposals.*

340 **Proposal 14: We intend to introduce a fast-track for beauty through changes to**  
341 **national policy and legislation, to incentivise and accelerate high quality development**  
342 **which reflects local character and preferences.**

343 **Question 20.** Do you agree with our proposals for implementing a fast-track for beauty?

344 **Response:** *Yes, provided the design complied with policy in Neighbourhood Plans, Local*  
345 *Design Statement and complied with appropriate local density.*

346 **Proposal 15: We intend to amend the National Planning Policy Framework to ensure**  
347 **that it targets those areas where a reformed planning system can most effectively**  
348 **play a role in mitigating and adapting to climate change and maximising**  
349 **environmental benefits.**

350 **Proposal 16: We intend to design a quicker, simpler framework for assessing**  
351 **environmental impacts and enhancement opportunities, that speeds up the process**  
352 **while protecting and enhancing the most valuable and important habitats and species**  
353 **in England.**

354 **Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st**  
355 **century**

356 **Proposal 18: To complement our planning reforms, we will facilitate ambitious**  
357 **improvements in the energy efficiency standards for buildings to help deliver our**  
358 **world-leading commitment to net-zero by 2050.**

359 **Question 21.** When new development happens in your area, what is your priority for what  
360 comes with it?

361 **Response:** *The priorities depend on the needs and aspirations of local communities.*  
362 *More affordable housing, more or better infrastructure (such as transport, schools, health*  
363 *provision), design of new buildings, more shops and/or employment space, green spaces: -*  
364 *These are all sought-after, but the current need is for public sector rented dwellings. The*  
365 *Government’s obsession with encouraging houses for sale ignores the over-riding demand*  
366 *and need for social housing. Nearly four million households live in parent’s or friend’s*  
367 *dwellings when they should be independent. It is this lack of public sector building of*  
368 *dwellings for rent that is the reason for the ‘broken housing market’.*

369 **Proposal 19: The Community Infrastructure Levy should be reformed to be charged as**  
370 **a fixed proportion of the development value above a threshold, with a mandatory**  
371 **nationally-set rate or rates and the current system of planning obligations abolished.**

372 **Questions 22(a).** Should the Government replace the Community Infrastructure Levy and  
373 Section 106 planning obligations with a new consolidated Infrastructure Levy, which is  
374 charged as a fixed proportion of development value above a set threshold?

375 **Response:** *No. The current system ensures funding for local services and determined*  
376 *according to local needs. Changing it is unjustified.*

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

379 **Response:** *Locally. N.O.R.A. considers that the Infrastructure Levy Rates are best*  
380 *assessed at local level relevant to need and demand for ancillary services.*

381 **Question 22(c).** Should the Infrastructure Levy aim to capture the same amount of value  
382 overall, or more value, to support greater investment in infrastructure, affordable housing  
383 and local communities?

384 **Response:** *No. Refer to Question 22(a)*

385 **Question 22(d).** Should we allow local authorities to borrow against the Infrastructure Levy,  
386 to support infrastructure delivery in their area?

387 **Response:** *Yes. Borrowing would allow Local Authorities to tailor their requirements as*  
388 *they see fit.*

389 **Proposal 20: The scope of the Infrastructure Levy could be extended to capture**  
390 **changes of use through permitted development rights**

391 **Question 23.** Do you agree that the scope of the reformed Infrastructure Levy should  
392 capture changes of use through permitted development rights?

393 **Response:** *Yes. Any development merits this contribution as long as it is for the benefit of*  
394 *the community.*

395 **Proposal 21: The reformed Infrastructure Levy should deliver affordable housing**  
396 **provision**

397 **Question 24(a).** Do you agree that we should aim to secure at least the same amount of  
398 affordable housing under the Infrastructure Levy, and as much on-site affordable provision,  
399 as at present?

400 **Response:** *The failure to provide adequate public sector rented dwellings is at the heart of*  
401 *the housing problem. Attempting to solve it by discounting dwellings for sale does not*  
402 *solve this serious problem. Using levies places the burden unfairly on the local community*  
403 *whereas the support for public sector rented properties should come from general taxation.*

404 **Question 24(b).** Should affordable housing be secured as in-kind payment towards the  
405 Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

406 **Response:** *The latter – a "right to purchase"*

407 **Question 24(c).** If an in-kind delivery approach is taken, should we mitigate against local  
408 authority overpayment risk?

409 **Response:** *No. This might be deemed to be an over-complication. Currently the on-site*  
410 *S106 affordable housing is specified and delivered for and agreed transfer price to a local*  
411 *authority. This is for value (no over or under payment).*

412 **Question 24(d).** If an in-kind delivery approach is taken, are there additional steps that  
413 would need to be taken to support affordable housing quality?

414 **Response:** *Yes. The Infrastructure Levy affordable housing would need to be specified*  
415 *and delivered for the agreed transfer price as currently takes place for S106 affordable*

416 *housing. Notwithstanding, the failure to provide adequate public sector rented dwellings*  
417 *is at the heart of the housing problem. Trying to solve it by discounting dwellings for sale*  
418 *does not solve this serious problem. Using levies places the burden unfairly on the local*  
419 *community whereas the support for public sector rented properties should come from*  
420 *general taxation.*

421 **Proposal 22: More freedom could be given to local authorities over how they spend**  
422 **the Infrastructure Levy**

423 **Question 25.** Should local authorities have fewer restrictions over how they spend the  
424 Infrastructure Levy?  
425

426 **Response:** *No. Any Levy should remain used for funding the support and supply to*  
427 *meet the demand and need related to the development and undermines the reason for*  
428 *imposing the Levy on development, and if used otherwise it becomes just another form of*  
429 *taxation. The Infrastructure Levy should be ring fenced for affordable housing and*  
430 *infrastructure to mitigate the harm/externalities caused by the development.*  
431

432 **Proposal 23: As we develop our final proposals for this new planning system, we will**  
433 **develop a comprehensive resources and skills strategy for the planning sector to**  
434 **support the implementation of our reforms. In doing so, we propose this strategy will**  
435 **be developed including the following key elements.**  
436

437 **Response:** *If the new planning system should be implemented, it should be principally*  
438 *funded by the beneficiaries of planning gain – landowners and developers – rather than*  
439 *the national or local taxpayer.*

440 **Proposal 24: We will seek to strengthen enforcement powers and sanctions**

441 **Comment:** *With the financial restraints on Local Planning Authorities, investigation of*  
442 *breaches of planning regulations have become a low priority, because staffing in*  
443 *Enforcement sections has been reduced to the absolute minimum. Enforcement is generally*  
444 *regarded as the Cinderella of the planning service, and leaving the discretion entirely in the*  
445 *planning officers' remit makes it easy to avoid taking any action. Local Planning*  
446 *Authorities rely on the reporting of potential breaches by the general public, and the failure*  
447 *to take action is a disincentive to report likely breaches. That elected representatives are*  
448 *excluded from the process is to be regretted.*

449 *N.O.R.A. members have expressed concerns about abuse of the Appeals process. The Town*  
450 *and Country Planning Act 1990 S70 (Decline to Determine) was introduced to prevent*  
451 *ongoing repeat applications and/or following prior Enforcement proceedings for the same*  
452 *property. This enables two appeals to be lodged, by first appealing the Refusal and*  
453 *subsequently any Enforcement. It is proposed that only one appeal should be permitted,*  
454 *either against the Refusal or the Enforcement Notice. Where Enforcement is considered*  
455 *actionable, Local Planning Authority should be given the power to withdraw the original*  
456 *permission and the applicant must submit a new application for any changes. The existing*  
457 *right to Appeal an enforcement notice causes both the Applicant and the Local Planning*  
458 *Authority additional costs which could then be avoided."*

459 *N.O.R.A. would suggest that there should be a reduction of the period for lodging a*  
460 *planning appeal following a Refusal Notice for retrospective works, from 12 weeks to 4*  
461 *weeks, thus aligning with the 28-day timescale for compliance with an Enforcement Notice.*  
462 *This would not be prejudicial to either party.*

463 *As an alternative, the Right to Appeal should be removed on the grounds that permission*  
464 *should be granted, when appealing an Enforcement Notice, where the Refusal Notice has*  
465 *already been dismissed at Appeal.*

466 *A third option would be to remove the Right to Appeal at the Enforcement stage where a*  
467 *development is retrospective and an Appeal is already in progress but not necessarily*

468 *having been decided.*  
469 *A majority of Appeals are lodged automatically and without merit. It is suggested that*  
470 *there should be a minimum fee to discourage frivolous or vexatious cases.*  
471 *S46 of the Environmental Protection Act 1990 should be amended to reduce the current*  
472 *time of 12-16 weeks. This would have the effect of reducing the delays in notices and*  
473 *warnings to those who contravene the regulations.*  
474

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

478 **Response:** *It is understood that the Public Sector Equality Duty is a duty on Public*  
479 *Authorities to consider or think about how their policies or decisions affect people who are*  
480 *protected under the Equality Act 2010. It is further understood that private organisations*  
481 *and individuals are not required to comply with the duty. N.O.R.A. is content that there is*  
482 *continuance of this duty as it stands.*

