

## EXECUTIVE

**Thursday, 15 October 2020**

**6.00 pm**

**Virtual Meeting**

Membership: Councillors Ric Metcalfe (Chair), Donald Nannestad (Vice-Chair), Chris Burke, Bob Bushell, Rosanne Kirk and Neil Murray

Officers attending: Angela Andrews, Democratic Services, Kate Ellis, Jaclyn Gibson, Daren Turner, Simon Walters and Carolyn Wheeler

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### Virtual Meeting

To join this virtual meeting please use the below link:

<https://zoom.us/j/91310828549?pwd=OW1nSnRXR0RLaEhuN21HVUI6QUZJQT09>

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**438641**

Alternatively, please join the meeting via telephone by calling 0330 088 5830 using the following ID:

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## A G E N D A

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### SECTION A

**Page(s)**

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#### MINUTES AND EXTRACTS

- |                                                |               |
|------------------------------------------------|---------------|
| 1. Confirmation of Minutes - 21 September 2020 | <b>3 - 10</b> |
| 2. Declarations of Interest                    |               |

Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.

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## **ECONOMIC GROWTH**

- |                                      |                |
|--------------------------------------|----------------|
| 3. Planning White Paper              | <b>11 - 28</b> |
| 4. Exclusion of the Press and Public | <b>29 - 30</b> |

You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following items because it is likely that if members of the press or public were present, there would be disclosure to them of 'exempt information'.

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is hereby given of items which will be considered in private, for which either 28 days' notice has been given or approval has been granted by the appropriate person specified in the Regulations. For further details please visit our website at <http://www.lincoln.gov.uk> or contact Democratic Services at City Hall, Beaumont Fee, Lincoln.

These items are being considered in private as they are likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations have been received in relation to the proposal to consider these items in private.

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## **SECTION B**

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### **ECONOMIC GROWTH**

- |                                                 |                           |
|-------------------------------------------------|---------------------------|
| 5. Usher Gallery and Associated Collections     | <b>31 - 42</b>            |
|                                                 | <b>[Exempt Para(s) 3]</b> |
| 6. Update on Position of Lincoln Arts Trust Ltd | <b>43 - 48</b>            |
|                                                 | <b>[Exempt Para(s) 3]</b> |

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### **OUR PEOPLE AND RESOURCES**

- |                                                                    |                           |
|--------------------------------------------------------------------|---------------------------|
| 7. Investment Property: Options for Alternative Lease Arrangements | <b>49 - 58</b>            |
|                                                                    | <b>[Exempt Para(s) 3]</b> |

**Present:** Councillor Ric Metcalfe (*in the Chair*),  
Councillor Donald Nannestad, Councillor Chris Burke,  
Councillor Bob Bushell, Councillor Rosanne Kirk and  
Councillor Neil Murray

**Apologies for Absence:** None.

**19. Confirmation of Minutes - 26 August 2020**

RESOLVED that the minutes of the meeting held on 26 August 2020 be confirmed.

**20. Declarations of Interest**

No declarations of interest were received.

**21. Financial Performance -Quarterly Monitoring**

Purpose of Report

To present the first quarter performance on the Council's General Fund, Housing Revenue Account, Housing Repairs Service and Capital Programme, specifically including the financial impact of the Covid 19 pandemic in these areas.

**Decision**

- (1) The progress on the financial performance for the period 1 April 2020 to 30 June 2020, the projected outturns for 2020/21 and the impact of Covid 19 on the Council's financial position be noted.
- (2) The underlying impact of the pressures and underspends identified in paragraphs 3.2, 4.3 and 5.2 of the report, as set out in Appendices B, D and F respectively be noted.
- (3) The budget revisions to the General Fund as summarised in paragraph 3.18 of the report and to the Housing Revenue Account as summarised in paragraph 4.11 of the report be approved.
- (4) The proposed contributions from earmarked reserves as set out in paragraph 3.19 of the report be approved.
- (5) The changes to the Housing Investment Programme approved by the Chief Finance Officer as detailed in paragraph 7.10 of the report be noted.

Alternative Options Considered and Rejected

As an alternative to the measures set out in this report, Executive could decide to take no action at this point and wait until later in the year to make any required changes to the budget. However, the S151 Officer with a responsibility to ensure that the Council maintained a balanced budget, offered caution with this approach, and the likelihood of an unbalanced budget that would arise.

## Reason for Decision

Updates were reported as follows:

### *General Fund Revenue Account*

For 2020/21 the Council's net General Fund revenue budget was set at £12,963,220, including a planned contribution from balances of £286,310, resulting in an estimated level of general balances at the year-end of £2,522,188 after allowing for the 2019/20 outturn position.

The General Fund summary was currently projecting a forecast overspend of £78,802, as set out in Appendix A of the report. Although this represented a relatively minor overspend in comparison to the net budget there were a significant number of forecast year-end variations in income and expenditure against the approved budget, primarily as a result of Covid 19 along with variances arising from measures taken to address the budget pressures and the financial support provided by Government. Full details of the main variances were provided in Appendix B of the report while the key variances were noted as follows:

	<b>Forecast £'000</b>
Increased expenditure arising as a result of Covid19	518
Income losses as a result of Covid19	5,722
Income Compensation Scheme	(2,600)
Government Grants (Covid19, Rough Sleeping, New Burdens, Test & Trace support).	(1,446)
Budget Review savings/Reduced operating costs due to Covid19	(1,408)
Coronavirus Job Retention Scheme	(138)
Review of capital programme	(307)
Covid19 Reserve (set asides for 19/20)	(291)
Anticipated overachievement of TFS target	(50)
<b>Overall Impact of Covid19 and measures to mitigate</b>	<b>0</b>
2020/21 national pay award implications	110
Net other variances	(31)
<b>Overall forecast budget shortfall</b>	<b>79</b>

The most significant of the forecast variations was income losses as a result of Covid19. Paragraphs 3.4 -3.8 of the report set out further detail on the key financial challenges that the Council was facing in 2020/21 arising as result of Covid19. Financial support received from the Government in this respect was set out at paragraph 3.9 of the officer's report. The total of this package of financial support was currently estimated to be £4.046m which still left the General Fund facing a budget shortfall of £2.194m, prior to the offset of any expenditure savings arising as a result of Covid19.

Paragraphs 3.10-3.17 of the report outlined measures to address the budget shortfall, amounting to £2,193,675, which along with the financial package of support provided by the Government, would ensure the General Fund maintained a balanced budget for 2020/21 without the need to call upon earmarked reserves and balances.

Budget revisions were planned to reflect these measures and these resources were held in contingencies, offsetting the budget shortfall in the service areas.

This was as opposed to allocating the resource to specific services at this stage, as current forecasts were likely to fluctuate during the financial year. However, there was a need to allocate £127,050 to the leisure services budget in order to meet additional costs above officer delegated approval limits. The required budget revisions were:

- A reduction in service area budgets of £1,408,070
- A new income budget for CRJS of £138,000
- An increase in the TFS target of £50,000
- A reduction in DRF charges of £307,070
- An increase in the leisure services budget of £127,050.

The balance on the Covid19 earmarked reserve would be held and allocated following the final outturn position for the financial year.

Additional contributions from earmarked reserves that the Chief Finance Officer had identified as being required, subject to outturn, included:

Directorate	Reserve	Amount t £
DCE	Strategic Priority Reserve - Intervention Team Funding re-profiled from 2019/20	2,500
DCE	Invest to Save Reserve – VIC Start Up Funding re-profiled from 2019/20	7,270
	<b>Total additional reserve contribution required:</b>	<b>9,770</b>

### *Housing Revenue Account*

For 2020/21 the Council's Housing Revenue Account net revenue budget was set at £75,000, resulting in an estimated level of general balances at the year-end of £921,071, after allowing for the 2019/20 outturn position.

The Housing Revenue Account was currently projecting an in-year variance of a £182,615 underspend, which would increase the general balances to £1,103,686 at the end of 2020/21.

Although the forecast position was an underspend there were a number of forecast year-end variations in income and expenditure as a result of Covid 19 along with variances arising from measures taken to address the budget pressures.

The details of the main variances were provided in Appendix D of the report and were summarised as follows:

	Forecast £'000
Increased expenditure arising as a result of Covid19	129
Income losses as a result of Covid19	566
Budget Review savings/Reduced operating costs due to Covid19	(240)
Coronavirus Job Retention Scheme	(124)
Earmarked reserve to fund new Rent Hardship Fund	(100)
Reduced repairs and maintenance expenditure	(230)

<b>Overall Impact of Covid19 and measures to mitigate</b>	<b>1</b>
2020/21 national pay award implications	46
Increased rental income arising from Buy-Backs	(148)
Net other variances	(81)
<b>Overall forecast budget surplus</b>	<b>(182)</b>

Paragraphs 4.5 -4.6 of the report set out further detail on the key financial challenges that the Council was facing in 2020/21 arising as result of Covid19.

Paragraphs 4.7 -4.10 of the report outlined measures to address the budget shortfall, amounting to £694,088, which would ensure the HRA maintained a balanced budget for 2020/21 without the need to call upon earmarked reserves and balances.

Budget revisions would be made to reflect these measures and these resources were held in contingencies, offsetting the budget shortfall in the service areas. This was as opposed to allocating the resource to specific services at this stage, as current forecasts were likely to fluctuate during the financial year. The required budget revisions were therefore:

- A reduction in service area budgets of £218,890
- A budgeted surplus from HRS of £21,300
- A new income budget for CRJS of £124,000

The use of the earmarked reserve to resource the Rent Hardship and the underspend on repairs and maintenance would be held and allocated following the final outturn position for the financial year

#### *Housing Repairs Service*

For 2020/21 the Council's Housing Repairs Service net revenue budget was set at zero, reflecting its full cost recovery nature.

At quarter one the Housing Repairs Service was forecasting a surplus of £44,853 in 2020/21, with a summary and details of main variances set out in Appendices E and F of the report respectively.

#### *Earmarked Reserves*

The details of all the earmarked reserves and their forecast balance as at 31st March 2020 were attached in Appendix G of the report. In summary:

	<b>Opening Balance</b>	<b>Contributions</b>	<b>Actuals Q1</b>	<b>Forecast Q2-Q4</b>	<b>Forecast Balance</b>
	<b>01/04/20</b>				<b>31/03/21</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
General Fund	6,513	(460)	(630)	(22)	5,401
HRA	1,403	(33)	0	(100)	1,271
Capital Resources	19,449	14,941	0	(26,587)	7,803

The original General Fund Investment Programme for 2020/21 in the Medium Term Financial Strategy 2020-25 amounted to £15.586 million. This was increased to £16,430 million following quarter four approvals and year-end re-profiles from 2019/20.

The Chief Finance Officer had delegated authority to approve financial changes up to an approved limit as set out under Financial Procedure Rules. All changes over the approved limit required approval by the Executive.

There were no budget changes approved by the Chief Finance Officer, no changes that required Executive approval, also no new projects approved at Capital Programme Group requiring Executive approval, all for the first quarter.

The overall spending on the General Fund Investment Programme for the first quarter was £0.12 million, which was 0.73% of the 2020/21 programme and 1.01% of the active programme and was detailed further at Appendix J of the report. Although this appeared to be a relatively low percentage of expenditure at this stage of the financial year, quarter 1 was constrained by the national lockdown as well as the diversion of internal resources to focus on Covid 19. The majority of schemes had now recommenced either on site or in terms of their development stages, however it was likely that a number of schemes would not be completed by their original targets and the budgets would need re-profiling accordingly.

#### *Housing Investment Programme*

The original Housing Investment Programme for 2020/21 in the Medium Term Financial Strategy 2019-24 amounted to £25.640 million and was increased to £28,505 million following approvals and year-end re-profiles as part of the 2019/20 outturn. This had been further adjusted to £29.324 million during the first quarter of 2020/21, with a summary of the changes set out at paragraph 7.9 of the report.

Expenditure against the Housing Investment Programme budget during the first quarter was £1.407 million, which was 4.8% of the programme. A further £2.559m had been spent as at the end of July 2020, with expenditure detailed further at Appendix L to the report.

Although this appeared to be a relatively low percentage of expenditure at this stage of the financial year, quarter 1 was constrained by the national lockdown as well as the diversion of internal resources to focus on the Covid19. The majority of schemes had now recommenced either on site or in terms of their development stages, however it was likely that a number of schemes would not be completed by their original targets and the budgets would need re-profiling accordingly.

Councillor Ric Metcalfe thanked the Council's Chief Finance Officer and her team for their excellent stewardship of the Council's finances, reflecting that it had been an extremely challenging year in very difficult circumstances. The impact of the Covid 19 pandemic on the council's finances was not territory the authority was used to being in having happened so suddenly with emergency action required.

## **22. Review of Trusted Landlord Scheme and Proposed Changes**

## Purpose of Report

To approve the proposed changes to the Trusted Landlord Scheme, following review by Policy Scrutiny Committee at its meeting held on 18 August 2020.

## **Decision**

That the proposed changes to the Trusted Landlord Scheme be approved.

## Alternative Options Considered and Rejected

None.

## Reason for Decision

The impact of student demand and the increase in the number of houses in multiple occupation led to a series of studies and reports in 2014 which resulted in the development of the Trusted Landlord Scheme (TLS). The TLS was launched in March 2017 and worked with five existing national, regional and local accreditation schemes operating in Lincoln, bringing landlords accredited with those schemes under the common badge of the TLS.

The TLS provided collective public recognition for responsible landlords who deliver private rented accommodation in the city. The purpose of the Scheme was to improve standards of accommodation and management, help improve neighbourhood relations and to recognise and support those landlords participating in the Scheme.

There had been many changes in legislation applicable to the private rented sector over the past 5 years including the introduction of banning orders; a database of rogue landlords and property agents; improved electrical safety standards; and civil penalties. The General Data Protection Regulations also came into effect in May 2018, prior to the launch of the scheme. As a result of these legislative changes, and given the current scheme had not met the targets set, and improvements to the operational procedures had been identified, the Private Sector Housing Team had taken this opportunity to review the scheme. As initial members of the scheme were due to renew their membership, this would also be an appropriate time to review the scheme document as per the main changes outlined at paragraph 4.5 of the officer's report.

### **23. Proposal to Introduce a Public Space Protection Order to Prevent Anti-Social Behaviour at Lucy Tower Multi-Storey Carpark, Broadgate Multi-Storey Carpark and Lincoln Central Multi-Storey Car Park**

*(Councillor Burke joined the virtual meeting at this stage in proceedings)*

## Purpose of Report

To approve the implementation of a Public Space Protection Order to provide additional tools and powers to reduce and manage incidents of Anti-Social Behaviour (ASB) and drug use within our multi-story carparks in the areas of Lucy Tower Multi-Storey Carpark, Broadgate Multi-Storey Carpark and Lincoln Central Multi-Storey Carpark, following consideration by Policy Scrutiny Committee at its meeting held on 18 August 2020.



Revised maps of Lucy Tower Multi-Storey Carpark, Broadgate Multi-Storey Carpark and Lincoln Central Multi-Storey Carpark were made available to Executive members.

## **Decision**

That the implementation of a Public Space Protection Order (PSPO) under the Anti-Social Behaviour, Crime and Policing Act 2014 to prevent Anti-Social Behaviour in the areas of Lucy Tower Multi-Storey Carpark, Broadgate Multi-Storey Carpark and Lincoln Central Multi-Storey Carpark be approved, as per the draft order laid out within Appendix D of the officers report.

## Alternative Options Considered and Rejected

To take no further action – without the PSPO the council could continue to use other powers such as Community Protection Notices and Injunctions in cases of extreme ASB. This process was being used currently however due to the incremental requirements of community protection notices and other powers the process could be lengthy and did not give any immediate sanctions to deter persons causing ASB.

## Reason for Decision

In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour.

The PSPO was flexible and could be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions were met. These conditions centred on the impact to the quality of life in the locality, persistence, and whether the impact made the behaviour unreasonable.

For a number of years City of Lincoln Council had received significant complaints relating to the Anti-Social Behaviour taking place in our multi-story car parks.

Areas of the car parks were often unsanitary and posed a health and safety risk to both the Public and Employees that used the areas. Additionally the car parks were often the first and last image that visitors had of Lincoln and did not portray Lincoln as a vibrant, safe and welcoming city.

As well as recommending the introduction of a PSPO the council had already taken positive steps to address the number of reported incidents. The Council had recently introduced CCTV at both the Lucy Tower Street and Broadgate Car parks. Central Car park had CCTV in already. CCTV was assisting with deterrence, and would also assist in the enforcement aspects of the PSPO. The Council had also put on additional security patrols to support staff and give reassurance to the public.

Through the consultation process the views of partner agencies had been sought as detailed within the officer's report.

The purpose of the PSPO was to provide additional tools and powers to tackle ongoing and protracted ASB occurring on a regular basis within our Multi-Story car parks.

The PSPO would be put in place for a maximum period of three years and there would be a full review towards the end of that time or earlier if required.

**SUBJECT: PLANNING WHITE PAPER CONSULTATION**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: KIERON MANNING (ASSISTANT DIRECTOR – PLANNING)**

## **1. Purpose of Report**

- 1.1 To update Executive on the content of the recent White Paper consultation from Central Government on reforming the planning system.
- 1.2 To seek agreement to the proposed response to the consultation put forward as part of this report.

## **2. Executive Summary**

- 2.1 The Government published two consultations on 6 August 2020 relating to the planning system. One was a fairly straight forward consultation on proposed changes to the current planning system, the second proposed major changes to the planning system as part of an overhaul of our what the Government are calling our “outdated and ineffective planning system”.
- 2.2 The ‘Planning for the future’ White Paper was published in early August and sees significant changes at both Policy and Development Management stages. The Government have stated it has the potential to alter the planning system more than any previous reforms since the inception of the planning system in 1947.
- 2.3 In the forward to the White Paper, the Prime Minister states that the government’s ambition is to create a planning system which is “simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades”. When launching the consultation, Housing Secretary Robert Jenrick MP said:

*“Our complex planning system has been a barrier to building the homes people need; it takes 7 years to agree local housing plans and 5 years just to get a spade in the ground... We will cut red tape, but not standards, placing a higher regard on quality, design and the environment than ever before. Planning decisions will be simple and transparent, with local democracy at the heart of the process.”*

Since 1947 planning applications in England have been assessed on a case-by-case basis against a long-term local plan, with permission ultimately decided by committee. The new system proposes to diminish this. Land will instead be classified into three zones within a new local Plan, with outline planning permission awarded automatically if proposals meet specific criteria within specific zones.

### 3. Background

- 3.1 The focus of the White paper centres on increasing the availability of new homes. It is widely accepted that there is a shortage of available housing in the UK and there have been a number of attempts in recent years to firstly cite the planning system as the main reason for this shortage, and then to make numerous alterations to both the policy framework and Development Management procedures in an attempt to fix the perceived problem. Despite this context of almost perpetual alteration to the system, authorities across the country approve the overwhelming majority of planning applications and in most cases can do little more to assist in the delivery of more housing.
- 3.2 There are currently between 800,000 and 1m houses that have been granted planning permission across the country but have not been built out, yet the White Paper consultation proposes radical change to the land use planning system as the means to address what is largely an economic problem.

### 4. Summary of the key proposals

- 4.1 The White Paper outlines that broadly speaking the planning system should move to one of zoning as happens in some other countries. To this end it proposes the following three categories would apply to all land within a district boundary as part of the local plan allocation process:

**Growth:** Applications for new homes, hospitals, schools, shops and offices in areas “suitable for substantial development” in Growth zones will be given automatic outline planning permission. Developers will, however, still need to secure reserved matters permission in accordance with locally developed design codes and “site-specific technical issues”

**Renewal:** Proposals in urban areas (i.e. densification and infill), on brownfield sites and relating to “small sites within or on the edge of villages” will be given “permission in principle”

**Protection:** Development will not be permitted in protected areas such as the Green Belt and areas of outstanding natural beauty

#### 4.2 Local Plan proposals

- The government envisages “an altered role” for local plans, and local authorities will be given 30 months to produce new and intentionally stripped back plans. Failure to meet this deadline will result in some form of sanction.
- All Development Management policy in future will be set nationally with the proposals explicitly stating “the National Planning Policy Framework would become the primary source of policies for development management” if the White Paper was enacted.
- New local plans will be restricted to zonal allocation of the three categories and the specific codes and standards to be applied to projects in the development zones need to be detailed at this stage.
- Local planning authorities and neighbourhoods (through Neighbourhood Plans) are seen however as having “a crucial role” in producing design

guides and codes to “provide certainty and reflect local character and preferences about the form and appearance of development”.

- Local Plans would be subject to a single statutory “Sustainable Development test” replacing the existing tests of soundness.
- As the housing targets will be set nationally they propose to remove the 5 year housing land supply requirement but retain the presumption in favour of sustainable development.
- The White Paper also suggests that Local Plans could be adopted by the authority themselves instead of by the Planning Inspectorate via a public enquiry as happens now.
- The length of documentation should be drastically reduced with the focus being web based maps, and all data should be machine readable to a set national standard.

#### 4.3 **The role of Councillors and Development Management**

The proposals represent a fundamental change to the planning system officers and members are familiar with by seeking to:

*“Democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes”*

- Determination deadlines to be firm deadlines of 8 and 13 weeks and no use of extensions of time as happens now. Automatic refunds of the planning fee if not met. In addition, if applications are refused but then subsequently approved at appeal stage then applicants would also receive an automatic refund of the planning fee.
- Requirement for new, more modular software to enable machine readability of data set to national standard to automate routine processes and speed up the process.
- Restriction of volume of supporting data for major applications to just 50 pages and standard nationally set conditions to be used.
- Delegation of detailed planning decisions to planning officers where the principle of development has been established.
- Mandatory net gain for biodiversity set as a condition of most new development and all new streets will be tree-lined.
- NPPF updated to allow a degree of permitted development for Listed buildings and conservation areas for energy efficiency measures and autonomy for suitably experienced architects so that no Listed Building Consent is required.
- The paper also proposes a “quicker and simpler framework for assessing environmental impacts”.

#### 4.4 **Public engagement**

The White Paper promises “world class civic engagement” at the local plan-making stage, with a focus on digitisation facilitating easier public access to planning documents. These will be published online in standardised formats with “digitally consumable rules and data”, allowing people to respond to consultations on their smartphones. Engagement of the public at planning application stage however, will be significantly reduced as a consequence.

#### 4.5 **Section 106 agreements and Community Infrastructure Levy (CIL)**

- Both Section 106 agreements and the CIL would be scrapped and replaced with a new infrastructure levy calculated as a fixed proportion of the value of developments, above a set threshold.
- Allow Local Authorities to borrow against Infrastructure levy revenues so that they can forward fund infrastructure.
- In the short term, the government has proposed that First Homes should make up a minimum of 25% of affordable housing secured through Section 106, up to the introduction of the new levy.

#### 4.6 **Housing targets**

- Local Authorities will be bound by targets set using a new “standard method” for calculating local housing need at a national level instead of the locally calculated need at present.
- This new methodology will be based on how many existing homes there are in an area, the projected rise in households, and changes in affordability.
- The new standard method will also be the vehicle for the distribution of the national housebuilding target of 300,000 new homes a year.
- As a result of this change councils will no longer have a “duty to co-operate” with neighbouring authorities when developing local plans.

#### 4.7 **Design**

- A new body will be established to oversee creation of local design codes, and each local authority will be expected to employ a chief officer for design and place-making to oversee quality. Local design codes must have community input to be valid, using empirical evidence of what is popular and characteristic in the local area.
- The government has also promised the imminent publication of a National Model Design Code “setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision”.
- In allocated Growth Areas individual site masterplans and codes will be drawn up by the Local Authority at local plan stage. Schemes that comply will be “fast-tracked”. In Renewal areas “pattern books” should be revived

by allowing pre-approval of popular and replicable designs through permitted development.

#### **4.8 Enforcement**

- As local planning authorities are “freed from many planning requirements” the government foresees that they will instead be able to focus more on enforcement across the planning system.
- As such the consultation promises to “review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system” and “introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity”.

#### **4.9 Delivering Change**

- In order to minimise disruption recently approved plans and existing permissions can continue as planned and they have already introduced new permitted development rights making it easier for businesses to change use and for new homes to be built on top of buildings as well as demolition and rebuild without the need for planning permission.
- In addition they are also consulting on short term measures to:
  - Change the standard method for assessing local housing need
  - Securing First Homes through S.106
  - Lifting the affordable housing threshold from 11 to 40 or 50 units
  - Extending current Permission in Principle to major developments for housing sites
- They will ensure that investment in new public buildings supports renewal and regeneration of town and city centres and explore how disposal of publicly owned land can support the SME and self-build sectors.
- They will develop a comprehensive resources and skills strategy for the planning sector to support implementation.

### **5. Implications of the proposed changes**

- 5.1 The notion of streamlining the local plan process in principle is welcomed but the proposals do not provide the detail to assess whether it will deliver positive outcomes, nor do they adequately explain how such streamlining can take place whilst simultaneously expanding public engagement at this stage and increasing the level of work by Local Planning Authorities to create masterplans and design codes as part of the plan. Removing the duty to co-operate will also remove the ability for infrastructure to be considered across boundary in a strategic way.
- 5.2 It is concerning that beyond the local plan stage community and member engagement does not form a prominent role which seems to run counter to the idea that the system will improve such engagement. Local planning Authorities should be empowered and adequately resourced to act as master developers ensuring local plans deliver real change but the extension of Permitted Development rights recently introduced and other measures will firmly erode this role. Recent changes to Permitted Development rights have prevented councils

from being able to protect local residents against poor housing standards and poor quality places so it is disappointing to see such rights extended further. In addition the short term plan to increase the affordable housing threshold from 11 to 40 or even 50 will mean that there will be a significant drop in the number of affordable houses secured in Lincoln as many of our housing sites are below this number.

- 5.3 Whilst having a single charge instead of S.106 and CIL is a good idea in theory the suggested mechanism (setting a minimum threshold below which it won't be charged) could see lower value areas where viability is often an issue such as Lincoln securing very little if any funding. This will be a problem for all forms of necessary infrastructure but in particular will severely hinder our ability to deliver affordable housing. Local Authority borrowing against projected receipts is high risk as the sum collected for one scheme rarely pays for a whole piece of infrastructure, so it would require a financial leap of faith based on a series of assumptions and could lead to significant debt. There is also no mention of how non-financial requirements would be secured as they are currently under S.106 such as the developer providing a school or other community facility in kind.
- 5.4 It is disappointing that with the exception of seeking to introduce a Biodiversity Net Gain as part of development the proposals do not go far enough to meet ambitious targets to reduce carbon emissions and affect climate change.
- 5.5 As councils would be forced to take account of every conceivable eventuality over a 10-year period while developing the new local plans and legally-binding long-term zoning allocations likely to lead to an increase in legal claims from landowners and developers who might see sites zoned unfavourably or undesirably– there is certainly scope within the proposals that rather than simplifying and accelerating the planning process, the White Paper may inadvertently create logjams where currently there are none.
- 5.6 Whilst additional engagement with residents at local plan stage is welcomed it will be very difficult to secure any form of consensus regarding good design as part of any design code work. The paper suggests looking at what is popular and what the area currently has as queues to influence the codes but in many instances neither of these things will lead to good quality design as popularity cannot be relied upon when the country is suffering a housing shortage, nor should reference be taken from many established areas in design terms if those areas are poor quality. It also fails to explain who arbitrates and has the final say on design. In addition using such a formulaic method will hamper innovation, variety and exemplars which are all needed to create high quality places.
- 5.7 Due to the position of our current local plan and the suggested transition arrangements Central Lincolnshire would be in the position where the current local plan review would run its course with implementation in early 2022, and almost immediately after that the new local plan creation would need to commence.
- 5.8 Setting the determination targets of 8 and 13 weeks as hard deadlines and reducing the ability of authorities to use extensions of time will result in more applications being refused as in almost every case the extensions are required to allow for further information from the applicants to be submitted and not because



the LPA simply wants more time. As the proposal also includes an automatic fee rebate if refusals are then overturned at appeal this could also significantly increase the financial exposure to the council.

- 5.9 The paper fails to acknowledge the considerable time, expertise and resource required for LPAs to effectively masterplan sites at Local Plan stage and relying on a proportion of the Infrastructure Levy to cover such costs as suggested is unlikely to cover this cost. As submissions will not be allowed to exceed 50 pages to cover all aspects this will need to be front loaded by the LPA at significant cost and time. Archaeology, contaminated land, flood risk assessments, biodiversity statements etc. will all need to be carried out at this stage before sites can be allocated.
- 5.10 Allowing qualified professionals the scope to carry out works to listed buildings is risky as work that is found to be inappropriate or not complying with the rules cannot simply be undone, any features damaged or removed would be lost forever. It is also impossible to create a set of rules for this as every building is different and the value of certain features differs also. Unscrupulous individuals could employ such professionals to achieve the outcome they desire.
- 5.11 There is no detail as to how the new enforcement powers would work in practice. The White Paper is silent on the use of expediency if the rules have been broken, and on whose interpretation of the rules count. Equally it does not explain how the LPA determines whether any breaches have been intentional.

## **6. Next stages**

- 6.1 The consultation is open until October 29 2020. Subject to the outcome of the consultation, the government “will seek to bring forward legislation and policy changes” to implement its reforms acknowledging “we have not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation”. The proposals will require primary legislation followed by secondary legislation and an updating of the National Planning Policy Framework.
- 6.2 At the time of drafting this report none of the key organisations within the sector have issued their formal response to the White Paper but the Assistant Director – Planning has been part of a number of webinar discussions attended by LGA, DCN, CCN, POS, MHCLG and a range of Council representatives from across the country where many of these concerns have been echoed. Likewise members of the Central Lincolnshire Joint Strategic Planning Committee have endorsed an officer report highlighting the same planning policy concerns of the White Paper and whilst as a Planning Policy body they will be submitting a formal response to the consultation it has also been agreed that each district will also submit their own response.
- 6.3 Appended to this report is the list of questions posed within the White Paper and the response to each question as suggested by officers.

## **7. Organisational impacts**

### **7.1 Finance**

The potential financial implications for the authority are primarily impact on receipts and in-kind provision of infrastructure through section 106 and CIL if the White Paper becomes national policy. There are however no financial implications in making the response to this consultation.

### **7.2 Legal implications including procurement rules**

There are no legal or procurement issues to consider

## **8. Recommendation**

- 8.1 The Executive is asked to endorse the conclusions of the report and the suggested response to each question.

**Is this a key decision?** No

**Do the exempt information categories apply?** No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?** No

**How many appendices does the report contain?** 1

**List of Background Papers:** None

**Lead Officer:** Kieron Manning (Assistant Director - Planning)  
Telephone (01522) 873551

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

**Managing sustainable development**

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

**Yes – as the Local Planning Authority we are at the heart of the planning process**

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?

**Improved online access in a simpler format is welcome, however as an LPA we have serious concerns over how this data can be made machine readable in a nationally standardised format, and how this will be funded**

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

**As an LPA all of the above issues are priority areas for us as ensuring balance between all of these requirements is essentially what the planning system is for. Undue focus on one particular area or issue can result in unintended and negative consequences**

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

**The principle of speeding up the plan preparation process is supported, but there is concern as to how the expectations for developing a robust evidence base and the meaningful engagement with communities, particularly with the heightened importance of getting design and detailed matters determined for areas and sites being identified for Growth or Renewal. The additional emphasis on design codes and implication of consent for certain allocations means that more detailed work will be required as part of the local plan process which will take more time and cost more money to achieve. The White Paper does not adequately explain at what scale such codes and allocations should apply and how LPAs are meant to resource this costly work that is usually dealt with by planning consultancies working on behalf of an applicant and using a range of specialist consultants (Highway specialists, archaeologists, flood risk experts, ecologists, urban designers etc.) the majority of whom are not part of LPA teams partly due to the continual reduction to Local Authority resources in recent memory, and partly because this has rightly always been the responsibility of applicants and not a cost to the tax payer.**

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

**The standardisation of such generic policies is generally supported, but it is essential that they have adequate coverage for the entire country and that it provides enough flexibility for LPAs to take a local approach to locations where a different approach is needed, with green wedges or Areas of Landscape Value for example in the Central Lincolnshire context, with a strong likelihood of success at examination. Caution is also needed to ensure that the Government does not subsequently amend these generic policies changing the protection that they offer as this could undermine location-specific policies and could leave areas without adequate protection.**

- 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?

**In principle, the idea of streamlining Local Plan procedures including tests of soundness and Sustainability Appraisal are welcomed. However the importance and thoroughness in particular of SA must not be effectively ‘watered down’ through any streamlining as SA sits at the heart of good decision and plan making.**

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

**It is difficult to see a method for achieving this in the absence of a duty to co-operate**

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

**The principle of setting housing requirements nationally is supported as it will remove the lengthy and time consuming debate locally, but there has to be a reality check on the outcomes of this otherwise the national targets will not be achieved.**

- 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-the principle of taking into account local affordability and the size of existing urban areas is a sensible one. However in areas where joint plans are produced this needs to be carefully considered to ensure sufficient**

**levels of sustainable development take place to support communities and to support growth and regeneration especially in areas of deprivation.**

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

**In theory this is a good idea but there is serious concern that there is an absence of understanding around the amount, complexity and cost of work required at the local plan stage to accommodate this goal as many technical constraints could prevent allocation even in principle. This process will also take more time which runs counter to the other clear goal of speeding up the process**

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

**See response to 9a as this is also largely the case for Renewal allocations**

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

**Possibly, although large sites and whole new settlements by their very nature are complex developments to bring forward and therefore require significant lead-in time and careful infrastructure planning to be delivered alongside.**

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

**No. Applications are already dealt with as quickly as Local Authority resources allow and the use of extensions of time are invariably at the request of the applicants and so they are happy to follow this route. By eliminating Extensions of time it will result in more applications being refused and/or due to the proposed sanctions around refunds at appeal could see poor development approved due to the consequent financial risk to the authority. By delegating decision making down to planning officers it also runs a risk of lack of consistency in decision making. Planning is a complex process and cannot be over-simplified to attempt to increase certainty in the same way that the law is complex and needs detailed bespoke interpretation, nuanced decisions and therefore also cannot be over-simplified to increase certainty.**

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

**In theory yes although there is no detail in terms of how this will work, how long it takes, will it be retrospective and how is it funded? LPA's will need**

**to be provided with substantial additional resources including staff, IT support, training and IT equipment in order for this to be delivered successfully.**

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

**No. Whilst the ambition of shortening the process as far as is practicable is welcomed, the required work to enable allocations to effectively benefit from outline permission, the creation of design codes etc. is likely to take longer than the current process unless significant resourcing is given to each authority.**

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

**Yes**

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?

**Similar to the response to Q11, in order for NP's to move towards a more digital basis, significant levels of training, support and IT knowledge will be required especially supporting local groups, Town & Parish Councils undertaking NP's.**

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, although the evidence is clear that across the country planning authorities have already and continue to play their part by issuing timely planning permissions so there is little more that can be done to ensure delivery. Instead of seeking to impose sanctions on a sector that already delivers, measures that apply to land agents and major house builders should be implemented if we are to see increased delivery. Measures such as charging council tax per property if not constructed after a prescribed period beyond the consent and based on standardised delivery rates for the area should seriously be considered as they are more likely to be effective**

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

**At Lincoln we pride ourselves on achieving the best design outcome possible for each site, taking into account all planning constraints. Design**

however is subjective so it is not possible to achieve collective unity of opinion on the built environment. It is important that we consider context, separate taste preferences from good design and use both creativity and pragmatism in securing a solution

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 - **all of the above as we cannot achieve sustainable growth without each area**

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

**No. Whilst the use of design codes in certain limited circumstances – such as part of urban extension planning can be a useful tool, considering the built environment in this way is far too simplistic. Codes won't work for huge parts of the country. Areas which are rightly characterised by their significant variety in terms of design, materials, streetscape would be impossible to deal with in this manner. It also creates undue uniformity and lack of variety as well as stifling innovative and clever bespoke design solutions. The answer is to upskill planning authorities specifically in relation to urban design and then increase the weight given to design in decision making within the policy framework nationally and locally. In addition as design is subjective it will be impossible to secure a consensus with the local community and whilst increased input should be welcomed at local plan stage we express a note of caution about allowing the local community to direct the design approach of an area – particularly when as suggested we use local popularity as any form of measure. In the context of a national housing crisis where demand is far outstripping supply how can 'what is popular locally' be relied upon as a measure of design quality that should be replicated? Furthermore who arbitrates on a solution where the community either disagree with each other or disagree with the trained, experienced professionals**

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. Having a Chief Officer responsible for design and place-making is a positive step and a new body to support this approach is also welcomed. However, the focus should be about upskilling local authorities to secure good design on a site by site basis as opposed to guidance on creating design codes**

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

**Yes**

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

**No. Good design should be an absolute pre-requisite on all sites and focus should be about equipping local authorities to confidently refuse poor or even mediocre design every time. The legislation needs to be couched to support 'is it good enough to approve' instead of 'is it bad enough to refuse'.**

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]

**Planning is about delivering all of the above in a balanced way. Focusing on one area to the detriment of others will result in a poor place**

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?

**Whilst having a single tariff is a sensible approach in theory the idea falls apart for huge parts of the country which will be caught in the consequent viability gap. In these locations there may be little if any infrastructure levy secured and so the ability to secure any infrastructure would be lost. Furthermore there is no mention as to how non-financial contributions would be secured as they are currently under S.106**

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

**Locally**

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?

**If authorities have a sound local plan then it shouldn't be possible to secure more, nor less than the current system as this has been calculated locally as part of the local plan process and based on localised evidence**



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

**There is no objection to allowing this flexibility but we would object if this became an expectation or even requirement due to the significant risks around pay back as it is based on presumed delivery. This again is more of an issue in areas of lower slower growth and/or areas with marginal viability**

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

**Yes but unsure how this would be achieved in practice**

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**

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?

**Either. However, in the context of a place like Lincoln this is largely academic because by attempting to secure affordable housing through an Infrastructure levy that is set at a threshold that allows for viability of the most challenging sites will mean that very little affordable housing is delivered at all**

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

**Yes. See response to 24(b)**

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?

**No. If the system is to work as suggested then the quality of the affordable units should be assured in the same way as the market houses**

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

**Given that this is the proposed method for securing all infrastructure requirements associated with new development, the more flexibility given to Local Authorities the better**

25(a). If yes, should an affordable housing 'ring-fence' be developed?

**This would be a good method for prioritising affordable housing delivery but given the concerns expressed under 24b this is then likely to be to the detriment of all other necessary infrastructure**

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?

**The principle of wider and greater engagement by local communities from diverse backgrounds in the planning system is inherently a 'good' thing. The reality of delivering it is entirely different. Arguably the Town & Country planning system is already the most publicly consulted process delivered by Local Authorities. The general public mainly get involved in planning when it directly effects them e.g. a development taking place where they live as opposed to commenting on a Local Plan which appears somewhat more abstract and remote to them. This consultation is light on the detail on the practicalities and realities around greater and more meaningful public engagement from more marginalised sections of the community at the local plan stage, and why it is deemed to be positive to significantly curtail this engagement at the Development Management**

**84. Planning White Paper Consultation**

Kieron Manning, Assistant Director – Planning

- a. presented a report to update committee on the content of the recent White Paper consultation from Central Government on reforming the planning system.
- b. referred to paragraph 2 of the report and outlined the two consultations published by the Government on 6 August relating to the Planning System.
- c. advised that the 'Planning for the future' White Paper was published in early August and saw significant changes at both Policy and Development Management stages. The Government had stated that it had the potential to alter the planning system more than any previous reforms since the inception of the planning system in 1947.
- d. advised that in the forward to the White Paper, the Prime Minister stated that the government's ambition was to create a planning system which was "simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades"
- e. advised that since 1947 planning applications in England had been assessed on a case-by-case basis against a long-term local plan, with permission ultimately decided by committee. The new system proposed to diminish this. Land would instead be classified into three zones within a new local Plan, with outline planning permission awarded automatically if proposals met specific criteria within specific zones.
- f. explained that the White paper proposed that the following three categories would apply to all land within the a district boundary as part of the local plan allocation process:
  - i. Growth
  - ii. Renewal
  - iii. Protection
- g. referred to paragraph 4 of the report and summarised the key proposals:
  - Local Plan Proposals
  - The role of Councillors and Development Management
  - Public Engagement
  - Section 106 agreements and Community Infrastructure Levy (CIL)
  - Housing Targets
  - Design
  - Enforcement
  - Delivering Changes

- h. referred to paragraph 5 of the report and explained the implications of the proposed changes.
- i. advised that the consultation was open until 29 October 2020. Subject to the outcome of the consultation, the government “would seek to bring forward legislation and policy changes” to implement its reforms acknowledging that “we have not comprehensively covered every aspect of the system, and the detail of the proposals would need further development pending the outcome of the consultation” The proposals would require primary legislation followed by secondary legislation and an updating of the National Planning Policy Framework.
- j. referred to the draft consultation response at Appendix A of the report and asked members to consider the response to each question prior to referral to Executive.

**Question:** When was the current Local Plan adopted?

**Response:** The current Local Plan was adopted in 2017 and was currently being reviewed, the next Local Plan would be adopted in 2022. Under the proposed changes to the Planning System work would have to commence on the following Local Plan immediately after its adoption in 2022 as the new plan was required to be in place by 2024.

**Question:** Was conservation areas a consideration within the proposed changes?

**Response:** Conservation areas were made reference to in the White Paper in general terms, they would form part of the Protection category.

**Comment:** Commented on the lack of available housing in the UK.

**Response:** There were between 800,000 and 1m houses that have been granted planning permission across the country that had not been built, yet the White Paper consultation proposed radical change to the land use planning system as the means to address what was largely an economic problem.

**Question:** During the development of the Local Plan would blanket design codes apply?

**Response:** We know that the intention would be to have 3 zones, however, it was unclear at what level and how Local Authorities would apply this.

**Question:** Would local residents only get a say when the Local Plan was produced?

**Response:** Potentially yes, although the White Paper did not provide detail so it was unclear. The aim of the proposed changes was to speed up and simplify the process at the planning application stage.

**Question:** During the development of the St Marks area, there was a lot of deliberation over the details for example the types of doors and windows. Would this input be taken away?

**Response:** It was unclear in the white paper whether the intention was that every area in the district required to be covered by a zone. If this was the case and there was a design code in place then potentially yes it could be the case.

RESOLVED that the conclusions of the report and suggested response to each question be endorsed and be referred to Executive.

<b>SUBJECT:</b>	<b>EXCLUSION OF THE PRESS &amp; PUBLIC</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>CAROLYN WHEATER, MONITORING OFFICER</b>

**1. Purpose of Report**

- 1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

**2. Recommendation**

- 2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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