

Planning for the Future consultation

Community Energy England representation

Introduction to Community Energy England.

1. This is a response by Community Energy England which represents 250+ community energy groups and associated organisations across England involved in the delivery of community-based energy projects that range from the generation of renewable electricity and heat, to the energy efficiency retrofit of buildings, to helping households combat fuel poverty.
2. Our vision is of strong, well informed and capable communities, able to take advantage of their renewable energy resources and address their energy issues in a way that builds a more localised, democratic and sustainable energy system.
3. Community energy refers to the delivery of community led renewable energy, energy demand reduction and energy supply projects, whether wholly owned and/or controlled by communities or through partnership with commercial or public sector partners.
4. The overwhelming motivation of people and groups involved in community energy is to make a contribution to averting climate catastrophe, followed by a desire to bring community benefit.
5. We feel that all efforts of government should share these primary motivations and ensure that whatever else they achieve they also prioritise these goals. Failure to do so is to plan to fail.

Summary of points

1. We agree that 'planning matters', that the planning system could be improved, and support the aims to tackle climate change, support biodiversity, encourage local sustainable economic activity, recognise the importance of place and 'put planning at the fingertips of the people'. We support improved digital access to planning information - provided that it is still easily accessible to people who cannot access it that way.
2. We think that it is incumbent on anyone changing a system that has been built up over many years to keep the best and guard against unintended consequences.
3. We support the principle that planning should produce 'net gain' and not just 'no net harm'. Given the huge contribution of buildings and construction (and travel and transport caused by bad spatial planning) to the urgent existential threat of climate change, planning must respond commensurately with the problem. **The purpose of planning should be proactive, 'to achieve real zero as quickly as possible' and this should be central to any sustainability test.**
4. It must not remove necessary safeguards and it must not dilute democracy. The sweeping changes to a zonal and code based system do both.
5. We do not consider that the proposals contain enough detail for anyone to judge their adequacy.
6. We have strong doubts about the proposals for zoning and codes.

7. Zonal planning demands huge complexity to honour the complexity of circumstances and demographics within a zone and codes can produce a homogeneity of design (see Belgravia) that does not empower people to innovate. Both can result in ‘machine design’ to the plan and building to minimum standards. The presumption of consent in the Growth and Renewal areas removes protections unless they are present in the original local plan. The Protected area only protects to current levels which are often woefully inadequate.

8. The proposal to ‘move the democracy forward’ disguise that it will halve the opportunity for democratic involvement in planning, removing one whole level of democracy from the ‘fingertips of the people’ vis the opportunity to intervene at the planning permissions stage on a case by case basis, which has prevented many dreadful developments.

9. The lack of detail in the proposals does not reassure us that there is any substance to the promises on sustainability and on maintaining standards - which anyway need to be hugely increased to ensure zero-carbon building now not by 2050.

10. Planning is not the block to speedy housebuilding and development that the report pretends. 87% of planning permissions are granted and there are 1 million unbuilt permissions. We do not see energy being put into encouraging the build-out of this backlog which would more than meet ambition for additional new housing for the next decade. 89% of permissions were granted within 13 weeks which is the time needed if the second opportunity for the people to get their fingertips on the planning process - the local planning permission - is to be valued and preserved.

Questions

Questions

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

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

2.1. Community energy groups are mostly involved in submitting planning permissions for community-owned renewable energy installations. However many members are active community members and will often get involved in supporting good and opposing bad local planning proposals, including, historically, those for fracking installations, pipelines and other fossil fuel infrastructure that locks us in to the past. They are majority motivated by mitigating climate change and then by creating community benefit.

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 – **email alerts, community events**]

3.1 All of the above. If the only planning decisions people can input to are Local Plan decisions then the benefit of ‘contributing our views’ will be limited and the validity of the whole endeavour vitiated. It is important that people have a say over the shaping, project by project, of their local area.

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

4.1. The environment, biodiversity and action on climate change

- 4.1.1. The IPCC 1.5° report¹ says clearly we need unprecedented, fast, systemic change. Tackling climate change, since it is such an existential threat with such a short window (real zero by 2035²) in which we can ensure viability for future generations, should be a primary duty and purpose of government and of planning.
- 4.1.2. This is urgently, but not only, about emissions from buildings and construction. It is also about designing for carbon sequestration and resilience through enabling biodiversity and a sustainable natural environment; and spatial planning to enable resilient, cooperative, relocalised communities and economies, reducing the need for travel and transport.
- 4.1.3. About 30% of our climate emissions come from buildings rising to 40% when you include construction. The Committee on Climate Change warns that without seriously engaging with building emissions the government will miss carbon budgets and fail to achieve its 2050 net zero target. The operational carbon emissions for new-builds could have been reduced to net-zero by 2016 if the Conservative government had not deleted the Zero-Carbon Homes scheme. It needs urgently to reinstate that, improve (not 'maintain') the poor standards in the Future Homes Standard proposals, such that we are building zero-carbon homes now, not in 2050. Additionally we need to prioritise and invest hugely in retrofit of our very poor existing building stock. 90% of the building problems and challenges are already standing. 16 million homes of 29 million are below EPC C with no realistic plan or investment in place to rectify that.³ The government and the planning system must urgently engage with that.
- 4.1.4. The 10% of emissions that comes from construction must be minimised by rigorous embodied carbon regulations, reducing high carbon materials and practices and removing the performance gap that locks in higher operational emissions.
- 4.1.5. We need to demolish only as a last resort, and require planning permissions and rigorous carbon accounting, including embodied carbon in existing buildings.
- 4.1.6. All this needs to be built into a planning system that puts carbon and environmental performance an equal first with other considerations including beauty, community, economy and amenity. Beauty is subjective. Carbon emissions reductions through buildings are measurable.
- 4.1.7. Spatial planning can also minimise the need for travel and transport further reducing emissions and wasted time and resources. We see no mention of '15 (or 10) minute cities'⁴ where essential services, work and amenities are available within 15 (or 10) minutes walk, cycle or public transport of home. This concept is at the forefront of 'city-making' in Paris. Kate Raworth's 'Doughnut economics' has been adopted by Amsterdam in their city plan. We need similar radical thinking in the UK. These proposals do not contain it.

¹ <https://www.ipcc.ch/sr15/download/>

² <https://theecologist.org/2020/jun/08/beyond-climate-comfortable-ignorance> and Prof Kevin Anderson's paper: <https://www.tandfonline.com/doi/full/10.1080/14693062.2020.1728209>

³ The Energy Efficiency Implementation Group report sets out a plan that would yield £47bn Gross Value Added to the economy and be virtually cost neutral https://www.theeig.co.uk/media/1063/eeig_net-zero_1019.pdf The New

⁴ <https://www.ft.com/content/c1a53744-90d5-4560-9e3f-17ce06aba69a>

- 4.1.8. The **purpose of planning should be stated in the Planning Framework as ‘to achieve real zero as soon as possible’**, moving up from ‘sustainable development’. This should be item one in any sustainability test. To put ‘beauty’ as the highest priority is a dereliction of duty.
- 4.1.9. The Committee on Climate Change points out in its Net Zero report⁵ that “It will not be possible to get close to meeting a net-zero target without engaging with people. Some of the difficult decisions that will be required (...) will only be possible if people are engaged in a societal effort to reach net-zero emissions and understand the choices and constraints...There is currently no government strategy to engage the public in the transition to a low-carbon economy. This will need to change.”
- 4.1.10. Planning should seek to create the greatest possible public engagement in the development of the built environment in order to facilitate the societal effort to reach zero carbon. This involves allowing developers to innovate, and people to engage at every stage not just at the plan stage - tho we welcome the commitment to increased community involvement in that.
- 4.2. **Other: Enabling the urgent energy transition to zero-carbon and local.**
 - 4.2.1. Our built environment and economy are built upon a secure supply of energy. The government, regulators and energy networks agree that the future of energy is local. Currently this is happening with the tokenistic consultation of the people which is not beginning to create the societal change involving the consent and participation of the wider public in the energy transition.
 - 4.2.2. Community energy is key to this engagement and to delivering zero carbon solutions locally. The local planning system must facilitate the creation of as much local generation as possible, both integrated maximally into new builds but also retrofitted on existing buildings.
 - 4.2.3. This must include high renewable energy requirements of new buildings. Currently most developers meet minimum requirements often installing only 10% of a rooftops solar generation potential. It should encourage or mandate developers to engage with the community and community energy groups at early planning stage to develop partnerships to install community owned renewable energy on new builds.
- 4.3. **Supporting the local economy (and community)**
 - 4.3.1. This, after mitigating climate change by enabling the energy transition to zero carbon, is the prime motivation of community energy groups. They seek to increase community ownership and control of local energy assets and projects, thereby increasing engagement in and commitment to the transition by local people. At the same time community energy delivers 12-13 times the social and community benefit of commercial installations⁶, through committing surpluses to fuel poverty and energy efficiency work, keeping money (including money saved on energy bills, investor dividends, local supply contracts) circulating locally with local multiplier effects.

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<https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf>

6

<https://www.gov.uk/government/publications/community-renewable-electricity-generation-potential-sector-growth-to-2020>

- 4.3.2. This support includes commitment to **more and better local infrastructure** and **more locally appropriate zero-carbon housing and retrofit.**

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

NO.

- 5.1. There is simply not enough information to make adequate judgements on the viability or methodology of these proposals. We do not think they are solutions for the stated problem of needing “More good quality, attractive and affordable homes faster,” which cannot necessarily be blamed on the current planning system. We have severe doubts, compounded by the lack of detail, about basic democracy and therefore the long term efficacy of the proposals; the community engagement; the zoning and building code proposals

Democracy and community engagement.

- 5.2. We support streamlining Local Plans and “radically and profoundly re-invent[ing] the ambition, depth and breadth with which they [Local Authorities] engage with communities” over the local plan. But removing or excessively ‘streamlining’ the ‘opportunity for consultation at the planning application stage’ will NOT “democratise the planning process” as claimed.
- 5.3. Doing democracy well, in a way that engages people to consent to and participate in ‘societal change’ will be essential to achieving carbon zero. That involves subsidiarity of decision-making and timely and well facilitated opportunities to get involved. From our experience of community engagement by local authorities we do not think that any ‘comprehensive resources and skills strategy’ and upskilling process will enable these ‘radical re-inventions’ of engagement and the delivery of a new local plan based on them to happen within 30 months, when it currently takes 7 years.
- 5.4. It will be impossible to foresee all eventualities at Plan stage and people who have engaged but find themselves powerless to affect a specific proposal at what would have been local planning permission stage will become cynical and angry, and the whole process could back-fire badly, losing the trust of the community.
- 5.5. The challenge not addressed in the proposals is motivating people to engage at Local Plan stage, in advance of an immediate threat or opportunity which will directly affect them in the form of an actual planning proposal. I have, personally, as part of a Transition Town initiative been highly motivated to engage with local plans. However I have repeatedly missed deadlines or simply not had the capacity to engage at this stage. The proposed engagement improvements should also be available to speed up and ensure informed participation at the planning permission stage. The current proposals will still advantage well resourced developers and the educated elite who can design the system to their advantage, opening bankable opportunities and protecting their interests.
- 5.6. We support the use of data, maps and visualisations in developing plans but also in presenting individual planning proposals.

Sustainability

- 5.7. The Committee on Climate Change warns that ‘the UK’s legally-binding climate change targets will not be met without the near-complete elimination of greenhouse gas emissions from UK buildings’. Since the legally binding targets are demonstrably

inadequate to keep heating to 1.5 degrees⁷ and will need to be revised, any reform of the planning system should be aiming to drive carbon reduction from building to achieve zero-carbon well ahead of 2050 and from new buildings from now.

- 5.8. A 'quicker, simpler framework for assessing environmental impacts and enhancement opportunities' is likely to ignore locally specific impact and opportunities in favour of general principles and rules. It may protect ecologically nugatory 'green belt' and allow the development of an urban brownfield site of very high and important local biodiversity.

Zoning and building codes

- 5.9. The zoning proposal is crude and fraught with complexity. Beyond the 3 designations there is very little detail on how it would be achieved or organised. Examples of damaging impacts of planning deregulation and 'automatic planning permission' is well described in a Guardian article⁸. Strategies for avoiding these impacts are nowhere to be found in the report. Without that we cannot support this proposal.
- 5.10. Community energy must be appropriately enabled across all zones, to enable it to take advantage of assets such as south-facing roofs, wind resources, and to be close to energy demand.
- 5.11. The current blocks to onshore wind in England where developments can only happen where an area has been pre-designated in the Local Plan as 'suitable for wind energy development' must be removed. This is a perfect example of the flaw of relying on a Local Plan to guide what can be developed post hoc. An area may have excellent wind resources, a supportive community ready to invest in a well founded project but be unable to proceed because when the Plan was written some years before nobody thought to designate the area as suitable for wind generation. Wind generation must be made easier to develop in suitable areas where there is community support.
- 5.12. The Green Belt is mentioned as de facto worthy of being a 'Protected area' when in many cases it is a green desert or factory virtually devoid of ecological value, in contrast to many brownfield sites which would automatically be included in Growth zones and yet are much more worthy of protection in ecological terms.
- 5.13. We support the ambition that design guidance and codes are "to be prepared locally and to be based on genuine community involvement rather than meaningless consultation". But again proposals lack detail as to how this will be carried out.

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

NO

- 6.1. We support the harmonisation and standardisation of data to allow national collation and machine-readability where this can speed up or enable simple tasks. And the removal of sections that simply echo the NPPF - though links to relevant NPPF section and paragraphs need to be there to enable local readers not familiar with the NPPF. But the standardisation risks losing local texture and appropriateness.

⁷ <https://theecologist.org/2020/jun/08/beyond-climate-comfortable-ignorance> and Prof Kevin Anderson's paper: <https://www.tandfonline.com/doi/full/10.1080/14693062.2020.1728209>

⁸ <https://www.theguardian.com/artanddesign/2020/aug/06/race-to-the-bottom-reform-to-planning-system-in-england-could-be-catastrophic>

- 6.2. There should be standard terms requiring that planning engage with community energy groups but the details of how the two work together will depend on the local group's focus and capabilities and so will have to be area specific.
- 6.3. We agree with the alternative proposal to 'allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system'.

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?

NO/NOT SURE

- 7.1. Current definitions of sustainable development are inadequate to enable planning to play its vital role in the transition to zero-carbon. The purpose of planning should be 'to achieve real zero as quickly as possible'.
- 7.2. A 'single statutory "sustainable development" test,' for Local Plans may have some merit if it is stringent enough to upgrade all new development to achieve zero carbon from now on. This is demonstrably possible and it should be illegal to plan to allow anything less or permit buildings that are not going as far as physically possible towards being zero-carbon.
- 7.3. We support the alternative proposal to reform the existing tests of soundness for Local Plans to make it easier for a suitable strategy to be found.
- 7.4. This however does not replace the need for Environmental Impact Assessments for developments as currently required as impacts cannot all be predicted in the Local Plan or catered for in nationally set development rules.
- 7.5. A 'quicker, simpler framework for assessing environmental impacts and enhancement opportunities' is likely to ignore locally specific impact and opportunities in favour of general principles and rules. It may protect ecologically nugatory 'green belt' and allow the development of an urban brownfield site of very high and important local biodiversity.

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

- 7.1. Cooperation is fundamental to achieving net zero. Ideally local authorities will cooperate in cross-boundary issues but a Duty to Cooperate to enforce it where it is not happening naturally is important and should not be removed. Actively supporting cross-boundary communities to come up with their neighbourhood plans and inputs to Local Plan by providing dedicated first points of contact who can channel communication and broker meetings is key.
- 7.2. Community energy groups can be excellent brokers and assistants in this work.

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

NO

- 8.1. We support the alternative proposal to 'leave the calculation of how much land to include in each category to local decision, but with a clear stipulation in policy that this should be sufficient to address the development needs of each area'
- 8.2. Standardised algorithm based targets and chasing political house-building targets are no replacement for local expertise and human planning officers consulting stakeholders and looking at areas of need and assets to come up with realistic housing requirements.

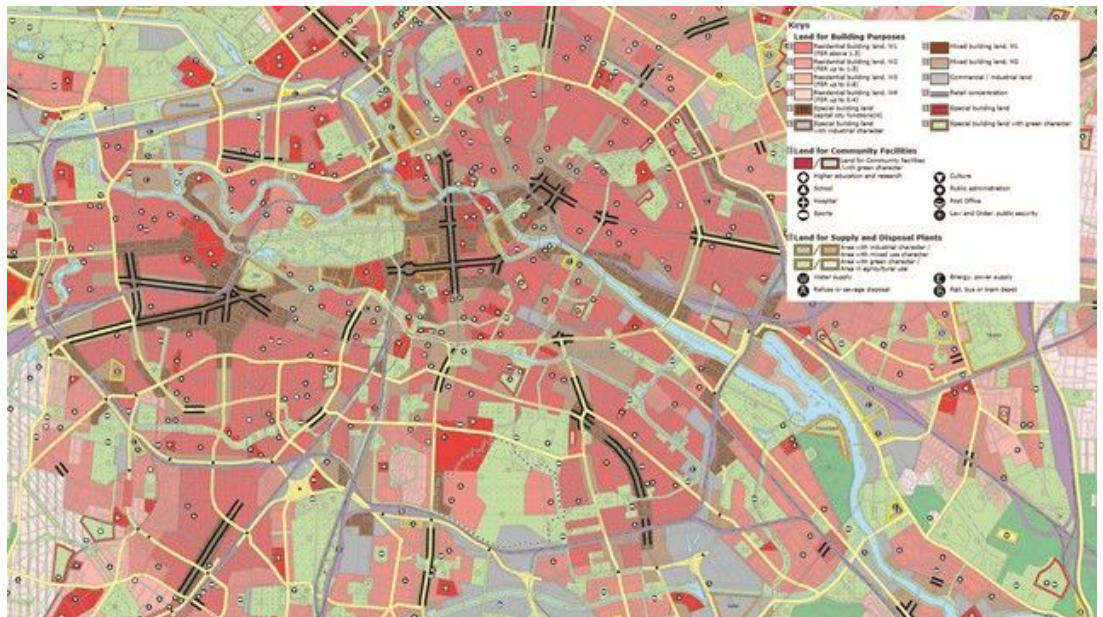
8.(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

YES/UNSURE

- 8.1. We are not convinced that these are the only indicators of the quantity of development needed. More local indicators arrived at by local survey are likely to be more accurate and effective.

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?

- 9.1. We do not support 'automatic outline permission'. Potential negative impacts of automatic permissions from zoning is well described in a Guardian article⁹. Strategies for avoiding these impacts are nowhere to be found in the report. Without that we cannot support this proposal.
- 9.2. These impacts occurred in the UK in the 80s and again in 2011, in Ireland and Spain, in the US where New York's 4,300+ page Zoning Resolution feeds an industry of consultants. It also drives designating separate areas for separate uses - eg light industry, residential, rather than creating the multifarious integration of work, leisure, amenity, residential that is envisioned in the 15 minute city on which model the incredible transformation of Paris is based. It increases the need for travel and transport. We have seen from history that dirty, noisy development tends to happen in areas of high deprivation. This is liable to happen again as the educated, and entitled, make sure they predestine the pattern of development to protect their residential area.
- 9.3. The German zoning model apparently works well and enables multi use but takes time and a lot of upfront work with multiple stakeholders which cannot be cut short. We do not believe that a good Local Plan (along with all the upskilling, and engagement work necessary) can be achieved in 30 months without serious long-term unintended consequences.



9

<https://www.theguardian.com/artanddesign/2020/aug/06/race-to-the-bottom-reform-to-planning-system-in-england-could-be-catastrophic>

- 9.4. Image: Extract from the Berlin Land Use Plan and related key, 2015 (copyright: Senatsverwaltung für Stadtentwicklung und Wohnen, available [online](#))
- 9.5. Zoning could result in blanket designations of whole areas for development despite there being areas where protection should be enhanced, for example, parks, niche habitats, small woods, highly biodiverse brownfield sites. If, for example, each bat habitat must be pre-identified in the local plan to be zoned for 'protection' within a development area then we will fail to protect a lot of bat habitat that currently is discovered and protected at a later planning stage.

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

NO

- 9.1. The concerns about the bluntness of this instrument apply to Renewal area particularly. We should be looking to *enhance* protections but not just because an area is called a Green Belt. In Wales small scale producers are enabled to build dwellings on small-holdings which Protected status in the England would likely prevent.

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

Not sure

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

NO

- 10.1. Whilst we agree planning needs to be reformed, streamlined and speeded up we do not agree with these proposals to do so based on plans founded on zoning, codes and removing the ability for people to have their say on individual planning proposals.

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

YES

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

- 12.1. We agree with the urgency of improving planning and turning round good plans and good decisions. But if the planning system is not reformed so that plans and decisions will ever be adequate to solve the problem of the built environment's contribution to catastrophic climate change then speed it up will just be speeding up climate change.
- 12.2. We do not believe it is possible to do the above, improve engagement with communities, collect the data and collate a first iteration of water-tight plans in that timescale. It should be done carefully and right first time so that trust in the system is enhanced and planning starts making a real and essential contribution to achieving zero carbon.

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

- 13.1. To date they have been a distraction and have often caused more dissension and burnout than they have contributed to good planning.
- 13.2. If the proposed weight on the Local Plan process to the exclusion democratic involvement in planning at a later stage then plans should be enabled at as local a level as possible to harness local stakeholders knowledge, consent and participation.

In that case there is an important role for Neighbourhood Plans and they should be supported with resources and taken seriously. The Community Right to Build Order should be promoted and enabled.

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?

13.1. We do not have resource to input fully here but community energy groups have vast experience in engaging the participation of communities in inventing and delivery local climate solutions and if properly resourced would be happy to work with MHCLG to contribute to best practice guidance.

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?

14.1. If there were stronger incentives or compulsions to build out there would not be the housing shortfall that these proposals purport to be targeting. There are 1 million unbuilt permissions. Developers are land-banking and playing the system to reduce affordable housing, reduce 106 contributions etc etc.

14.2. A Land Value Tax should be seriously explored and business rates or equivalent local taxes for undeveloped sites should increase the longer work is delayed.

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

N/A as we represent communities across England.

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

Energy efficiency of new buildings

Other - maximising (community) renewable energy generation.

Other - more holistic solutions for community sustainability, climate mitigation and adaptation.

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

Not sure.

17.1. Given that we are deeply mistrustful of a code based system we support the ambition that design guidance and codes are "to be prepared locally and to be based on genuine community involvement rather than meaningless consultation". But again proposals lack detail as to how this will be carried out and given what we know of planning officers' capabilities for involving communities we doubt this will work.

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/Not sure

18.1. Given that we are deeply mistrustful of a code based system and vesting the power over design and place-making in one officer whose personal taste may become the arbiter of what is permissible, we think an increased focus on this in local planning would be a good thing.

18.2. A central body to 'support' good design and place-making would be useful as long as it didn't dictate or restrict the local idea of beauty and good design. It must not become an enforcer of government taste but it must ensure that any codes focus on zero-carbon design and implementation without performance gaps and community building as an equal (and measurable) first priority alongside beauty. (see our response to question 20)

- 18.3. The central body should not limit ambition where local communities seek to go beyond stringent national zero-carbon building minima towards carbon negative building, which, for example, embodies carbon carbon by using wood in construction (one of the Committee on Climate Change’s key Carbon Removal Strategies) or natural insulation, or generates more energy than they use.

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

Not sure.

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

- 20.1. As stated above beauty is important but subjective.
- 20.2. Carbon emissions from all buildings must urgently be reduced to zero as soon as possible and in new builds now. There is no more urgent priority for planning. It is measurable and doable but only if prioritised in planning. The purpose of planning should be ‘to achieve real zero as quickly as possible’ and there should be a fast track for that.
- 20.3. Looking at the pictures in the consultation most are ‘unpolluted’ by people or solar panels which is not an aesthetic we support. Today’s ‘carbuncle’ is often tomorrow’s iconic building. Putting it in the hands of a commission or a local authority officer is a dubious endeavour. Building codes, especially if designed to please the conservative taste of the majority, can dampen innovation and variety, producing building to a relatively uniform pattern (as in Belgravia).

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]

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?

NO

- 22.1. We support the “aim for the new Levy to raise more revenue than under the current system of developer contributions, and deliver at least as much – if not more – on-site affordable housing as at present.” however we doubt this will be the outcome of the proposals.
- 22.2. Any levy should incentivise good zero-carbon development that exceeds stringent minima. It should not be an easy get-out or cheaper option as the current Carbon Offset Fund often is.
- 22.3. Allowing more smaller developments to avoid the levy will encourage the practice we have already seen of developers breaking up developments into smaller tranches to avoid the levy, thus reducing further the already limited money available for affordable housing.
- 22.4. Using the ‘infrastructure levy’ for ‘affordable housing’ blurs boundaries. Infrastructure is vital to healthy, functioning low-carbon communities, as is a diverse mix of housing type and affordability. Both should have adequate ring-fenced funds.
- 22.5. We also oppose the idea that infrastructure levy money could be diverted into non-infrastructure spending, even ‘reducing council tax’.

- 22.6. Community energy groups should be engaged in Neighbourhood Share spend discussions, as their projects yield high social returns and also reduce carbon, as well as increasing local infrastructure and community resilience.
- 22.7. Infrastructure levy spend should place a top priority on climate mitigation and adaptation measures which also build strong communities such as: community renewable energy to ensure solar PV is maximised on rooftops; grid reinforcement to enable local flexibility and balancing and increased supply for heat and transport demand; walking and cycling infrastructure, and public transport; community space including community food-growing; green spaces for biodiversity and leisure...
- 22.8. If the new Infrastructure Levy is to be based on the value of the development, areas with low house values will lose out. This will work against 'levelling up'. There is some justification for higher levies where there are high house values, as the high cost of land will also mean higher costs for providing infrastructure (and affordable housing) but this needs to be balanced. Any formula should take into account income and affordability, not just be set at a flat rate across the county.

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?

More value.

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

Not sure.

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

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?

Not sure.

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

Not sure

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?

Not sure

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

No.

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

Yes, it should be developed in any case since there is only one levy to cover infrastructure and affordable housing.

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?

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FURTHER INFORMATION

Community Energy England (CEE) was established in 2014 to provide a voice for the community energy sector, primarily in England. Membership totals 250+ organisations. Many of the member organisations are community energy groups, but membership extends across a wide range of organisations that work with and support the community energy sector.

www.communityenergyengland.org