

Appendix 1: Proposed Consultation Response - Planning for the Future

Consultation Deadline: Thursday 28th October 2020

Type of Consultation: Online

To be Submitted by: Planning Policy Team on behalf of Hillingdon Council

Pillar One - Planning for Development

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

N/A

2(a). Do you get involved with planning decisions in your local area? [Yes / No]

Yes

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]

Hillingdon Council would advocate for a multimethod approach to disseminating information on the Government's planning proposals in the future, noting that this is likely to be the best way of keeping residents informed of changes.

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]

Hillingdon Council view all of the above as valid considerations for good planning, which are best achieved through a balanced approach to decision-making. It will be important to ensure that the need for housing is balanced against the principles of sustainable development.

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

Hillingdon Council does not agree that Local Plans should be simplified in line with the proposal. Whilst the aim of simplifying the plan-making process is commendable, the proposals being suggested are unlikely to simplify the existing plan-making system.

Whilst it is suggested that Growth, Renewal and Protected areas would be the only types of land designation, the reality is that there is a lot of nuance within the current designations that would need to be installed within each area designation. For example, it is suggested that both existing Conservation Areas and Green Belt would become 'Protected' areas. However there is a big difference in terms of why they are protected and as such what could be built in these areas. Whilst Conservation Areas can accommodate a significant number of uses at typical densities subject to high quality and sympathetic design, the Green Belt is currently restricted to only a small number of specific uses which must preserve openness. Each of the three protected areas would therefore require multiple sub-areas within it, in order to establish what specifically could be built in different parts of a planning authority. At this point, the proposed plan-making system would simply be replicating the existing one, just with rebranded designations. The different policy designations that are currently put into Local Plans are distinct for a reason, rather than through any desire to unnecessarily over complicate the system.

At present, a large portion of the London Borough of Hillingdon is left without a specific policy designation. If an application is submitted, it can be identified as brownfield land with local policies applied by case officers and specialists to determine aspects like the height and/or density of development on a case-by-case basis. However, under the new system, all areas of land in a local planning authority would be put into one of three designations, with specified uses and parameters for development (use, height, density etc.) articulated for each area. In order to accurately reflect the difference in such parameters and successfully optimise sites, this would require different area allocations for each street or parcel of land. This would represent a radical increase in workload and detail from the current plan-making system. At present, specific site allocations with parameters for development are only created for strategic sites where development is known to have a reasonable prospect of taking place. Under the new system, one would be allocating areas where a planning application may never come forward, resulting in the inefficient use of resources by local planning authorities.

There will also be a trade-off between certainty and flexibility, meaning that the streamlining of the planning process sought by the Government is unlikely to eventuate. Local Planning Authorities will take a cautious approach to setting the parameters to development in areas, in order to reduce the risk of inappropriate development. Applicants however will seek to optimise development on sites and go beyond the parameters set within the cautiously set plan. This will result in them needing to go through a full planning application process as they do at present anyway.

Hillingdon Council would advocate for the alternative suggested approach, which would be to limit automatic permission in principle to land identified for substantial development in Local Plans (Growth areas). Other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process. Growth areas would be applied to former industrial sites and urban regeneration sites. It should be noted that, through the current site allocation process, this process already exists without the formality of a permission in principle.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

Hillingdon Council does not agree with the proposals to streamline the development management content of Local Plans.

The desire to prevent national policies being repeated or reworded is supported. However under the current system, this is already addressed by Inspectors during the examination of draft Local Plans. There are some policies that would continue to benefit from being set at a national level, so that they remain well understood and implemented consistently. It may be that these simply need to be elevated so they have the same weight in decision-making as local policies in development plans.

However, the current National Planning Policy Framework (NPPF) sensibly allows for local discretion in setting policies within the development plan. This is important to allow for local distinctions to be made in plan-making and subsequently decision-making. For example, there may be geographic reasons why local authorities take different approaches to certain matters, such as flooding and public open space provision. Different levels of existing infrastructure would provide justification for prioritising new infrastructure and setting requirements such as car parking standards. Viability would also be an important local consideration, with less viable areas needing to set less stringent policies in order to ensure the deliverability of the plan is not undermined. The current system also allows local planning authorities to prioritise particular aims that are important to them, through well constructed and evidenced policies that reflect the desires of residents.

Relying on the Government to set too many policies at national level represents an invariant and top-down approach which would contradict the concept of Localism and undermine local democracy.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

Hillingdon Council does not agree with the proposal to amend legal and policy tests. It is not considered that the current tests are particularly onerous. They have become well understood and amending them would likely result in disruption during transition periods and a period of readjusting to whatever alternative approach is put forward. It is likely that any alternative approach would need to be similar anyway, noting that the current tests have been written to test quite fundamental principles of good plan-making. Issues of deliverability have not formed significant issues for the London Borough of Hillingdon to date, albeit there is scope for this to be removed in a zoning-based system.

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

The Duty to Cooperate was introduced as a replacement to regional planning strategies. However, in Greater London, the London Plan still exists as the Spatial Development Strategy (SDS) for London. Matters of strategic, cross-boundary importance are therefore best dealt with via the London Plan, rather than the Duty to Cooperate which currently acts more as an additional process rather than resulting in any strategic planning. However, it is unclear how London would interact on strategic matters with the South-East of England under this approach. Hillingdon Council would however welcome a reduction in the ad hoc requests from surrounding authorities with regard to the Duty to Cooperate and would suggest this might be best done at a regional or County level, as with Greater London Authority.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

It is noted that a separate consultation on proposed changes to the standard method for assessing local housing need is underway. Hillingdon Council has already submitted a response to this consultation. It included concerns over the deliverability of the need figures and the removal of any cap preventing them from being turned into sudden unrealistic housing requirements. The following comments therefore do not relate to the proposed calculation for the new need figures. The comments refer to amending this need figure to take into account constraints and opportunities related to delivery.

It is unclear from the consultation whether the standard method being proposed would take the form of a quantitative assessment or a more complex algorithm than that currently used to establish housing need. If it is assumed to be the latter, then Hillingdon Council would raise a high level of scepticism about the Government being able to produce one nationally set algorithm that could capture all the constraints and opportunities that result in creating the housing capacity of a local planning authority. It should be noted that the New London Plan originally attempted such a 'modelled approach' in relation to small sites only. This was the highest point of contention in the plan and created undeliverable targets that would have been meaningless. The approach was found to be unsound by the Panel of Inspectors and was replaced by one based on previous delivery, with a gradual uplift factored in. It is implausible that an attempt to create a modelled approach for the whole of England would present an accurate picture of housing capacity in individual local planning authorities. Failure to create a realistic and deliverable figure will not leave a local planning authority with any choice at all as to how housing is delivered.

Hillingdon Council would suggest that the best way of allocating housing capacity in Greater London would be through the determination of targets through the London Plan. This consists of a well understood Strategic Housing Land Assessment (SHLAA) that local planning authorities engage with. It can be subsequently scrutinised by relevant parties if necessary. The Mayor of London should therefore still oversee the strategic distribution of the housing requirement through the London Plan, as this has the best chance of optimising brownfield land.

It should also be noted that granting planning permission for housing is just one part of housing delivery. As the consultation notes, having enough land supply in the system does not guarantee that it will be delivered. The insistence on maintaining the Housing Delivery Test is therefore disappointing, noting that local planning authorities can only ever play one part in the overall role of housing delivery.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

The use of affordability as an indicator will depend on how it is defined. For example, if house prices are compared nationally without an appropriate weighting for variations in local income, then it would not be an appropriate indicator. It would also need to take into account that people do not necessarily work or want to work where they live, particularly when you are looking at areas with more established commuting patterns such as Greater London. Affordability also does not solely reflect a high level of demand, but also reflects supply constraints that the local planning authority may have no control over, such a protected environmental designation.

The size of existing urban settlements as an indicator will also depend on how it is defined. Determining what an urban settlement is and where it starts and finishes would likely be a very contentious exercise. It is also not sound to assume that large settlements have lots of spare capacity for new homes. In large areas of predominantly owner occupied houses, it has been demonstrated that the speed at which this land can be recycled and densified is significantly reduced.

One indicator that has been omitted is the need to have regard to proposed major public transport infrastructure. The introduction of new major transport hubs has the capacity to create entirely new places and neighbourhoods in areas which may currently perform poorly in terms of the proposed indicators. If large financial commitments are to be made to future major public transport proposals, then this should be tied to an uplift in housing requirements.

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

In order to get a site in a position where automatic permission would be appropriate, the local planning authority would need to frontload many issues to the plan-making stage. Where there were multiple or substantial growth areas, this would significantly lengthen the plan-making process and undermine any attempt to simplify it. Plan-making teams are typically a lot smaller than development management teams and less resourced, meaning a fundamental shift in resourcing would also need to occur at every local planning authority. It is also questionable as to whether developers or land owners would support such an approach. Noting how frequently and drastically proposals for a site can change, it would be

likely that a full planning application would be required more often than not. This would make the work done at the plan-making stage a waste of time and resources.

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

In regards to Renewal areas, further detail on the consent arrangements would be required to provide an informed view as to their merits. Any changes to the existing consent system will create uncertainty and disruption, whilst creating different types of application would appear contrary to the aim of reducing the number that have accumulated over time. As a general rule, it should not be for local planning authorities to resource and justify proposals that developers and landowners may fail to bring forward (which would likely be the case under Local Development Orders).

In terms of Protected areas, there would be no change from the current system.

9(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 supporting statement.]

Hillingdon Council does not envisage determining any 'new settlements' in the future. If it were, it would want these to be determined at a local level, with full engagement with local stakeholders to ensure it harmonised with the existing community. A NSIP regime for housing would likely diminish the local involvement in such decision-making and would therefore not be supported.

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

The aim for greater digitalisation in the planning system is supported, subject to the Government providing sufficient resources to create the significant uplift that would be required. It should be noted that many of those engaging in the planning system will see this as a significant transition and will need an appropriate level of support to ensure they are not disengaged.

The aim of continuing to digitise some of the more basic processes is also supported, noting the long-term improvements in efficiency and cost-savings this could have over existing methods. In particular, a digital template for planning notices is supported over the existing physical site notice system, subject to it being genuinely understood by local communities.

However, there needs to be some realism in the extent to which the planning system can be automated. We are yet to see even the most fundamental parts of the development management process successfully shift to automation, with application validation and householder applications still determined by individuals. It should be noted that even entirely digital systems are not error free.

The idea of artificially constraining the information that could be submitted so that it amounted to 'no more than 50 pages' is also imprudent. It fails to take into account that some planning decisions are inherently complex and require a certain level of information for decision-makers to make informed decisions. Whilst the aim of simplifying the system is laudable, this cannot result in poorly evidenced decisions. Whilst greater standardisation of technical reports would be welcomed, it is unlikely that this could occur comprehensively, with the content of any technical report needing to adapt to the proposal and issues it is seeking to inform. It is also unclear as to whether local planning authorities would need to reject reports that do not meet the standardisation.

The proposals concerning the removal of extensions of time and deemed consent show a fundamental lack of understanding as to the root causes of delay in the planning system. The need to extend time limits on planning applications is typically as a result of applications deliberately being submitted with critical issues unaddressed or information outstanding, in the hope that permission will be provided without dealing with complex issues. In terms of design in particular, architects are typically asked by developers to push the limits of development beyond what they even consider to be reasonable, with the expectation of submitting further revisions after the application has been submitted. There is currently no incentive for a local planning authority to delay approving an application that was submitted comprehensively and found to be in accordance with the development plan. The only reason that delays may occur is due to a lack of resource within the local planning authority, to which automatically refunding the planning fee would only exacerbate the problem further.

The proposal to refund planning applications that are overturned at appeal is also misguided. An applicant will frequently amend or provide new information in relation to a scheme after refusal, which may subsequently make it acceptable to all parties. The fault here does not lie with the local planning authority. Furthermore, discouraging local planning authorities to challenge poor design would run contrary to the Government's other stated aim of 'building better'. A claim for planning appeal costs can already be made where an applicant/local planning authority has behaved unreasonably.

Finally, the proposal to reduce the opportunity for planning committee members and local stakeholders to be involved from two (Local Plan and subsequent planning applications) down to one (Local Plan) fails to identify the important role they play in the planning process. Often it is the detailed matters where planning committee members and local stakeholders can add the most value, with intricate knowledge of the local area and an understanding of how site specific issues could be addressed. This proposed change in approach also seems to ignore the fact that in most authorities, decision making powers are already delegated to officers except in more complex or controversial cases and it is not clear how such cases could be fairly resolved without the input of elected representatives. Maintaining a transparent decision making process is essential to maintaining the integrity of the planning system and not placing professional planning officers under undue pressure, particularly where new developments are controversial.

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

The aim for all local planning authorities to create digitised, web-based Local Plans is supported, subject to the Government providing the significant increase in resource required to allow this to happen. The gap in digital expertise between different local planning authorities in England needs to be a key consideration in this process, with some local planning authorities already attempting to create digitised, web-based Local Plans. However the reality is that most place-making teams are a long way from this ambition and would require a significant amount of additional upfront finance, that it would not directly regain through this process.

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 supporting statement.]

Hillingdon Council does not agree with a 30 month statutory timescale for the production of a Local Plan. The requirement to review a Local Plan every five years has only recently been put in place and it is not apparent that installing this target has had any bearing on the actual time it takes to produce a Local Plan.

Whilst it is agreed that the current system could be shortened, the White Paper proposes to frontload and enlarge the plan-making part of the planning system. It seeks to move issues currently addressed at the decision-making stage into a Local Plan. It is therefore not logical to expect this part of the process to be radically shorter. Plan-making teams would be required to produce zones across an entire authority to a level of detail and quality that would allow for an outline permission to be granted.

It is also not clear whether Local Plan policies and design codes would form part of this statutory process or if they would come afterwards. Any delay in producing these would also hold up planning permission being granted.

The timescale also does not say what happens if the planning inspector believes all or part of the plan has failed the statutory test. Would this result in the process restarting or would the planning inspector have to propose direct changes to the plan? Simply stating that they disagree with the plan would not be beneficial for any party.

Noting that local stakeholders will have less influence on the decision-making stage, it is not logical to expect them to have the same influence through the plan-making process, without an increase in the amount of time it takes to produce the Plan. The local planning authority would also have no capacity to address the consultation responses before they are put to the Planning Inspector. As such, these comments would need to be addressed by the Planning Inspector instead, lengthening the examination process further.

The alternative being proposed is for self-assessment. If the planning system is to remain transparent and trusted, this cannot be taken forward.

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

Hillingdon Council does not have any adopted Neighbourhood Plans and therefore comments on their value are limited at this stage. At present, Neighbourhood Plans can have a grand scope and tackle a range of local issues that are important to local residents and businesses. The Council would therefore raise concern about any restrictions that would be put on Neighbourhood Plans and how this would make them less attractive propositions for local people.

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

On the basis that the digital tools described are not comprehensively available to local planning authorities, it is difficult to envisage how the local community would have consistent access to these tools. There would need to be a significant uplift in the grants currently provided by the Government.

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Hillingdon Council agrees that there should be stronger emphasis on the build out of developments in national policy. The planning system is just one part of the housing delivery picture and consigning the findings of Letwin's Analysis and other literature to just one paragraph in the White Paper is disappointing.

The size and mix of dwellings that are brought forward on large sites is already something that can be controlled through the planning system. There is however significant backlash from developers when resistance is put up towards the homogenous units they seek to provide. Stronger national policies are therefore required to support local authorities as they seek a better mix of dwellings on a large site. This approach would be supported by Hillingdon Council.

However, local planning authorities cannot dictate which housebuilders operate on a particular site. The applicant and their background is not a material planning consideration when determining an application. This would therefore require a significant change in planning law. The existing Use Class Order also does not allow a local planning authority to distinguish between many of the different housing products being put forward, with Build-to-Rent and Self-Build housing for example operating within the existing C3 Use Class.

If the Government wishes to diversify the forms of housing being brought forward and those providing them, it would also need to complement planning changes with a significant shift in the grants available for affordable housing of all types. The literature is clear that, where viable, affordable housing supports higher rates of delivery. In contrast to existing

demand-side policies, this would also have the additional material benefit of providing cheaper accommodation for those most in need.

Hillingdon Council would also support an increase in ambition and spending to new major public transport infrastructure. The ability to progress medium and high density development is frequently restricted by poor public transport and the resulting high car dependency. An uplift in housing delivery of this magnitude can only be achieved by an equivalent level of spending in infrastructure. Recent history has shown that new land for housing in new growth areas is only brought forward once firm commitments have been made to corresponding transport infrastructure. Improvements in major public transport infrastructure would have additional environmental benefits, as well as improving people's quality of life.

Pillar Two - Planning for Beautiful and Sustainable Places

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]

N/A

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]

All of the above.

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

Within the London Borough of Hillingdon, there would be multiple different character areas, which would presumably require their own design codes. Even within these broad areas, it is likely that there will be lots of different architectural styles and building typologies, thus creating variation on even an individual street. Therefore, in order to comprehensively cover the local planning authority in design codes, a substantial uplift in resources would be required.

Design codes are typically hard to deliver successfully, as a balance needs to be struck between prescription and flexibility. If one is overly prescriptive, then it will likely lead to homogenous development and the stifling of innovation. However if they are too flexible, then the certainty and speed of decision being sought would not arise. In order to achieve the housing numbers being advocated in London, there would need to be a radical shift away from the densities that have previously been built. It is therefore unlikely to meet the Government's expectation that it will reflect what is popular with local residents.

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

Hillingdon Council would welcome a new body to support the envisaged increase in design codes, but note that any national body needs to be flexible enough to acknowledge local circumstances. The Council would also support the financing of a new Chief Officer for Design and Place-Making. However it should be noted that this alone is unlikely to cover the substantial uplift in resourcing to cover what is being proposed in this White Paper.

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

N/A - Homes England does not operate in London.

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

The White Paper infers that the determination of high quality schemes that meet existing policies are being delayed. This is not the case. A local planning authority would have no incentive to delay the approval of such a scheme and indeed would want to see it approved and built as quickly as possible. The reality is that most schemes do not meet existing standards when they are submitted and therefore must be revised post submission, in order to achieve an acceptable scheme.

The reference to seeking beauty and expanding permitted development rights is a paradox. Permitted development rights have created some of the poorest developments in England and are almost universally associated with poor design.

Pillar Three – Planning for Infrastructure and Connected Places

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]

Hillingdon Council view all of the above as important considerations that are best achieved through a balanced approach to decision-making.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]

The Community Infrastructure Levy and Section 106 planning obligations have become a well understood part of the planning system. Any radical changes to these will create disruption in the planning system, which will have a subsequent impact on the speed of decision-making and infrastructure funding. Often such reforms will undergo multiple revisions to amend unforeseen initial implications, thus creating further uncertainty.

Under the new system, it is unclear how the issue of direct mitigation would be dealt with. At present, different schemes have to pay different amounts on issues such as carbon offset, air quality and biodiversity based on the harm they have failed to mitigate through design on site. If all developments are paying the same charge regardless of their ability to try and mitigate harm on-site, there would be no incentive for developers to design solutions into their schemes. In addition, non-monetary obligations are also currently secured through S106 agreements to mitigate against harm and make a scheme acceptable. These include travel plans, parking permit restrictions, the gifting of land and tenure restrictions. Any new system would need to factor in such non-monetary obligations.

Hillingdon Council cannot support this proposal as currently suggested.

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

Infrastructure Levy rates should be set locally. There is significant variation in development viability across England. Any attempt to set such a charge nationally will either result in a cautious approach that underfunds infrastructure or one that creates viability issues in areas with low values. The best way to avoid this is to have local planning authorities test viability themselves. A nationally set Infrastructure Levy may lead to areas with higher costs of infrastructure provision being underfunded.

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

The Infrastructure Levy should seek to provide more value. At present, the existing system does not currently cover the full cost of infrastructure. A Community Infrastructure Levy can only be set where there would still be a funding gap. If new infrastructure is going to keep pace with the level of housing growth being suggested, then this will need to be funded by the Infrastructure Levy.

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

Yes. Hillingdon Council would support this approach. However whether this will be utilised or not will depend on details.

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Yes. Permitted development rights have a very similar impact on infrastructure as new development and therefore should also pay the Infrastructure Levy.

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]

Yes.

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

Hillingdon Council does have fundamental concerns about any move away from the 'in kind' delivery of affordable housing secured as part of the planning permission. Any alternative system would put at risk the speed and quantum of affordable housing delivery.

As noted above, the existing Section 106 mechanism for securing affordable housing is well understood and scrapping it risks confusion to the detriment of affordable housing provision. If the Section 106 mechanism is scrapped however, a new mechanism will need to be sought and combining it with the proposed Infrastructure Levy would prevent another system being created.

It is unclear what would happen if the requirement in an affordable housing policy for a particular site exceeded the amount for the entire Infrastructure Levy. Potentially this means that no other infrastructure could be provided on the site.

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

Yes. If the value secured through in-kind units is greater than the final levy liability, then the developer should have no right to reclaim overpayments.

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

Yes. Applicants should be required to state which units will be affordable at the point the scheme is determined, so that schemes can be refused from the outset where it is clear the affordable housing quality is substandard.

At present Registered Providers, who often take on the management of the affordable units, are involved in the design, layout and management proposals of the units. The removal of their expertise from the process could also be detrimental to the quality of the units.

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

Hillingdon Council would welcome fewer restrictions on its ability to spend contributions. However, the Infrastructure Levy is unlikely to meet the full extent of the affordable housing and local infrastructure requirements created through new development. The suggestion that this could be spread further is therefore misguided.

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

N/A

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?

N/A