

Environment, Economy, Housing and Transport Board

Agenda

Thursday, 23 June 2022
11.00 am

Online via Teams

To: Members of the Environment, Economy, Housing and Transport Board
cc: Named officers for briefing purposes

Environment, Economy, Housing & Transport Board
23 June 2022

There will be a meeting of the Environment, Economy, Housing & Transport Board at **11.00 am on Thursday, 23 June 2022** Online via Teams.

Political Group meetings and pre-meetings for Lead Members:

Please contact your political group as outlined below for further details.

Apologies:

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting.

Conservative:	Group Office: 020 7664 3223	email: lgaconservatives@local.gov.uk
Labour:	Group Office: 020 7664 3263	email: labgp@lga.gov.uk
Independent:	Group Office: 020 7664 3224	email: independent.grouplga@local.gov.uk
Liberal Democrat:	Group Office: 020 7664 3235	email: libdem@local.gov.uk

Attendance:

Your attendance, whether it be in person or virtual, will be noted by the clerk at the meeting.

LGA Contact:

Emilia Peters
07776680346 / emilia.peters@local.gov.uk

Carers' Allowance

As part of the LGA Members' Allowances Scheme a Carer's Allowance of £9.00 per hour or £10.55 if receiving London living wage is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

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Environment, Economy, Housing & Transport Board – Membership 2021/22

Councillor	Authority
Conservative (7)	
Cllr David Renard (Chairman)	Swindon Borough Council
Cllr Kelham Cooke	South Kesteven District Council
Cllr Mark Crane	Selby District Council
Cllr Daniel Humphreys	Worthing Borough Council
Cllr Paul Marshall	West Sussex County Council
Cllr Patrick Nicholson	Plymouth City Council
Cllr Linda Taylor	Cornwall Council
Substitutes	
Cllr Tony Ball	Essex County Council
Cllr Andrew Gravells MBE	Gloucestershire County Council
Cllr Imogen Payter	Havant Borough Council
Labour (7)	
Cllr Darren Rodwell (Vice-Chair)	Barking and Dagenham London Borough Council
Cllr Martin Gannon	Gateshead Council
Mayor Philip Glanville	Hackney London Borough Council
Cllr Ed Turner	Oxford City Council
Cllr Claire Holland	Lambeth London Borough Council
Cllr Cathy Mitchell	Warrington Borough Council
Cllr Emily Darlington	Milton Keynes Council
Substitutes	
Cllr Clare Penny-Evans	Newcastle upon Tyne City Council
Cllr Kevin Peel	Bury Metropolitan Borough Council
Cllr Martin Whelton	Merton London Borough Council
Liberal Democrat (2)	
Cllr Pippa Heylings (Deputy Chair)	South Cambridgeshire District Council
Cllr Vikki Slade	Bournemouth, Christchurch and Poole Council
Substitutes	
Cllr Stewart Golton	Leeds City Council
Independent (2)	
Cllr Loic Rich (Deputy Chair)	Cornwall Council
Cllr David Beaman	Waverley Borough Council
Substitutes	
Cllr Jamie Osborn	Norwich City Council
Cllr Diana Moore	Exeter City Council
Cllr Ed Gemmell	Buckinghamshire Council
Cllr Paul Hilliard	Bournemouth, Christchurch and Poole Council
Cllr Phil Jordan	Isle of Wight Council

Agenda

Environment, Economy, Housing & Transport Board

Thursday 23 June 2022

11.00 am

Online via Teams

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Date of Next Meeting: Thursday, 29 September 2022, 11.00 am, Hybrid - 18 Smith Square, London, SW1P 3HZ & Online

Active Travel England

Purpose of report

For information and discussion

Summary

The Department for Transport (DfT) has created a new executive agency, Active Travel England (ATE). ATE's role is to manage the national active travel budget, approve and inspect schemes and will be a statutory consultee on major planning applications.

Chris Boardman is currently the interim National Commissioner of ATE and has been invited to talk about his vision for ATE, its priorities in its formative years, and how it will interact with councils.

Is this report confidential?

Yes No

Recommendation

That the EEHT Board:

1. Notes the report and engages with the interim National Commissioner for ATE to discuss priorities of the new organisation and how it intends to work with and support local authorities.

Action

As directed by the Board

Contact officer: Kamal Panchal
Position: Senior Adviser
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Active Travel England

Background

1. The Department for Transport is to create a new executive agency, Active Travel England (ATE), with its headquarters in York. The Government [formally announced](#) ATE in January 2022
2. ATE will manage the national active travel budget, awarding funding for projects which meet the new national standards set out in 2020. It will inspect finished schemes and may ask for funds to be returned for any which have not been completed as promised, or which have not started or finished by the stipulated times.
3. ATE will also begin to inspect, and publish reports on, highway authorities for their performance on active travel and identify any particularly dangerous failings in their highways for cyclists and pedestrians.
4. As well as approving and inspecting schemes, ATE will help local authorities, training staff and spreading good practice in design, implementation and public engagement. It will be a statutory consultee on major planning applications to help ensure that the largest new developments properly cater for pedestrians and cyclists.
5. ATE's establishment follows the government's commitment of £2 billion for cycling and walking over this parliament and will exist to support their national Gear Change strategy to transform active travel.
6. There have already been [three tranches of funding](#). The intention for ATE is to secure multi-year (3-year) capital funding settlements for local authorities towards the end of this year. ATE/ DfT are also hoping to announce 22/23 revenue funding allocations for local authorities shortly. Thereafter ATE plans to announce 2-year revenue funding settlements for relevant councils towards the end of this year, alongside the capital settlements.
7. ATE will be a national organisation with staff located across England, although its headquarters will be in York
8. Chris Boardman MBE was appointed, on an interim basis, as the first National Active Travel Commissioner for England. The role of the Commissioner is to ensure that cycling and walking are the natural first choices for short journeys; supporting a vision for half of all journeys in towns and cities being cycled or walked by 2030.
9. The LGA broadly welcomed Government's measures, as announced in its [Gear Change vision document](#), to boost cycling and walking but have said that councils should be given the freedom to work with their local communities to get on with planning active travel infrastructure such as cycling schemes. As with any new body with inspection or

statutory consultee powers, we would expect them to be proportionate in undertaking them, reflecting the wider remit of councils and the resources available to them.

Suggested areas for discussion

10. Board members may wish to consider the following areas for discussion with Chris:

- *Whether and how ATE will seek to balance the different roles (between expert support and advice, inspection and as a statutory consultee) so that councils get the most constructive help.*
- *His views on how best to deal with locally controversial schemes; how best to take people with you*
- *Over the coming years, councils will be seeking to strike a balance on how they allocate road space – e.g. between cyclists, pedestrians, EV car users, public transport, shared transport etc. Will ATE take that into consideration in its advice and inspection role.*
- *In his views, are the Government doing enough to support councils with their efforts; what more can they do? What more can councils do?*
- *How can the LGA and ATE work together to help with local ambition and the Government's vision?*

Implications for Wales

11. ATE does not cover Wales. Improving and promoting active travel routes and facilities has been enshrined in law in Wales since 2013. The Active Travel Wales Act 2013 places a duty on Welsh highways authorities to make annual improvements. Further information on funding and support in Wales can be found [here](#).

Financial Implications

12. There are no financial implications

Implications for Equalities, Diversity and Inclusion

13. The Government updated its cycle infrastructure design guidance in July 2020 ([Local Transport Note 1/20](#)). There will be an expectation that local authorities will demonstrate that they have given due consideration to this guidance when designing new cycling schemes and, in particular, when applying for Government funding that includes cycle infrastructure.

14. LTN 1/20 states:

- “Cycle infrastructure should be accessible to everyone from 8 to 80 and beyond: it should be planned and designed for everyone. The opportunity to cycle in our towns and cities should be universal.
- The ability to deliver a right to cycle requires infrastructure and routes which are accessible to all regardless of age, gender, ethnicity or disability and does not

create hazards for vulnerable pedestrians. Improvements to highways should always seek to enhance accessibility for all.”

Next steps

15. The LGA will continue to work closely with ATE at an officer level, with the aim of ensuring that ATE is able to undertake its work in an efficient and effective manner, and that its engagement with local authorities is as constructive and proportionate as possible.
16. Officers will also continue to campaign for long-term certainty of funding for councils so that they can more effectively plan and integrate active travel measures in new and existing developments and within their wider transport decarbonisation and local transport plans.

Biography – Chris Boardman MBE

Interim National Active Travel Commissioner, Active Travel England

17. Chris Boardman was appointed as the interim active travel commissioner in January 2022 by Transport Secretary Grant Shapps MP tasked with setting up Active Travel England to deliver on the government’s ambition for active travel contained in Gear Change. Chris is also Chair of Sport England.
18. Prior to this Chris was Transport Commissioner in Greater Manchester and before that the first ever Greater Manchester Cycling and Walking Commissioner working for Andy Burnham from 2017.
19. A former professional cyclist, Chris won a gold medal in the individual pursuit at the 1992 Barcelona Olympic Games. Chris launched his own range of bikes, BOARDMAN Bikes, in 2007 and is company chairman. Chris is also a prominent broadcaster for BBC and ITV.

Building Safety update

Purpose of report

For discussion.

Summary

This report aims to update members on the LGA's building safety-related work since the last Board meeting.

Recommendation

That members note and comment on the LGA's building safety related work.

Action/s

Officers to take forward the actions set out in paragraphs 42-44 of the report.

Contact officer: Charles Loft
Position: Senior Adviser
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Building Safety update

Background

1. Since the Board's last meeting, the Building Safety Bill has received Royal Assent, the Fire Safety Act has commenced and the LGA has continued to work to support remediation.

Remediation

2. The LGA has already published [case studies](#) and a document on [principles of effective regulation](#) and has worked closely with Department of Levelling Up, Housing and Communities (DLUHC) officers and the National Fire Chiefs Council (NFCC) to promote joint working in this area, including through webinars that have reached over 600 council and fire service staff and through the work of the Joint Inspection Team which DLUHC funds.
3. Two related pieces of work are underway:
 - 3.1. The DLUHC-led group Remediation Partners continues to work on a framework to support remediation, based on proposals for regional meetings between Fire and Rescue Services (FRSs) and local authority environmental health teams in line with the Principles for Effective Regulation document. These regional meetings are expected to be based on the NFCC regions. The initial focus of activity is expected to be 'missing buildings', i.e. those with interim fire safety measures which have not applied for funding to begin remediation.
 - 3.2. Discussions are under way with DLUHC and NFCC to support a coordinated audit of risk within medium-rise residential buildings (11-18m).
4. While it is clear that there are a number of buildings under 18m that present a risk to life as a result of the failure of the regulatory system over twenty years and the irresponsible behaviour of some industry actors, we do not have accurate data on the true extent of this problem; nor do we know how widespread the over-provision of waking watches may be.
5. The LGA and NFCC therefore support the principle that we should improve our knowledge in this field. However, both organisations have conveyed to DLUHC that existing regulatory frameworks are not designed to prohibit excessively risk-averse behaviour, and it is unrealistic to think that a programme of inspection by either fire service or council regulators will be able to eliminate it, especially given the absence of powers to do so and the uncertainty around personal emergency evacuation plans (PEEPs).
6. LGA officers have sought a clear steer from Government on when those parts of the Building Safety Act that relate to funding for remediation can be expected to commence (see below), and what their impact will be, and have stressed the need for the Government to set out clear expectations in regard to enforcement action.
7. [DLUHC statistics](#) from April 2022 show that only 12 buildings eligible for the Building Safety Fund have started work on site since the March update and 4 have reached

completion. LGA officers have identified a risk that the current pace may be slowing due to uncertainty around when parts of the Act relating to funding will commence.

8. The Joint Inspection Team has secured funding for the next two years which will see it expand significantly. In effect it will triple in capacity by the end of this financial year.

Building Safety Act

9. The Act received Royal Assent last month. There are a significant number of pieces of secondary legislation that will need to be passed in order to set up the new Building Safety Regime. There are also a number of questions we need to continue to ask.
10. **What will the impact be of the provisions protecting leaseholders on the ability to pay for remediation?** We are seeking clarification from officials on the impact of the Act and associated measures. In particular it is currently unclear what will happen in blocks where there is no warrantee and no successful claim against the developer and the cost of remediation is too great to be covered by leaseholders within the cap. In theory the freeholder is expected to pay, but that is unlikely if the sum is large as freeholds are not particularly valuable; moreover, the freeholder will in many cases be the leaseholders acting collectively.
11. With no distinction between developers and councils, the Act could leave councils liable for the costs of buildings merely because they are on council land. It also fails to commit to cover the remediation costs of social landlords, exposing the housing revenue account, and limiting councils' ability to provide homes for those most in need and to improve social housing.
12. Another concern here is that the government wants councils and fire services to take enforcement action to drive remediation; this is not going to work if there is no funding available to pay for remediation. There is a specific need for funding in the next few years to increase skilled capacity in local authority building control and in the fire service.
13. We still do not know whether councils will be hit by the Levy or the extent to which councils will be treated as liable freeholders simply because they own land a building is on.
14. The leaseholder protection measures in the Act (sections 116 to 125 and Schedule 8) will be commenced on 28 June (2 months after Royal Assent). Officers will update our advice to members on [supporting residents who have been affected by cladding and other building safety issues](#) to take account of these provisions. DLUHC has provided a summary of their effect:
 - 14.1. Measures will require that historical safety defects in any building above 11 metres or five storeys owned by the developer who built or refurbished it, or by a landlord associated with that developer, must be fixed by them.
 - 14.2. Building owners and non-resident landlords with a net worth of more than £2 million per in-scope building must not pass on any costs relating to historical safety defects to qualifying leaseholders.
 - 14.3. Qualifying leaseholders are those who reside in their own property or have no more than three UK properties in total. The protections will apply to qualifying leaseholders if their property is in a building over 11 metres (or five storeys).

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- 14.4. The protections transfer to subsequent buyers when the property is sold.
- 14.5. Qualifying leaseholders will be protected from all cladding remediation costs.
- 14.6. Qualifying leaseholders whose property is valued at less than £325,000 in Greater London and £175,000 elsewhere in England will also be protected from all costs associated with non-cladding defects and interim measures.
- 14.7. Any contribution that will be required from qualifying leaseholders for non-cladding defects and interim measures (including waking watch costs) will be firmly capped and spread over ten (increased from five) years. This will ensure that the majority of leaseholders will have to pay no more than £10,000 (£15,000 in Greater London) over ten years.
- 14.8. Costs already paid out in the last five years – including interim costs such as waking watch – will count towards the cap, but leaseholders will not be reimbursed for costs already paid.
- 14.9. DLUHC are seeking to spread the cost of decades of malpractice equitably across the system and ensure above all that the most vulnerable leaseholders are protected.
- 15. Will councils and fire services be adequately funded?** The funding for councils and NFCC to expand building control and fire service competence and capacity to meet the requirements of the new regime has been agreed at £41 million. It will be essential to ensure the programme of work developed for the Building Safety Regulator (BSR) is proportionate to the capacity this funding provides.
- 16. Will the cost recovery arrangements work in practice?** LGA is waiting for a meeting on this organised by DLUHC to be reorganised as it was postponed.
- 17. How effectively will the Act be aligned in operation with the Fire Safety Act?** An important issue here is that FRS staff may attend inspections of high-rise residential buildings as part of a Building Safety Regulator multi-disciplinary team, work for which cost recovery funding is available. In doing so they may come across issues that require addressing under the Fire Safety Order, work which cannot be covered by cost recovery. This work would not have been done in the normal course of events, because inspecting this building would not take place under the Integrated Risk Management Plan (IRMP). As a result, resource will be diverted from work prioritised under the IRMP to work that does not meet that test. While this is unlikely to matter in individual cases, in some areas the sheer volume of work that may arise in this way could have implications for delivery of IRMP. The LGA and NFCC continue to seek to influence the Health and Safety Executive's (HSE's) setting-up of the new regulator to ensure this alignment takes place. The LGA has related concerns on around the impact of BSR demands on the business-as-usual activities of local building control teams.
- 18. What will be the impact of continued competition in Building Control in relation to buildings under 18m?** We hope to work with Local Authority Building Control (LABC) to monitor this. The Government has already accepted that allowing developers to choose their own regulator has undermined the regulation of building safety by disincentivising effective regulation. It has therefore removed that right in relation to buildings over 18 metres. The LGA does not recommend the continuation of this flawed model in relation to buildings under 18 metres.

19. **Will the BSR develop an effective system of safety cases and safety case review?**
We are working with HSE, NFCC and LABC to support the development of safety cases.

20. **The effectiveness of the product safety regime is still unclear.**

Fire Safety Act

21. The [Act](#) commenced on 18 May. This was followed by regulations implementing most of the recommendations made by phase one of the Grenfell Tower inquiry. This was announced in a [written ministerial statement](#). The NFCC has published an [FSA page](#) and [a series of FAQs](#) on both the Act and the regulations on its website and the Home Office has provided some [guidance](#).

22. The Act requires responsible persons to consider the need to update their fire risk assessment to take account of external wall systems. A [Fire Risk Assessment Prioritisation Tool](#) was launched alongside commencement. Its purpose is to inform Responsible Persons of how urgent the need to review their Fire Risk Assessment is, in order to spread out demand for the limited resource of fire risk assessors.

23. Following commencement of the Act, the Home Office has laid regulations delivering the recommendations of the Grenfell Inquiry Phase One. These will come into effect in January 2023. These regulations will require Responsible Persons to share various items of information with Fire and Rescue Services, including:

23.1. Details of the materials and design of the external wall systems, including the level of risk posed and mitigations in place

23.2. Floor plans (including the location of essential fire-fighting equipment) and a single page building plan

23.3. Details of any lifts for use by firefighters and fire-fighting equipment which are out of order for a period of longer than 24 hours

24. A full list of regulations and a set of fact sheets explaining them is available on the [Home Office website](#). Guidance will follow.

PEEPs

25. The regulations do not include Personal Emergency Evacuation Plans or Evacuation Plans.

26. The recommendations of the Grenfell Tower Inquiry Phase 1 report included the following:

e) (...) that the owner and manager of every high-rise residential building be required by law to prepare personal emergency evacuation plans for all residents whose ability to self-evacuate may be compromised (such as persons with reduced mobility or cognition).

f) (...) that the owner and manager of every high-rise residential building be required by law to include up-to-date information about persons with reduced mobility and their associated PEEP in the premises information box.

27. The Government ran a consultation on the Phase One recommendations which included a proposal to implement PEEPs and subsequently ran a second consultation on the subject. This closed on 19 July 2021 and alongside a [response](#) to the second consultation, a third [consultation](#) has now been published on 18 May containing new proposals, including a proposal called Emergency Evacuation Information Sharing (EEIS).
28. The latest consultation proposes that Responsible Persons of buildings with a simultaneous evacuation policy in place (rather than a stay put policy) are **required** to:
 - 28.1. ask residents to make themselves known to the Responsible Person for their building if they think they would need support to evacuate in the event of a fire
 - 28.2. offer a Person-Centred Fire Risk Assessment (PCFRA) checklist (example found [here](#)) and connect them with a home fire safety visit from the local Fire & Rescue Service. This should consider whether there is something present (or lacking) in the common areas that hinders the individual's ability to self-evacuate. There would be no requirement to act on the conclusions of that process.
29. Responsible Persons would also be **required** to provide Fire & Rescue Services with up-to-date information on where these residents live within the building.
30. No obligations about PEEPs are proposed for Responsible Persons (RP) in buildings that do not have interim fire safety measures. This falls short of what the Grenfell Tower Inquiry recommended and what the Equalities Act requires of social landlords as we understand it.
31. The Home office is also seeking examples of existing PEEPs for residential buildings, agreed between resident and the RP, that provide for evacuation from a building, that at least partially:
 - 31.1 avoids the staffing up of buildings to enact the PEEPs.
 - 31.2 avoids the liability issues for RPs and third parties who are enacting the PEEPs such as friends or neighbours.
 - 31.3 avoids the safety issues in enacting them e.g. the blocking of stairwells.
32. The Government are also setting up a working group the LGA called for in our consultation response that will look at how neighbour assistance would work (i.e. how neighbours will help disabled residents evacuate in the event of a fire).
33. There is much in the proposal that reflects the LGA's response to the second consultation, which drew attention to the practical difficulties of enabling someone who cannot self-evacuate to leave a building without the assistance of the fire service. Nevertheless, it is important to stress that the LGA has always argued that in buildings with a simultaneous evacuation policy there must be measure in place to allow everyone to evacuate. This is also the position of the National Fire Chiefs Council.
34. Members will be aware that the LGA recently shared with its members legal advice on the requirements on social landlords in respect of Personal Emergency Evacuation Plans under the Equalities Act. This advice was in effect that social landlords had a duty to

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identify disabled residents, consider their evacuation needs and make reasonable adjustments. The LGA advised its members to seek their own legal advice on this matter.

35. As this issue impacts on the fire service in particular, the LGA position was discussed with FSMC lead members, who agreed as follows:

35.1. The LGA does not support the proposal in the consultation set out above at paragraph 28 because it does not require the responsible person to act and have a plan on how the resident would evacuate in the event of a fire.

35.2. This would arguably transfer responsibility from the duty-holder to the fire service. While rescue is a back-up option, which is facilitated by EEIS, it cannot be **the first and only option** in a block with Simultaneous Evacuation. In addition, this policy would in our view be unlawful under the Equalities Act if adopted by a local authority.

35.3. The LGA has called for the Home Office to meet its duty under Article 50 of the Fire Safety Order and provide appropriate guidance to social landlords, covering duties under Equalities Act as well as any fire regulations.

35.4. Under the Equalities Act social landlords have a duty to disabled residents in all blocks, not just those with simultaneous evacuation. The proposals being consulted upon place no duties on responsible persons in stay-put blocks, but this would not remove the duty on social landlords.

35.5. The proposed group to discuss neighbour assistance is welcome but should be able to explore the issue of PEEPs more widely. The Home Office has indicated that this is acceptable, but it would like to start with neighbour assistance.

Improvement

36. A Building Safety Leadership Essentials Event is being held in person at Warwick University on Tuesday, 18th October – Wednesday, 19th October 2022. To book a place contact Grace Collins Grace.Collins@local.gov.uk

37. A Portfolio Holder Fire Safety Update webinar is being held virtually on Tuesday, 5th July 2022. The Home Office will be providing an update on the Fire Safety Act and associated regulations; the development of the new building safety regulator; and other implications of the Building Safety Act. The LGA will provide an update on disabled evacuation arrangements and LPS buildings.

38. As part of the improvement grant funding agreement with DLUHC, the LGA has committed to:

38.1. Run webinars on building safety following the Building Safety Bill getting Royal Assent and the commencement of the Fire Safety Act, along with additional resources provided to councils through case studies and publications.

- 38.2. Delivery of the building safety political leadership programme (Leadership Essentials) to housing portfolio holders.
- 38.3. An E-learning module available to officers and elected members to inform them about councils' duties as one of the regulators supporting the Building Safety Regulator.
- 38.4. Work in partnership with HSE to support their programme of engagement with local authorities in areas with High Rise Buildings.

Implications for Wales

39. The Fire Safety Act came into force in Wales in [October 2021](#). The new regulations passed under the FSO only apply in England. Building regulations and fire and rescue services are devolved responsibilities of the Welsh Assembly Government, and the main implications arising from the recommendations of the Hackitt Review and the government's response to it are on building regulations and fire safety in England. However, the Welsh government has announced that it will be making the changes recommended in the report to the regulatory system in Wales, and the LGA has been keeping in contact to ensure the WLGA is kept informed of the latest developments in England.

Financial Implications

40. Although the LGA has set up the Joint Inspection Team, the cost of doing so is being met by DLUHC. Other work arising from this report will continue to be delivered within the planned staffing budget, which includes an additional fixed term post in the safer community's team to support the LGA's building safety work.
41. The cost of developing PEEPs under the Equalities Act is impossible to quantify as we do not currently know what would be considered reasonable measures.

Next steps

42. Officers to take forward improvement work as set out in paragraphs 36-38.
43. Subject to any further comments from members, the LGA will pursue the arguments in paragraph 35 when responding to the consultation and in responding to the consultation on a new edition of the *Fire Safety in Purpose-built Blocks of Flats* guide.
44. Officers to continue to support the sector's work to keep residents safe and reform the building safety system, as directed by members.

Energy efficiency in fuel poor households

Purpose of report

For direction.

Summary

The cost-of-living crisis has deepened as energy prices have increased in 2022. The LGA is running a programme of work on the cost-of-living crisis and the Environment, Economy, Housing and Transport Board can contribute to this work in several ways.

This paper introduces a proposal for the Board to make to the Government and partners on accelerating improvements in the energy efficiency of homes to reduce energy waste from fuel poor households.

The proposal would fit into the wider set of proposals for a locally led approach to decarbonising heat and buildings up to 2050, including through a revised local central government relationship built around delivery strategies.

Is this report confidential? Yes No

Recommendation/s

To consider the proposals in paragraph's 11 to 14

Action/s

Officers to take forward as directed.

Contact officer: Nick Porter
Position: Senior Adviser – Climate Change and Environment
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Background

1. The current cost-of-living crisis is driven by sharp increase in energy prices in addition to the existing financial challenges experienced by a growing number of households on lower incomes.
2. The Government has launched a significant package of financial support helpful over the short-termⁱ. The funding would be expensive to sustain and does not reduce the demand for energy at a time when it looks unlikely energy costs will fall significantly.
3. Although it has been improving, our housing stock is still amongst the least efficient in Europe. Over 50 percent all housing is below EPC C, it is interesting that a quarter of households are now looking to improve energy efficiency as their bills surgeⁱⁱ.
4. Government has a range of schemes and regulatory levers that are improving energy efficiency; however, 'progress in installing home efficiency slowed dramatically after 2012 following changes to supporting policies'ⁱⁱⁱ.
5. Not all households are able to make the investments to improve energy efficiency of homes. Those fuel poor households with the lowest energy efficiency ratings will feel the rising energy prices more than others, and will be least able to invest in the measures needed to increase the energy efficiency of their homes to EPC C.
6. In February 2022 it was estimated there are 3.1 million households in fuel poverty in 2020^{iv}, which does not factor in the recent energy price cap increase, or the Government's measures to ease it. The definition of fuel poverty factors in the energy efficiency, and energy costs as a proportion of income after housing costs. Others have generated similar definitions and forecast significant impacts of increased energy prices.
7. The number of fuel poor households has fallen in the last 10 years, from around 22 percent of all households in 2010 to 13 percent in 2020. The increased energy efficiency to EPC C has been the key driver of this reduction and looking ahead it will become more important to limit the impact of energy price increases^v.
8. Evidence suggests energy efficiency measures can have the greatest impact on energy consumption, and many are not necessarily expensive or difficult to achieve, for instance measures such as loft and cavity wall insulation, and insulating windows, doors, and chimneys. The Climate Change Committee estimate an average household cost of moving from EPC D to EPC C is £3,220, although this will likely be impacted by increase in material and labour costs.
9. Critically, increasing the energy efficiency of homes will also significantly reduce the emissions needed for achieving net zero. Put another way, this action needs to happen anyway as part of the climate change effort, and these measures are also essential to undertake before installing clean energy solutions, such as heat pumps.

10. Furthermore, there are a wide range of other co-benefits for increasing the energy efficiency of homes, including for public health, local growth, skills, and jobs. And for stimulating the wider green economy and market demand for decarbonising homes.

Proposal

11. The Board's view is sought on a proposal to ensure the energy efficiency of all households in fuel poverty are brought up to EPC C by 2030 by:
- 11.1. making the case for public investment and/or intervention in energy efficiency measures targeted at fuel poor households which would not otherwise bring their property up to EPC C by 2030.
12. The proposal would fit into the wider set of proposals for a locally led approach to decarbonising heat and buildings across all tenures up to 2050, and would aim to:
- 12.1. help ease the cost-of-living crisis in the medium-term by permanently reducing energy bills through investments in energy efficiency measures
 - 12.2. contribute significantly to the reduction in emissions from those homes, essential for helping achieve net zero
 - 12.3. achieve other co-benefits, including for health, and for growing supply chains and skills critical to enabling energy efficiency in the wider housing market
13. The LGA has worked with WPI Economics to understand the potential costs and benefits of this effort, for instance we estimate:
- 13.1. It is likely a minimum of 1.1 million households in fuel poverty will need additional help to bring homes up to EPC C by 2030
 - 13.2. Energy efficiency measures to bring these 1.1 million households up to EPC C would cost approximately £3.6 billion in total up to 2030.
 - 13.3. On current prices these measures would save around £500 million a year from energy bills in 2030 for the 1.1 million households, around £500 per year per household
 - 13.4. The measures would cut around 660,000 tonnes of carbon emissions a year from 2030.
 - 13.5. Achieve savings to the NHS in the region of £500 million every year, with wider savings in social care and other services.
14. In making the case, the LGA could demonstrate the important role of councils in helping:
- 14.1. Target the interventions at fuel poor households across tenures, joining-up with other interventions and advice on energy use

14.2. Connect interventions with the wider need to improve energy efficiency across the wider housing and buildings market

14.3. Maximise the co-benefits

Equalities, diversity, and inclusion

15. The project would need to reflect on a range of equalities issues, for instance:

15.1. The group of people in fuel poverty will be broad and include people with additional power or heating needs, and people in different tenures

15.2. There is a risk that there will be large numbers of people in financial stress because of the energy price increase but not in a fuel poor household.

Implications for Wales

16. The promotion of energy efficiency is devolved to Wales; however, the Welsh Government does not have the powers to regulate on energy efficiency.

17. The project would need to engage with the WLGA to ensure it effectively represents the needs and opportunities in Welsh local government.

18. Please note the statistics used in this report represent the whole of the UK.

Financial Implications

19. There are no wider financial implications for the LGA.

Next steps

20. The Board is asked to consider and comment on this proposal in paragraphs 11 to 14. As next steps the LGA can:

20.1. Undertake further analysis to understand the likely number of households now in fuel poverty.

20.2. Further develop the evidence for further targeted support in energy efficiency, and the costs and benefits.

20.3. Explore the options for funding, supporting or incentivising households to reach EPC C by 2030 that might not otherwise do so

20.4. Further consider the role of councils in such a programme, and develop and test ideas further with councils

20.5. Develop this case in discussions with Ministers and officials, and through press and public affairs activity over the summer 2022

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- i <https://www.gov.uk/government/publications/government-support-for-the-cost-of-living-factsheet/government-support-for-the-cost-of-living-factsheet>
- ii <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/publicopinionsandsocialtrends/greatbritain/11to22may2022>
- iii <https://www.theccc.org.uk/publication/independent-assessment-the-uks-heat-and-buildings-strategy/>
- iv <https://www.gov.uk/government/statistics/annual-fuel-poverty-statistics-report-2022>
- v For instance: <https://www.resolutionfoundation.org/publications/stressed-out/>

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Environment, Economy, Housing & Transport Board - End of Year Report 2021/22

Purpose of report

For information.

Summary

This report provides an overview of the work of the Environment, Economy, Housing & Transport Board (EEHT) Board in the period between September 2021 to August 2022. It also looks forward to consider the areas of focus for the Board in the coming year.

Is this report confidential? Yes No

Recommendations:

Members are asked to consider and comment on the achievements and forward look.

Actions:

Action will be taken as required.

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Environment, Economy, Housing & Transport Board - End of Year Report 2021/22

Climate Change and Environment

1. **COP26.** The LGA had great success in representing UK local government on the international stage, taking a delegation of Councillors and officers with speaking platforms and events at the heart of the event, and with stalls showcasing the best of local government on climate change issues. Behind the scenes, we led the effort with international local government to successfully lobby for the inclusion of the invaluable role of local and regional governments in the final international agreement national governments around the world adopted.
2. **Towards genuine local and national government collaboration on net zero.** The LGA has long championed the need for a more collaborative working relationship with central government, and has been successful in moving this agenda forward with Government: including a chapter on local net zero in the Net Zero Strategy; committing to establish a Local Net Zero Forum bringing senior officials and politicians together across local and central government, and; agreeing principle areas of focus to be simplified funding, council capability and capacity, and clarity on roles and responsibilities. The LGA was key to moving this forward, including in bringing together a roundtable of council CEOs and cross-Whitehall Permanent Secretaries.
3. **Evidencing the impact of councils on climate action.** The LGA launched a report demonstrating the critical role of councils in decarbonising homes and buildings, transport, and energy. The report modelled how the impact of local action in these areas could deliver carbon reductions, create jobs and growth, protect health and more. The evidence was important for grounding the LGA's asks around climate change in some financial and cost benefit modelling on what can be achieved.
4. **Financing green ambition.** The LGA launched a [Financing Green Ambition](#) report looking into the options for councils to finance their climate action. Working with Local Partnerships the project involved engagement with the UK Infrastructure Bank, the UK Municipal Bonds Agency, and others, the report helps councils considers their options and exposes the need for new financing options to achieve more on climate action.
5. **Adaptation to climate change.** On 23 February 2022 the LGA ran a webinar with Defra and Local Partnerships on climate change adaptation policy. The focus was on the Government's approach to the preparation of NAP3 and the tools that Local Partnerships have developed to support councils adapting to the impacts of Climate Change. Approximately 100 delegates attended and [slides](#) are available on the LGA website.
6. **Resources and Waste Strategy.** The LGA has continued to work with the Government over the proposed reforms to waste management. We continue to press on the need for

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some certainty and continuity of local flexibility to meet local needs, and the implementation of the Extended Producer Responsibility (EPR), consistency, and the Deposit Return Scheme (DRS). The Government's response to the EPR consultation is welcome in confirming that the scheme administrator will be a public body and we will continue to press for local government's representation on this. The LGA has also responded to consultations and engaged Government on proposals to reform waste carriers and tracking.

7. **Local Nature Recovery Strategies.** The LGA responded to the [consultation](#) on [Local Nature Recovery Strategies: how to prepare and what to include](#). We welcomed the increased focus on Local Nature Recovery and reversing the decline of biodiversity, as well as the Government's intention to provide new burdens funding to adequately resource councils to carry out the new responsibilities. We have pushed Defra to develop their communications with local government and the interrelations with other key policy agendas.
8. **Biodiversity Net Gain.** The LGA has engaged Government and responded to its consultation on the design and implementation of Bio-diversity Net Gain. We have raised several issues around its implementation, and the importance of councils being resourced to ensure it operates effectively including on monitoring and enforcement. We have also raised issues around funding and the new burdens process.
9. **Nutrients and water neutrality.** The LGA is working with the Government on the impact of moratoriums on house building within river catchments experiencing high levels of nutrient pollution or low water levels. We have established a policy inquiry to bring together all partners nationally to explore this issue further with a focus on finding solutions to the underlying causes. We have also commissioned some analysis that shows around 20,000 new homes a year are not able to be built due to the bans on development.
10. **Office of Environmental Protection.** The LGA has met Dame Glenys Stacy and Chief Executive Natalie Prosser to discuss the relationship between local government and the OEP once it is formally established. The meeting was productive and a good opportunity to discuss the remit of the OEP and how it will work with local government. Following the meeting we submitted a [response](#) to the Office for Environmental Protections draft strategy and enforcement policy consultation.
11. **Ongoing climate and environment policy work.** The LGA is represented in a range of cross-Whitehall groups to make the case for local government on critical issues, including on hydrogen, green buildings, green jobs, heat and buildings decarbonisation, energy and more.

Economic Growth

12. **Creating resilient and revitalised high streets in the 'new normal'.** High streets and town centres were changing long before covid. The pandemic supercharged many pre-

existing trends, creating both new challenges and opportunities. They are moving from predominantly retail and functional activities, such as accessing banking and postal services, to providing a locus for socialising and enjoyable experiences - regular trips to the local shopping centre are no longer essential. Nowadays, high streets need to compete not just with each other but also with cyberspace to attract footfall. Councils need to understand and respond constructively to these trends to foster renewed and resilient high streets. Our [research](#) explored existing and future trends and what ingredients make high streets more resilient.

- 13. Public-Private Partnerships: Driving Growth, Building Resilience.** Against a backdrop of significant uncertainty and challenge, resulting from the COVID-19 pandemic and continued pressures on budgets, councils across the country are continuing to look to unlock a range of social, environmental, and economic benefits aligned to local and national priorities. This [good practice guide](#) aims to support councils to plan and establish more effective public-private partnerships, which can unlock and deliver the investment, development and services that are essential to boosting economic growth and recovery.
- 14. Supporting councils with business engagement.** Relationships between councils and businesses have always been essential. The pandemic accelerated and emphasised the importance of that relationship and has become even more central to maintaining quality place-shaping and vibrant local economies – there was a rapid scaling up the interaction between private and public sector. LGA commissioned research to identify and capture the learning from councils’ extensive contact with businesses in the context of COVID-19. This [report](#) sets out how councils can engage more effectively with businesses in the future to support economic recovery.

Housing, planning and homelessness

15. Housing Advisers Programme. The 2021/22 programme awarded grants of up to £25,000 to 91 councils across 30 projects. This included local authorities that were identified by the LGA to receive targeted support via the programme. Project areas include homelessness, green homes, housing supply, planning and the private rented sector. An online survey of participants of the programme since its inception in 2017/18 found that:

- 83-100% of participants indicated that the HAP had enabled them to make progress towards their key goals,
- 97% of participants would probably, or definitely, recommend the programme if asked,
- 97% of participants felt that HAP will have a lasting impact on their capacity to deliver housing and homelessness services, rough sleeping provision and place making,

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- 100% of participants stated that the support they received through HAP has had a positive impact.
16. **Building Safety Act 2022.** The Act aligns with the LGA's [fundamental asks](#): that the construction industry, developers, and manufacturers should pay for the cladding crisis. We continue to press the government to distinguish between local authorities and developers, and fund councils to deliver the Building Safety Regulator (BSR). We are supporting a coordinated audit of risk within medium-rise residential buildings. The Fire Safety Act commenced, with [secondary legislation](#) implementing most recommendations of the Grenfell Inquiry. Following lobbying, the Home Office published the Fire Safety Assessment Prioritisation Tool alongside the Fire Safety Act and agreed to implement the LGA's working group on PEEPs neighbour assistance. We will engage in the [new consultation on PEEPs](#) and the Emergency Evacuation Information Sharing (EEIS) proposal. The LGA has published [case studies](#) and a document on [principles of effective regulation](#), and has run several webinars and Leadership Essentials events with more being planned currently. The Joint Inspection Team has secured funding for the next two years which will see it triple in capacity by the end of this financial year.
 17. **Permitted development rights.** We responded to the government's consultation on the future of two temporary permitted development rights introduced to support businesses and the high street in response to the Coronavirus pandemic. The consultation also sought views on new permitted development rights for the Ministry of Defence to modernise and develop the Defence estate.
 18. **Ground Rent Bill.** We have briefed parliamentarians for second reading of the Leasehold Reform (Ground Rent) Bill, stressing the importance for new burdens funding to enable councils to undertake the proactive work necessary to ensure compliance with the new legislation.
 19. **Other Parliamentary activity.** We have also briefed for debates on: access to affordable housing and planning reform; role of developers, house-builders and management companies in new homes and insecurity in the private rental market.
 20. **House of Commons, Levelling Up, Housing and Communities Select Committee Inquiry into Social Housing.** In partnership with Public Affairs colleagues, we briefed Cllr Renard (as the Chair of the EEHT Board) to present oral evidence to the Committee. The Inquiry focussed on the reasons for the poor quality of some social housing; the effectiveness of the Housing Ombudsman and Regulator of Social Housing; the Government's Social Housing White Paper proposals; and the impact on the Housing Revenue Account.
 21. **Planning reforms.** The government has now set out the [direction of travel](#) for planning reforms – some of which will be delivered through the Levelling Up and Regeneration Bill and the rest through secondary legislation or policy change. The proposed reforms are a significant improvement from those proposed in the planning white paper. In particular there is a greater focus on democratic input and community engagement; measures that

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intend to strengthen the weight of Local Plans and reduce speculative development as well as proposals to increase planning application fees. Crucially, the proposal for development 'zones', linked to an automatic permission, have been scrapped. These are all areas that the LGA has lobbied on. There is much to welcome in the new proposals but there are many changes and effective engagement with the sector on the detailed policy development will be key.

22. **Permitted development rights.** In a proactive [press release](#) on 9th May, Councillor David Renard raised concerns that more than 18,000 affordable houses have been lost as a result of office-to-residential conversions under permitted development. The release called for permitted development rights to be removed to ensure all conversions and new developments contribute to the delivery of desperately needed affordable homes.
23. **Housing Revenue Account (HRA)— assessing the new challenges.** The LGA is working with the Association of Retained Council Housing and the National Federation of ALMOs to jointly commission a research project to assess the recent and emerging pressures to HRAs. The overarching project objective is to understand and assess how effectively the HRA self-financing model is operating in relation to meeting expenditure needs. The supplier(s) will develop a report which will comprehensively capture the long-term challenges to the HRA; and produce a set of evidence-based policy recommendations to assist in the LGA's lobbying.
24. **Homes for Ukraine webinar.** In April, the LGA hosted a webinar for council practitioners to share the case studies and the lessons learnt from administering the Homes for Ukraine scheme. More than 270 delegates had the opportunity to hear from, and pose questions to Department for Levelling Up, Housing and Communities. The aim of the webinar was for councils to improve their local offer and ensure that new arrivals from Ukraine can access suitable accommodation that meets their needs.
25. **Social Housing Management Peer Challenge (SHMPC).** We have developed a Social Housing Management Peer Challenge that will support host councils to reflect on, receive feedback on and learn how to improve the service provided to social housing residents. It will also assess their readiness and plan for a new emerging consumer regulation regime. The peer challenge was piloted at South Holland District Council in February 2022, and we are in the process of redeveloping the guidance and scope following evaluation and feedback from the council and the peer team. South Holland District Council will give an Innovation Zone presentation on their experience of the peer challenge at the LGA Annual Conference.
26. **Out of Area Placement Guidance.** We ran a consultation exercise on the out of area protocol at the end of last year and made the decision at board to amend the protocol to guidance and release as best practice. The guidance has now been amended and sent out for further consultation with council partners and should be ready for publication in summer.

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27. **Kerslake Commission.** We continue to work to implement the recommendations of the Kerslake Commission. Earlier in the year we delivered a temporary accommodation peer support programme, we are also planning a cost-of-living event in partnership with the National Housing Federation which will feature the commitment to refer. We are also continuing to work in partnership with Homeless Link and recently ran a joint roundtable with them on the commissioning of rough sleeper services.
28. **Rough Sleeping Advisory Panel.** Mark Lloyd is a valued member of the rough sleeping advisory panel, regularly presenting on behalf of councils to share their views on what is required to end rough sleeping in line with the manifesto promise. He presented a 10-step plan at the last rough sleeping advisory panel and will next be appearing on 8th June to present the LGA rough sleeping roundtable findings.
29. **APPG for Ending Rough Sleeping.** Cllr Pippa Heylings attended an APPG for ending rough sleeping on Tuesday 24th May in Parliament. The LGA called for government to address the system drivers and levers of homelessness and reassure councils they will be supported with rising pressures relating to the cost of living crisis. We also shared difficulties around recruitment and retention of staff, data sharing and increasingly complex customers. We called for better partnerships at a central government level and asked for the new rough sleeper strategy to look at broader homelessness prevention as opposed to being focused on the crisis end of homelessness.
30. **Vagrancy Act Submission.** At the beginning of May we responded to government's vagrancy act submission. We commented that not everyone who is living a street-based lifestyle is homeless and this crossover can be difficult for councils and partners to manage. A one size fits all approach will not work and different tools are needed to respond to different types of begging. We noted that it would be helpful to have a clear view from councils and the police about what gaps could be created through the repeal of the Vagrancy Act, and which existing or new powers could be better utilised to address these complex issues. We also asked that any new reforms proposed would need to be clear and enforceable, with enforcing bodies fully resourced to apply them.
31. **Rough Sleeping Strategy Roundtables.** The LGA have participated in and facilitated workshops which will influence the new rough sleeper strategy. Over 30 councils attended the local authority roundtable hosted by LGA on 19th May, as well as representatives from across the various central government departments. The roundtable was split up into three workshops focused on what central government, local government and the third sector can do to end rough sleeping and we were assisted by valued partners from Crisis and Homeless Link. The outcome paper will be submitted to lead members for approval this week. LGA officers also attended the DLUHC hosted roundtable on homelessness prevention.
32. **Building a case for investment in homelessness prevention.** We have commissioned Local Partnerships to work with two councils (Cornwall and Leeds) to look at what savings are made across an area when councils invest in homelessness

prevention. We are expecting the findings to be published in the next few weeks and they will also be presented at the LGA conference.

Transport

- 33. Moving Traffic Offences (Part 6 of Traffic Management Act 2004).** The final Parliamentary scrutiny stage for councils to be able to apply for powers to enforce against moving traffic offences has now passed meaning that highways authorities can now apply for designated powers. This is a significant win for local government and for the EEHT Board. The LGA has long called for powers that already exist in London to be made available to all local areas outside London and had provided substantial evidence in support. This will help highways authorities to deal with a range of traffic contraventions such as yellow-box junctions, banned turns and overweight vehicles on weight restricted roads. The Draft Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 cleared scrutiny stages through both houses and will become law from 31st May 2022.
- 34. Electric Vehicle Infrastructure Strategy.** The Government published its [EV charging infrastructure strategy](#) which sets out a raft of measures to rapidly scale up public EV chargepoints across the country, including increasing the Local EV Infrastructure (LEVI) Fund to £450m and a further up to £50m to support local authority skills and capacity. A £10m pilot of the LEVI Fund for local authorities was also launched. The expectation is that combined authorities will take the lead on developing local EV infrastructure strategies and outside of these, that highways authorities will take the lead (in consultation with district councils in two-tier areas). The EEHT Board had long called for clarity on the role of local government and for further funding and resources to support local investment. The LGA had commissioned [research into barriers](#) that was preventing further local investment and welcomed that these were recognised in the strategy.
- 35. Funding for buses and the National Bus Strategy.** Following calls from the LGA and other organisations the Government provided emergency funding to bus operators during the pandemic to prevent them going out of business and enable them to continue providing services for those that depended on bus services. The LGA also successfully campaigned for further funding to support local services as their recovery faltered owing to the Omicron wave. However, funding in support of the National Bus Strategy (NBS) has been disappointing: less than half of places submitting Bus Service Improvement Plans receiving any funding; and the total funding envelope had reduced from an original £3 billion to £1.2 billion. The EEHT Chairman had written to Buses Minister to express councils' disappointment and also made clear the LGA's position at the Transport Committee inquiry on progress of the NBS one year on.
- 36. Fixed Penalty Notices.** Following a request from several member councils the EEHT Board has agreed for the LGA to campaign for councils to be given powers to issue fixed penalty notices for certain dangerous contraventions under the Highways Act 1980 such as unlicensed skips and wilful obstruction of the highways. Having such powers would

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bring councils outside London into line with boroughs in the capital. The Board has agreed to undertake further work on this, including a survey of member councils.

- 37. Road pricing.** The EEHT Board held a private session with Mott MacDonald who have been commissioned to develop the LGA's understanding of road pricing and gather views from a range of member councils around the country. The Government have indicated that they will replace the lost income from motoring taxes as the country transitions to electric vehicles. The Transport Committee recently published a [report](#) saying that road pricing should be the Government's preferred way forward. Our work will help ensure that the LGA is better prepared to respond to further national policy developments on this issue. A [webinar](#) on 15th June and a report from Mott MacDonald capturing the findings will be shared on the LGA website.
- 38. Last Mile Deliveries.** We published a [report](#) and ran a webinar exploring the local view on the growth of last mile deliveries and the potential role of councils and what changes need to be considered for councils to play a more effective role, building on DfT's Transport Decarbonisation Plan. This work had been led by University of West of England and has involved workshops with councils as well as a workshop with elected members (across EEHT, P&P and City Region boards). The findings have now been captured in a report which can be found [here](#). This work and the findings will be used as a basis for engagement with DfT officials working on freight/ last mile deliveries to influence emerging national policy.
- 39. Highways Maintenance funding.** The Board has continued to support the case to Government of the importance of funding for highways maintenance of local roads, calling on the Government to restore funding to 2020/21 levels as since then funding has declined by over £500 million per year. [Experts](#) have said that continued funding at this level will lead to a slow deterioration of local roads. The annual ALARM survey [reported](#) the current backlog of road repairs has risen to £12 billion.

Looking Forward

- 40.** A draft work programme for 2022/23 will be presented at the Board's September meeting. A number of factors will be taken into account in proposing the future work programme. These will include the LGA's overarching business plan; the ongoing work that the Board is engaged in; and the Government's policy and legislative agenda.
- 41.** The LGA is currently developing its business plan for the three years from September 2022. At this stage it is not expected that the high-level priorities will change significantly. The Board's themes, including housing, climate change, economic recovery and transport and infrastructure, are significant priorities in the current business-plan.
- 42.** Much of the Government's domestic policy and legislative agenda is in areas that come under the remit of the EEHT Board:

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- 42.1. **Planning:** The Levelling up and Regeneration Bill was published on 19 May 2022. It contains the Government's proposed legislative reforms to the planning system.
- 42.2. **Housing:** The Government's legislative proposals also include the Renters Reform Bill to strengthen protections for private renters and abolish 'no-fault evictions,' and proposals to strengthen both the role of the Housing Ombudsman and the Regulator in the Social Housing Regulation Bill.
- 42.3. **Transport and Energy:** In addition, the Queen's Speech anticipates a Transport Bill and an Energy Security Bill.
43. Details of the Government's legislative programme and the LGA views on the individual elements of the programme can be found in the [on-the-day briefing](#).
44. Much of the work of the Board in 2021/22 carries on:
- 44.1. **Economic growth** runs as a theme through much of the work of the Board. The cost of living concerns, the transition to a green economy, the economic case for investing in council housing and investment in infrastructure (including the role of the UKIB) are factors that will influence the work of the Board
- 44.2. **Climate change** is now a top priority for communities, councils and Government. The LGA will continue to work through the Board and the Climate Change Task Group to influence policy. This will be achieved through engagement in the national/local climate change forum; work on decarbonisation of heat and buildings; work on hyper-local climate change action; and through the engagement of Government Ministers and senior officials.
- 44.3. **The Environment Act 2021** will have a significant influence on the work of the Board. The nature elements of the Act create new strands of work for councils and we will continue to work with the Government and councils on the details of this work.
- 44.4. **Waste reforms**, a framework for which are set out in the Environment Act, have been the subject of consultations and we await the government response on consistency. These reforms will continue to influence the work of the Board as councils adapt to the new systems and as the scale of the new Burdens are established.
- 44.5. **Housing and Homelessness:** council housebuilding, the sustainability of housing revenue accounts, the regulation of social housing and the continuing

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pressure of homelessness services continue to be significant issues for the councils.

- 44.6. **Building Safety Act** – We will engage with HSE’s programme to establish the new building safety regulator and raise awareness amongst councils of their responsibilities as regulators and duty holders under the new building safety regime. As part of this, we will continue to lobby for the funding of new burdens and a proportionate approach to transition to the new regime and new FSO responsibilities. We will continue to support councils in taking enforcement action under the Housing Act 2004 through hosting the Joint Inspection Team and to monitor the impact of the continuing competitive environment in building control regulation for buildings under 18m.
- 44.7. **Transport**, including the effectiveness of the public transport system; the future of transport related taxes, infrastructure and the continuing growth of EV, will continue to an important aspect of the Board’s work.

Implications for Wales

45. We will continue to work with the Welsh LGA to share good practice and information.

Financial Implications

46. There are no immediate financial implications

Next steps

47. A draft work programme for 2022/23 will be brought to the Board in September and this will reflect any comments made by Members at the Board meeting.



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EEHT Update paper

Purpose of report

For information.

Summary

This paper provides updates on a range of issues within the remit of the Board that are not already covered in other Board agenda items.

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Housing, Planning and Homelessness

Homelessness survey

1. The LGA undertook a survey of councils to obtain a snapshot of the number of new Ukrainian households presenting to homelessness services. We have used the data as an evidence base to help make the case for further funding for councils and an effective rematching scheme. The findings have been cited widely in the media and in parliament.

APPG for Ending Rough Sleeping

2. Cllr Pippa Heylings attended an APPG for ending rough sleeping on Tuesday 24th May in Parliament. The LGA called for government to address the system drivers and levers of homelessness and reassure councils they will be supported with rising pressures relating to the cost of living crisis. We also shared difficulties around recruitment and retention of staff, data sharing and increasingly complex customers. We called for better partnerships at a central government level and asked for the new rough sleeper strategy to look at broader homelessness prevention as opposed to being focused on the crisis end of homelessness.

Vagrancy Act Submission

3. At the beginning of May we responded to government's vagrancy act submission. We commented that not everyone who is living a street-based lifestyle is homeless and this crossover can be difficult for councils and partners to manage. A one size fits all approach will not work and different tools are needed to respond to different types of begging. We noted that it would be helpful to have a clear view from councils and the police about what gaps could be created through the repeal of the Vagrancy Act, and which existing or new powers could be better utilised to address these complex issues. We also asked that any new reforms proposed would need to be clear and enforceable, with enforcing bodies fully resourced to apply them.

Rough Sleeping Strategy Roundtables

4. The LGA have participated in and facilitated workshops which will influence the new rough sleeper strategy. Over 30 councils attended the local authority roundtable hosted by LGA on 19th May, as well as representatives from across the various central government departments. The roundtable was split up into three workshops focused on what central government, local government and the third sector can do to end rough sleeping and we were assisted by valued partners from Crisis and Homeless Link. The outcome paper will be submitted to lead members for approval in the coming weeks. LGA officers also attended the DLUHC hosted roundtable on homelessness prevention.

Afghan Resettlement Refusal Policy Task and Finish Group

5. LGA have partnered with colleagues in DLUHC to set up a task and finish group to work on the homelessness element of the recently announced Afghan resettlement refusals

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policy. Councils have been reporting for a while that some of the Afghan households in bridging hotels are refusing home office offers for a number of reasons. The resettlement refusal policy has been implemented to enhance the matching process - to ensure offers made are suitable and the process is fair and consistent. This particular task and finish group will be focusing on making sure that the homelessness referrals pathway is fit for purpose.

Housing Improvement

6. The Housing Improvement grant for 2022/23 has now been finalised and we are moving forward with the design of the 2022/23 Housing Advisers Programme (HAP). We expect to start recruitment for HAP cohort 6 in autumn 2022. The next Leadership Essentials: Housing course for councillors has been confirmed for 19th and 20th January 2023 at Warwick Business School.

Social Housing Management Peer Challenge (SHMPC)

7. We have developed a Social Housing Management Peer Challenge that will support host councils to reflect on, receive feedback on and learn how to improve the service provided to social housing residents. It will also assess their readiness and plan for a new emerging consumer regulation regime. The peer challenge was piloted at South Holland District Council in February 2022, and we are in the process of redeveloping the guidance and scope following evaluation and feedback from the council and the peer team. South Holland District Council will give an Innovation Zone presentation on their experience of the peer challenge at the LGA Annual Conference. A new [peer challenge page](#) has been created on the LGA's website for those that want to find out more about the challenge; express their council's interest in participating and/or expressing an interest in becoming a peer."

Permitted Development Rights

8. In a proactive press release on 9th May, Councillor David Renard raised concerns that more than 18,000 affordable houses have been lost as a result of office-to-residential conversions under permitted development. The release called for permitted development rights to be removed to ensure all conversions and new developments contribute to the delivery of desperately needed affordable homes.

HRA Commission – Assessing the New Challenges

9. The LGA is working with ARCH and the NFA to jointly commission a research project to assess the new challenges to the HRA, following the most recent reform to the system in 2012 when the HRA became a self-financing model. Three separate, but interrelated contracts will be commissioned in relation to: expenditure; income; and the Right to Buy. The overarching project objective is to understand and assess how effectively the HRA self-financing model is operating in relation to meeting expenditure needs. The supplier(s) will develop a report which will comprehensively capture the long-term challenges to the HRA; and produce a set of evidence-based policy recommendations to assist in the LGA's lobbying.

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Infrastructure Levy

10. Following a ministerial roundtable in April attended by the LGA and the Queen's Speech in May, we are meeting with stakeholders that have an interest in the Levy to support our lobbying as the Levy progresses through Parliament under the Levelling Up and Regeneration Bill. This has included the GLA, CCN, NHF and others. The purpose of these meetings is to better understand the issues and concerns with the new system; identify areas of agreement and opportunities to jointly lobby on the Levy; and frame our asks of Government to ensure that the new Levy will be a success for councils.

Homes for Ukraine Webinar

11. In April, the LGA hosted a webinar for council practitioners to share the case studies and the lessons learnt from administering the Homes for Ukraine scheme. Delegates had the opportunity to hear from, and pose questions to DLUHC. The aim of the webinar was for councils to improve their local offer and ensure that new arrivals from Ukraine can access suitable accommodation that meets their needs.

Environment and Climate Change

Climate change

Local Net Zero Forum

12. The LGA has been working with the Government on the establishment of the Local Net Zero Forum, which will aim to advance the collaboration between local and central Government Departments from across Whitehall in achieving climate change mitigation and adaptation in places. It is likely the Forum will focus on priorities set out in the Net Zero Strategy, including roles and responsibilities, funding, and capacity and capability. The LGA has a seat on the Forum with the first meeting planned for June.

Financing the Green Ambition

13. In May, we commissioned Local Partnerships to update the LGAs [Green Finance Guide](#) reflecting the launch of the UK Investment Bank, the response to the Public Loans Board consultation in November 2020 and the Net Zero Strategy in Autumn 2021. We also held a very well attended webinar on Wednesday 4 May 2022 where we heard from Local Partnerships, UK Investment Bank and the UK Municipal Bond Agency on the type of finance that is and will be available for local authorities. Presentations from the webinar [are available](#) on the LGA website.

Fuel Poverty

14. The LGA is undertaking some work seeking to understand the impact of energy price increases on the number of households in fuel poverty, the costs of bringing these properties up to EPC C standard, and the benefits of this for energy cost savings and wider health savings. The work will be used to explore and make the case for councils lead role in improving the energy efficiency of fuel poor households, and the links to the wider green economy and decarbonisation ambitions.

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Retrofit - Heat and Buildings Decarbonisation by 2050

15. The LGA will undertake a project to design an approach whereby local and central government would work together to further enable decarbonisation of heat and buildings up to 2050, building on existing local strategies and bringing them together into a single national framework. It will focus on: the objectives and value added of locally led approaches; the governance and process for how existing and new local strategic approaches can be brought together into a single coherent framework clarifying roles and responsibilities, and how to shift to joined-up multi funding plans for delivering outcomes and market change.

Green Streets

16. We have commissioned a piece of work that will seek to demonstrate the case for a local approach to decarbonising buildings and transport at the street or neighbourhood level. Through a combination of literature review and interviews identifying national and international best practice, the case will be heavily evidenced and implementable in the UK. Publication of the final report and a webinar to present the finds are expected in the summer.

Future of local energy institutions and governance

17. [We have responded](#) to Ofgem's call for [input into future local energy institutions and governance](#). The call seeks input from stakeholders on energy system functions needed at sub-national level to facilitate the transition to net zero, the suitability of current and planned institutional and governance arrangements and the opportunities and risks of change.

Hard to decarbonise homes

18. The LGA has co-funded a piece of research with the National Housing Federation to identify hard-to-decarbonise homes and policy solutions for increasing the viability of retrofit. Parity Projects have undertaken the work and the final report will be available shortly.

Environment

Nutrient and water neutrality

19. We are shortly launching a policy enquiry on nutrient and water neutrality. Both issues relate to river catchment areas and advice to local planning authorities to stop housing development immediately in order to protect weakened natural environments. The enquiry will be led by a team of LGA politicians and will include a survey to understand the full impact of the neutrality advice, as well as roundtable discussions with stakeholders. The enquiry will present recommendations in the Autumn.

Tackling waste crime

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20. Defra set out proposals to reform [waste tracking systems](#) and the [regulation of waste businesses](#) as part of measures to crack down on waste crime. Our responses to the consultation papers supported the broad approach, noting that Defra's approach must be robust enough to discourage the criminals but avoid placing excessive requirements on local authorities and responsible private waste businesses. This was an opportunity to put forward the powers that councils need to crack down on fly-tipping, particularly the ongoing issue with prosecution leading to paltry fines in so many cases. The LGA is calling for an urgent review of sentencing guidelines for fly-tipping.

Next steps on the Resources and Waste strategy

21. The outcome of consultation on greater consistency in household and business recycling is still awaited. Defra has set out further detail on the implementation of a new system of extended producer responsibility for packaging material (EPR). This will see manufacturers and retailers paying councils for the cost of dealing with packaging in household waste, a welcome move that the LGA has long called for. Defra confirmed that payments to councils will start from April 2024 with a phased implementation. This is later than proposed but not unexpected due to the complexity of setting up the new payment system. We will be working with Defra on the next steps and we are calling on them to rethink the decision to exclude the cost of dealing with litter as part of the payments producers must make to councils.
22. While EPR will be applied to the whole of the UK, the devolved nations are taking different approaches to the design and implementation of deposit return schemes (DRS) for drinks containers. Defra have released some initial information on the scope of the DRS for England confirming that it will not include glass drinks containers and will be "all in" taking plastic bottles of any size including containers sold individually as a part of a multipack. Further detail will be confirmed in the outcome of consultation, due to be published soon.

Other waste policy issues

23. Defra has confirmed that recyclable plastic film and flexible plastic packaging is to be collected from households and businesses by 31 March 2027. The lack of infrastructure for recycling this material is a concern, with significant investment needed in new chemical recycling plants. A pilot programme is being set up with a small number of councils to trial collections, including Cheltenham Borough Council.
24. Waste policy is the subject of number of open consultations, including a proposal from BEIS and Defra to extend the carbon emissions trading scheme (ETS) to waste incineration and energy from waste facilities. This could have significant cost implications for local authorities and the LGA is developing a response. Defra is consulting on the technical detail of new regulations designed to stop councils charging for DIY type waste at household waste and recycling centres (HWRCs), and this is accompanied by a call for evidence on booking systems. The LGA is developing a

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response drawing on the line we have previously taken, which is that the operation of HWRCs is a local decision and it should be left to councils to decide how to run them.

Biodiversity net gain

25. A requirement for developers to provide a net gain to biodiversity on all new sites will come into force in November 2023. The LGA [responded to the release of draft regulations and Defra's implementation plan](#). This was largely a technical consultation and it was good to see Defra engage with councils in a series of Q&A sessions organised by the Planning Advisory Service (PAS). We asked Defra for clarity on new burdens funding along with an offer to work with them to ensure that the resource implications are fully understood.

Local Nature Recovery Strategies

26. The LGA is in discussions with Defra about the development of proposals around the requirement on councils to develop Local Nature Recovery Strategies, and how they fit with the wider environmental and land-use policy. Following representations on the lack of clarity on this issue, Defra and provided a briefing to councils on the progress, future timeframes, and objectives. We will continue to engage with Defra and councils in advance of further details likely later this year.

Update on the economy

27. The UK economy was facing economic pressures in the months before the Russian invasion of Ukraine, but the war is now a major influence on the future economic outlook. The economy is facing a high rate of inflation and relatively low economic growth. The impact on communities will be severe. Record increases in global gas prices has led OFGEM to raise the energy price cap by 54% from 1 April 2022. The price cap is expected to increase again in October 2022 by over 40% to £2800. A paper on fuel poverty is included on the agenda. Food prices are also expected to rise as the war in Ukraine affects grain harvests and the cost of fertilisers.
28. [GDP fell by 0.3% in April 2022](#). The fall was across all three main sectors, services, manufacturing and construction, the first time this has happened since January 2021.
29. [Inflation is expected to peak at around 10% in 2022 Q4](#). In response to rising inflation the Bank of England has increased the bank rate to 1%. It is also entering into quantitative tightening. The OECD expects that the [bank rate will rise to 2.5% by 2023](#). The next announcement on monetary policy will be on 16 June 2022.
30. According to the Bank of England, total real household disposable income is projected to fall in 2022 by the second largest amount since records began in 1964.
31. In real terms in February to April 2022, [growth in total pay](#) (which includes bonuses) was 0.4% while regular pay fell by 2.2% on the year.
32. The [UK employment rate](#) increased by 0.2 percentage points in the quarter to April 2022 to 75.6% but is still below pre-coronavirus (COVID-19) pandemic levels.

33. The number of [job vacancies](#) in March to May 2022 rose to a new record of 1,300,000; an increase of 20,000 from the previous quarter, and an increase of 503,900 from the pre-coronavirus (COVID-19) pandemic level in January to March 2020.

Transport

The Future of Last Mile deliveries

34. The LGA has concluded its initial work on last mile deliveries as part of its work on transport decarbonisation. The purpose was to explore the views of councils, and to understand how much of an issue it is in their areas and what potential solutions should be pursued. The full report can be found [here](#).
35. In brief, key conclusions of the report are:
- Capacity and capability for councils to work on this issue is very limited
 - This is a relatively new area of transport policy for most councils
 - Behaviour change in consumers and also logistics firms/ retailers will be needed
 - There is a need for better national and local freight movement data to understanding the challenge and to develop potential measures that can win support from the general public.
 - Clarity is needed on what local powers may be required for councils to play an effective role
36. We will use this report as a basis for engagement with DfT officials working on freight/ last mile deliveries to influence their policy work.

Road pricing

37. Members may recall the discussion they had on road pricing, led by representatives of Mott MacDonald. The LGA commissioned this project, which was to get a cross-section of views of councils, city-regions and regional bodies as part of its ongoing work on transport decarbonisation. The work is now very close to finishing and a link to the final findings will be available on the LGA website shortly and will be shared with EEHT Board members.
38. Previously, the Board had requested that officers bring back to lead members a set of principles on road pricing that the LGA could sign up to.
39. In concluding their report, Mott MacDonald have said that it has been challenging to arrive at a clear set of principles given the wide range of views in the sector. However, drawing on the report, the key learnings are:
- 40.1 Local authorities are focused on local plans to reduce carbon emissions and are at the beginning of the journey of thinking about the implications of a national road pricing system.

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- 40.2 Local authorities were in strong agreement that a national road pricing system should go ahead but had questions about what this should look like
 - 40.3 There was substantial agreement that a portion of the funds generated from a national road pricing system should be allocated to local authorities for transport investment
 - 40.4 There were mixed views on whether the possibility of local top-ups was helpful or led to unwanted competition between regions
 - 40.5 Most authorities felt that a national road user charging system should be as simple as possible, but that it also must be fair
 - 40.6 There were also mixed views across authorities on the urgency of rolling out a national road pricing system
40. The report also includes a potential three-tier system as a way forward and areas of potential further discussion and research.
41. EEHT Lead members agreed that:
- 42.1 we send a copy of the report to:
 - The Transport Committee given their interest and report on road pricing
 - To DfT and Treasury – to present the findings and call for the LGA to be involved in any discussions on the replacement for fuel duty
 - 42.2 Officers will also share the report with DfT and Treasury officials and find out the extent of any relevant work being undertaken by Government and how they intend to respond to the Treasury Committee report.
 - 42.3 Further LGA work and policy development will likely be shaped on emerging national policy.

Note of last Environment, Economy, Housing & Transport Board meeting

Title:	Environment, Economy, Housing & Transport Board
Date:	Tuesday 22 March 2022
Venue:	Hybrid Meeting - 18 Smith Square and Online

Attendance

An attendance list is attached as **Appendix A** to this note

Item	Decisions and actions	Action
1	<p>Welcome, Apologies and Substitutes, Declarations of Interest</p> <p>The Chairman welcomed and introduced Members to the Environment, Economy, Housing & Transport Board meeting.</p> <p>Apologies were received from Cllr Mark Crane, Cllr Martin Gannon, Mayor Philip Glanville, Cllr Pippa Heylings, Cllr Paul Marshall, Cllr Darren Rodwell and Cllr Vikki Slade.</p> <p>Cllr Tony Ball, Cllr Stewart Golton, Cllr Imogen Payter, Cllr Clare Penny-Evans and Cllr Martin Whelton were in attendance as substitutes.</p> <p>For transparency, the Chairman declared, for item 5 that he was Leader of Swindon Council which was one of the new local planning authorities subjected to advice on nutrient neutrality</p>	
2	<p>Council Housebuilding</p> <p>The Chairman introduced Victoria Latham, Deputy Director, Local Authority Housing & Right to Buy from the Department of Levelling up, Housing & Communities (DLUHC) to give a presentation on the work towards council housebuilding.</p> <p>Members made the following comments:</p> <ul style="list-style-type: none"> • New council houses were being built, but a larger challenge was to make the existing stock more carbon efficient. There was a lack of long-term funding to help decarbonise homes. • Concerns were raised that material requirements planning (MRP) had been making housebuilding unaffordable for councils. • Members raised that many refugees from recent conflicts were staying in hotels while waiting to be housed, increasing pressure on councils to deliver housing. 	

In response, Victoria Latham made the following comments:

- The development of new builds was welcomed news, and it was recognised that it was not ideal that councils needed to bid for various funding pots. There would be collaboration with the Department for Business, Energy, and Industrial Strategy to determine a long-term plan to decarbonise homes.
- Members were invited to provide further feedback relating to the MRP so that it could be passed on to HM Treasury and local government finance team at DLUHC

The Chairman thanked Victoria Latham for her attendance.

Decision:

1. Members noted the key issues outlined in paragraphs 6-10 to the report.
2. Members noted the LGA next steps as set out in paragraph 12 to the report.

3 Building Safety Update

The Chairman invited Francis Soukila, Graduate Trainee Adviser, to present the report which outlined the progress on building safety since the last Board meeting which included the Building Safety Bill which was currently at the House of Lords, remediation, and future policy.

Decision:

Members noted the update.

4 Transport - Fixed Penalty Notices and Buses Funding update

The Chairman invited Kamal Panchal, Senior Adviser, to present the report which sought views from Members on proposals to seek powers which would allow local authorities outside of London to issue Fixed Penalty Notices for offenses such as unlicensed skips and wilful obstruction of the highways.

Also included in the report was an update on Bus Recovery Funding.

Members made the following comments:

- Thanks was given to the Chairman and officers for their work lobbying the government following the announcement that there would be an additional £150 million in funding for bus and light rail operators until October 2022.
- Members expressed their support to seeking powers for local authorities to issue Fixed Penalty Notices.
- It was queried who would have the receipts of the notices.

In response, Kamal Panchal made the following comments:

- Consideration would be given to which authority would receive the

finances as it would be more complicated in areas with two tiered authorities than in the unitary authorities and in London boroughs.

- The progress of this would be brought back to a future Board meeting.

Decision:

1. Members agreed that the LGA should support the call as raised by Thurrock and the consortium of Essex Councils
2. Members endorsed the LGA undertaking further work on this issue.
3. Member noted the information on the Bus Recovery Grant.

5 EEHT Update / Other Board Business

The Chairman invited Hilary Tanner, Adviser, to present the supplementary information to the report. The Department for Environment, Food & Rural Affairs announced that 42 new local planning authorities were subject to advice on nutrient neutrality.

Eamon Lally, Principal Policy Adviser, outlined the rest of the update report, and highlighted that the LGA had sent a letter to the Chancellor setting out asks of the Spring Statement with much of them relating to issues under the Board's remit.

Decision:

Members noted the update.

6 Minutes of the previous meeting

The Minutes of the meeting held on 3 February 2022 were agreed as an accurate record.

7 Road Pricing - LGA Work - CONFIDENTIAL

Please refer to the confidential minutes document for information related to this item.

Appendix A -Attendance

Position/Role	Councillor	Authority
Chairman	Cllr David Renard	Swindon Borough Council
Vice-Chairman		
Deputy-chairman	Cllr Loic Rich	Cornwall Council
Members	Cllr Kelham Cooke	South Kesteven District Council
	Cllr Daniel Humphreys	Worthing Borough Council
	Cllr Patrick Nicholson	Plymouth City Council

	<p>Cllr Linda Taylor Cllr Tony Ball Cllr Imogen Payter Cllr Ed Turner Cllr Cathy Mitchell Cllr Emily Darlington Cllr Clare Penny-Evans Cllr Martin Whelton Cllr Stewart Golton Cllr David Beaman</p>	<p>Cornwall Council Essex County Council Havant Borough Council Oxford City Council Warrington Borough Council Milton Keynes Council Newcastle upon Tyne City Council Merton London Borough Council Leeds City Council Waverley Borough Council</p>
Apologies	<p>Cllr Mark Crane Cllr Paul Marshall Cllr Darren Rodwell</p> <p>Cllr Martin Gannon Mayor Philip Glanville Cllr Pippa Heylings Cllr Vikki Slade</p>	<p>Selby District Council West Sussex County Council Barking and Dagenham London Borough Council Gateshead Council Hackney London Borough Council South Cambridgeshire District Council Bournemouth, Christchurch and Poole Council</p>
In Attendance	<p>Cllr Ed Gemmell Cllr Phil Jordan Victoria Latham</p> <p>Charlene Rohr Josh Evans Annette Smith Leora Wilson</p>	<p>Buckinghamshire Council Isle of Wight Council Department for Levelling Up, Housing & Communities Technical Principal, Mott MacDonald Mott MacDonald Mott MacDonald Mott MacDonald</p>
LGA Officers	<p>Jo Allchurch Calum Davidson Joe Difford Amy Haldane Simon Jeffrey Eamon Lally Kamal Panchal Nick Porter Francis Soukila Hilary Tanner</p>	

Document is Restricted

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Planning Reform

Purpose of report

For information.

Summary

The Department for Levelling Up, Housing and Communities (DLUHC) has recently set out the direction of travel for planning reforms – some of which will be delivered through the Levelling Up and Regeneration Bill and the rest through secondary legislation or policy change.

This report summarises the housing and planning proposals of most relevance and significance to local government. It also provides the LGA's initial reaction to the proposals along with our key policy asks.

Simon Gallagher, the Director for Planning at DLUHC has been invited to talk with members about the current direction of travel of the planning reforms.

Is this report confidential? Yes No

Recommendations:

This item is for update and comment. Board members are asked to feedback on any key issues that need to be addressed as the Government takes forward the planning reforms proposed in and alongside the Levelling Up and Regeneration Bill.

Actions:

As directed by the Board

Contact officer: Calum Davidson
Position: Policy Adviser – Housing and Planning
Phone no: 07385950496
Email: calum.davidson@local.gov.uk

Planning Reforms

1. In May 2022, the Department for Levelling Up, Housing and Communities (DLUHC) introduced planning reforms via the Queen's Speech, in and alongside a new [Levelling Up and Regeneration Bill](#). The reforms which are outlined in [DLUHC's policy paper](#) will be introduced through primary and secondary legislation, and through non-legislative measures.
2. Our initial response to the Levelling Up and Regeneration Bill can be found [here](#). In particular, we welcomed the power to bring vacant properties back into use through the high street rental auction, however, we also emphasised the need to remove permitted development rights which prevents councils from reimagining high streets and town centres. The ability to set the Infrastructure Levy at local level was also welcomed. We published a briefing on the [Second Reading](#) of the Bill, which took place in June 2022. We will continue to brief parliamentarians as the Bill progresses through parliament. Councillor David Renard had the opportunity in September, alongside the LGA Chairman, Councillor James Jamieson, to brief over 20 MPs and peers at a parliamentary briefing session on housing and planning. We have also briefed MPs for parliamentary debates on [planning reform and housebuilding targets](#) and [motions related to planning](#) and submitted evidence to the Housing, Communities Local Government Committee for their [new inquiry into the future of the planning system](#). We also briefed EEHT's Lead Members on the planning reforms in May 2022.
3. The proposed reforms address a number of the concerns the LGA have raised in their [response](#) to the '[Planning for the Future](#)' [White Paper](#) and in discussions with government. In particular there is a greater focus on democratic input and community engagement; measures that intend to strengthen the weight of Local Plans and reduce speculative development as well as proposals to increase planning application fees. Most significantly the proposal for development 'zones', linked to an automatic permission, have been scrapped. These are all areas that the LGA has lobbied on.
4. There is much that we broadly welcome in the new proposals but there are still many changes and effective engagement with the sector on the detailed policy development will be vital. The accompanying skills and capacity strategy, as well as appropriate levels of funding will also be key to success.
5. A [consultation](#) was launched by DLUHC in June 2022 on compulsory purchase (compensation reforms), and we intend to submit a response.
6. We have good engagement mechanisms in place with DLUHC at both Chief Executive and senior practitioner level. We are also seeking to secure additional technical working

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groups on key elements of the Bill to ensure effective transition and implementation arrangements are in place.

7. The Director for Planning at DLUHC – Simon Gallagher – has agreed to attend this Board meeting on the 23 June. This will be an opportunity for Board members to directly feedback to DLUHC on the current direction of travel of the planning reforms. It will also help to reinforce the LGA’s continued ambition to work collaboratively with DLUHC to ensure that any reforms are implementable on the ground and work in the best interests of councils and communities.
8. This report summarises the housing and planning proposals of most relevance and significance to local government. It also provides the LGA’s initial reaction to the proposals along with our key policy asks.
9. The proposals are set out in this paper in a similar format that is used in [DLUHC’s policy paper](#). It includes five themes which captures legislative (in the Bill) and non-legislative measures (alongside the Bill):

A genuinely plan-led system

- 8.1 In the Bill: development plan and national development management policies; street votes; repeal of the duty to cooperate; gateway checks; and local plan commissioners.
- 8.2 Alongside the Bill: plan-making and community engagement; and removal of the requirement for a rolling five-year land supply.

Delivering infrastructure

- 8.3 In the Bill: Infrastructure Levy.
- 8.4 Alongside the bill: introducing the Levy through a ‘test and learn’ approach; and a faster build-out of developments.

Creating beautiful places and improving environmental outcomes

- 8.5 In the Bill: environmental outcome reports; design codes; and protecting the historic environment.
- 8.6 Alongside the Bill: biodiversity net gain; and active travel.

Regeneration

- 8.7 In the Bill: development corporations; high street rental auction; and compulsory purchase order.

Wider improvements to planning procedures

- 8.8 In the Bill: improving the effectiveness of planning enforcement.

8.9 Alongside the Bill: planning skills strategy; and planning fees.

Proposed planning reforms

A genuinely plan-led system

In the Bill

10. Development Plan and National Development Management Policies

- 9.1 A new development plan system will be put in place at local level.
- 9.2 Local plans will be given more weight when making decisions on applications and there must be strong reasons to override the plan.
- 9.3 The same weight will be given to other parts of the development plan, including minerals and waste plans; supplementary local plans neighbourhood plans and spatial development strategies.
- 9.4 Policies on issues that apply in most areas (such as general heritage protection) will be set out nationally and contained in a suite of National Development Management Policies, which will have the same weight as the local development plan system.
- 9.5 Where there is a conflict with local policy, it is to be resolved in favour of the national policy.
- 9.6 The Bill will increase the accessibility of neighbourhood planning by allowing parish councils and neighbourhood forums to produce a simpler 'neighbourhood priorities statement'.

11. To deliver on our shared levelling up ambitions and ensure councils can deliver the right types of homes in the right places with appropriate infrastructure, a local, plan-led system is integral. Therefore, proposals that seek to simplify and standardise the Local Plan process and limit speculative development applications are welcome. We are pleased that further legal weight will be given to the local plan when making a determination on planning applications, which will further empower local leaders and communities to shape and take control of the area in which they live. However, these measures do not provide full legal force for a plan-led system and there continues to be a risk that a genuinely plan-made system is undermined. We would welcome further information on the circumstances when determination will not be made in favour of the Local Plan due to 'strong reasons to override the plan'.

12. We recognise that centralising policies that apply in most areas in the form of National Development Management Policies will speed up the production of plan-making at local level. However, we are concerned that setting policies at national level will leave councils unable to tailor such policies to local circumstances. Flexibility must be built into the system to enable councils to respond to local, complex and changing circumstances. We are even more concerned that a determination would be made in favour of the national policy, when there is conflict with the local development plan. This undermines a local, plan-led system and the Government's aspiration to empower local leaders and communities. We would urge the Government to reconsider this proposal and we want to

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work with the Government to ensure that nationally set policies are workable at local level.

13. The emphasis on neighbourhood plans within this Bill and providing a greater legal weight is encouraging. Making the neighbourhood planning process more accessible via the production of simpler 'neighbourhood priorities statement' is a welcome step. But we believe the Government can go further to enhance democratic input and ensure that more local people can have their say. The Government must consider and emphasise the complexities of community engagement. We would welcome guidance which explicitly covers how to ensure that the plan-making process can capture and reflect the views of a wider audience in local communities, beyond those that are already engaged.

14. Street votes

13.1 The proposed introduction of 'street vote' powers, would allow residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences.

13.2 Where prescribed development rules and other statutory requirements are met, the proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.

15. It is vital that a local, plan-led planning system underpinned by community engagement remains in place. The Bill is light on detail at this stage, but we have concerns that the proposals on street votes could add another layer of complexity to the planning system. This risks undermining the ambition in the Levelling Up and Regeneration Bill to simplify and standardise the process for local plans, so that they are produced more quickly.

16. The introduction of street votes risks stifling the production and implementation of local plans, which will prevent the fast delivery of the affordable homes and the infrastructure that communities need. We want to work with the government to enhance opportunities for engagement and reach a wider audience within the process of developing local plans.

17. Repeal of the duty to cooperate

16.1 The 'duty to cooperate' will be repealed and replaced with a more flexible alignment test set out in national policy.

18. While we support the underlying principles set out in the duty to cooperate, we recognise that in practice it is has not been fit for purpose. It is good that the Government has gone down the route of replacing it, rather than abolishing it without a replacement. It is vital that the new flexible alignment test is a more effective mechanism for promoting constructive cooperation.

19. Gateway checks

18.1 The Government intends to introduce a series of 'Gateway' checks during plan production, to help spot and correct any problems at an early stage.

20. We welcome the introduction of a measure that will help identify issues at an early stage of plan production. The Gateway checks must genuinely add value to local plans and must, in practice, be aligned to the Government's commitment to simplify and standardise plan-making. We would welcome further information on what the Gateway checks would entail.

21. Local Plan Commissioners

20.1 New Local Plan Commissioners may be deployed to support or ultimately take over plan-making if councils fail to meet their statutory duties.

20.2 The Government has stated that the aim is to increase the number of councils with up-to-date plans in place and enhance community engagement.

22. It is right that Local Plans should be kept up to date and underpinned by community engagement, as well streamlining the plan-making system to simplify the process for those involved. However, we are concerned about the proposal to deploy Local Plan Commissioners to take over plan-making in some cases. An approach that seeks to understand what the blockages are and seeks to resolve them, for example through a mutually agreed sector-led approach, will be more beneficial in the long-term than the imposition of a plan on an area. We would also welcome further information on the circumstances in which Commissioners would be deployed and their role. We would expect this measure to only be used as a last resort, when all other routes have been exhausted.

Alongside the Bill

23. Plan-making and community engagement

22.1 The regulations will be updated to set clear timetables for plan production – with the expectation that they are produced within 30 months and updated at least every five years.

22.2 During this period, there will be a requirement for two rounds of community engagement before plans are submitted for independent examination.

22.3 There will also be new guidance published on community engagement in planning, which will describe the different ways in which communities can get involved and highlight best practice, including the opportunities which digital technology offers.

24. Clearer guidance of the expectations for developing local plans will support the Government's ambition to standardise plan-making, which we welcome. We are also pleased that there will be a focus on community engagement through the publication of the new guidance and councils will have access to best practice.

25. However, we are concerned that the timetable set out will undermine the increased emphasis on community engagement as the timetable will restrict the ability of councils to undertake genuinely constructive public engagement in line with the new guidance. We would welcome a commitment by the Government to explore the resource

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implications on councils as a result of the new, rigid framework for local plan production and periodic review and provide sufficient new burdens funding as appropriate.

26. While it is welcome that the Government are urging communities to have more say over planning matters, the “Standard Method”, which uses a formula to identify the minimum number of homes expected to be planned for, is still used by the Government and councils are also expected to use it. For example, councils in the 20 largest cities required to plan for a 35 per cent increase over and above the number generated by the Standard Method. Algorithms and formulas can never be a substitute for local knowledge and decision-making by councils and communities who know their areas best. We would urge the Government to consider how the Standard Method is currently used and whether it fits with the Government’s messaging on involving communities in planning decisions.

27. Removal of the requirement for a rolling five-year land supply

26.1 The Government intends to remove the requirement for councils to maintain a rolling five-year supply of deliverable land for housing, where their plan is up to date (i.e adopted within the past five years).

26.2 This change will be included in the National Planning Policy Framework, which will be consulted on.

28. We broadly welcome this announcement as it will curb speculative development and ‘planning by appeal’, as well as giving local plans more weight when making decisions on planning applications. We believe that this move will go some way in supporting the Government’s ambition to empower local leaders and communities to take control of and shape the area in which they live through a local, plan-led system.

29. However, if the Government is serious about ensuring that local plans are not undermined, then we would urge the Government to revoke permitted development rights which disenfranchises local leaders and communities by continuing to undermine a local, plan-led system.

Delivering infrastructure

In the Bill

30. Infrastructure Levy

29.1 The Infrastructure Levy will be a locally-set, mandatory charge levied on the final value of development and applied above a minimum threshold.

29.2 It will replace the existing system of the Community Infrastructure Levy (CIL) and Section 106 (S106) agreements (except on ‘larger sites’) which secures funding from developers to deliver infrastructure and on-site affordable housing.

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- 29.3 The rates will be set as a percentage of gross development value (GDV) rather than based on floorspace, as with CIL at present.
- 29.4 The Government intends to pilot the Levy via a 'test and learn' approach. The Bill sets out the framework for the new Levy, and the detailed design will be delivered through regulations following a consultation.
31. It is good to see that any new Infrastructure Levy will be non-negotiable and set at a local level. We will want to work with Government to ensure that it is a success and that it delivers more affordable housing and infrastructure contributions at a local authority level than the existing systems for developer contributions. It is vital that new occupants of homes and wider communities get the infrastructure they need, and that councils can access sufficient funding for this infrastructure in line with local plan ambitions.
32. We look forward to seeing more information on the Levy through the regulations. Specifically, we would welcome further information on the detail of how the new system would work including the 'Right to Require', as well as the definition of 'larger sites', 'rate setting' and the relationship between different tiers of authorities that will be in receipt of the Levy. The Government should also define 'infrastructure' in the context of the new system. With the partial abandonment of S106, we are concerned that the contributions in the current system that do not relate to the built environment such as supporting the local workforce, skills development, apprenticeships etc. will fall through the gaps when the new Levy is rolled out. We would welcome clarification on this issue.
33. We urge the government to reconsider the timing of the levy. Charging the levy at the point of the occupations helps the developers' cashflow but doesn't help local authorities ensure infrastructure first as a key pillar of place-making.
34. Under the Right to Require, in addition to tenure, size and type, councils must be able to insist that the on-site affordable homes meet recognised quality and spatial standards such as Nationally Described Space Standards (NDSS) or the Mayor of London's Housing Design Standards.
35. The Levy must be applied to all developments including minor developments and covering both infrastructure and affordable housing contributions. This includes the removal of the exemption for self and custom housebuilding – any exemptions should be set locally. This is because we are concerned that the cumulative impact of introducing an exemption will significantly reduce the funding available for much-needed infrastructure and affordable housing. Our view is that permitted development rights should be revoked because it undermines local plan-making and the quality standards of new homes, but if the Government continues with its permitted development rights policy, the Levy should be applied to a change of use scheme under permitted development rights.
36. Councils should have the power to borrow against the Levy and should not be constrained – as is currently the case with CIL – by regulations that stifle use of that power. For example, CIL regulation 60 states that borrowing is allowed on zero per cent of CIL receipts, in the absence of a direction from the Secretary of State setting a higher percentage. Such a direction has never been issued. Further, while the flexibility to borrow would be welcome, there should not be a national expectation that this will be the primary mechanism for funding the infrastructure that communities need. This is because

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the Levy's funding stream will fluctuate. It is unpredictable how much funding will be received and at what point and therefore borrowing comes with risk.

Alongside the Bill

37. Introducing the Levy through a 'test and learn' approach

35.1 This test and learn approach will be rolled out nationally over several years, allowing for careful monitoring and evaluation, in order to design the most effective system possible.

38. We welcome this approach to rolling out the Levy. The Government must provide clarification on the methodology for choosing councils to be involved. This should include a range of different councils in respect of geographical location, political set up and type of authority e.g two-tier and unitary. Without this clarification, we are concerned that the test and learn exercise will not provide an accurate reflection of the impact of the Levy on councils.

39. A faster build-out of developments

37.1 The Government has committed to providing announcements in the future on how it intends to support a faster built-out of developments that have been granted planning permission but are not yet on-site.

37.2 This is not the first time this commitment has been made as the Planning for the Future White Paper committed to exploring options for faster build out.

40. It is disappointing that no tangible powers were brought forward in the Bill to enable councils to encourage developers to build-out. We know that if we are to meet the Government's ambitious housebuilding target of 300,000 new homes, it's crucial that councils work with developers to build the homes that the country needs at pace. Planning is not the barrier to housebuilding with nine in 10 applications being approved by councils since 2010. Therefore, we welcome the Government's intention to explore options to support a faster build out of schemes that have been granted planning permission.

41. However, we would urge the Government as a matter of urgency to empower councils to take decisive action on this issue by giving councils the powers and tools to incentivise developers to build out and reduce the time lag between permission being granted and homes being completed. This may include, for example the power to charge a Levy on developers that are withholding land by not building out within 12 months of planning permission being granted.

Creating beautiful places and improving environmental outcomes

In the Bill

42. Environmental Outcome Reports

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- 40.1 To underpin the principles of the [Environment Act \(2021\)](#), the Bill proposes to introduce a requirement to prepare 'Environmental Outcome Reports' when submitting new planning applications.
- 40.2 It will introduce a process where relevant plans and projects are assessed against tangible environmental outcomes set by Government.
- 40.3 The outcomes have not yet been set, but the Government has advised that in the interim the Environment Act will provide some of the framework.
- 40.4 A consultation will be launched on the details of the reports.
43. The planning system has a vital role to play in protecting and enhancing the environment. It is vital that the proposal to introduce a new approach to environmental assessment strengthens environmental protections whilst ensuring that councils can still deliver the new homes and supporting infrastructure that the country needs.
44. We want to work with the Government as the outcomes are developed and would welcome explicit confirmation that this new reporting mechanism will not result in trade-offs with building new infrastructure. It is also vital that councils are in a position to properly assess the impact of the development against the environmental outcomes framework by having access to the relevant skills and expertise. Further, we would expect the new framework to be aligned to the Government's principle of simplifying and standardising the planning system, and any additional responsibilities and resourcing requirements beyond the existing EU mandated framework, should be sufficiently covered by new burdens funding.
- 45. Design codes*
- 43.1 This includes the National Model Design Code and stronger national policy on the importance of good design.
- 43.2 The Bill will require councils to produce a design code for its area.
- 43.3 These codes will have full weight in making decisions on development, either through forming part of local plans or being prepared as a supplementary plan.
46. We support the principle of local design codes, which will further empower communities to have input into the design and shape the area in which they live. To deliver this commitment, councils must have the necessary resources to upskill or hire new planning officers to undertake the transition process locally and then implement the new planning regime alongside developing a new design guide. According to Public Practice, to upskill and produce and deliver local Design Codes at scale [local planning authorities will need forward-funding](#). They also estimated that adopting a Design Code for an area of approximately 1000 homes will cost [£139,000](#).
47. But if the Government is serious about enhancing community engagement, there must be a greater and more explicit focus on the ability of councils to capture and reflect the views of communities in broad terms, rather than a minority in the community. Further, permitted development rights undermines the key principles of the design code policy: a democratically-led planning system that is shaped by communities and implementing the highest quality, design and safety standards in schemes. To support the design code

policy to deliver its intended outcomes, we urge the Government to revoke permitted development rights.

48. Protecting the historic environment

46.1 The Bill will seek to strengthen the critical role the planning system plays in protecting the historic environment.

46.2 The Bill will give important categories of designated heritage assets the same statutory protection in the planning system as listed buildings and conservation areas.

46.3 The Bill will also put Historic Environment Records on a statutory basis, placing a new duty on councils to maintain one for their area.

49. Local government, as custodians of a significant percentage of the UK's historic buildings, monuments, parks and open spaces, have long recognised their value and importance in helping create vibrant, healthy communities; and in creating attractive destinations for domestic and international visitors. They also play an important role in the regeneration of our town centres and high streets, which councils across the country are leading on.

50. However, most heritage assets are not under public ownership. While the majority are well cared for, there are also a significant number that are experiencing degradation of the fabric due to the inability or unwillingness of current owners to invest in them. The proposals for new and simplified enforcement powers will help councils to take action to protect these key historic buildings and, working with communities, bring them back into good condition and sustainable use.

51. We welcome the extension of planning protections to cover historic environments like registered parks and battlefields and World Heritage Sites. However, archaeological sites must also receive protection, most of which are undesignated and managed through the planning process. Placing Historic Environment Records (HER) on a statutory footing will make a contribution towards this, and has been a long-standing ask of the LGA, but will be insufficient on their own without a resourced local authority service to maintain the HER and advise on impacts on the historic environment. These will need to be covered by new burdens funding.

52. We also welcome the commitment to providing legal status to the provisions with the current NPPF that underpin the impact of development on heritage, the commitment to increase planning fees and the general commitment to the current local authority led heritage protection system. However we note the proposals to replace Environmental Impact Assessments/Reports with 'Environmental Outcomes Reports', the promise to speed up local plans and the Nationally Significant Infrastructure Project process, the removal of Local Planning Authority oversight over Crown Land applications and the prospect of local development corporations, as possible areas where, if inappropriately designed, could weaken the role of democratically elected local authorities to manage change to the historic environment for their residents and businesses.

Alongside the Bill

23 June 2022

53. Biodiversity Net Gain

51.1 The Government confirmed that BNG will be implemented through the planning system from late 2023 onwards.

51.2 One of the proposed changes in the revised National Planning Policy Framework will be the new duty in the Environment Act (2021) to secure BNG in association with development.

54. We support the principle of BNG and the broader ambitions of the 25 Year Environment Plan to be the first generation to leave our natural environment in a better state than we found it.

55. Our concerns relate to the practicality of implementing BNG and we would welcome further information on the issue of resourcing and supporting councils to access ecological expertise. The [announcement of £4 million](#) to support councils prepare for the go live date is welcome and this money is now with councils. We need clarity on new burdens funding, and we stand ready to work with the Department for Environment, Food and Rural Affairs (Defra) to ensure that the resource implications are fully understood. Following this, an effective package of capacity building support must be put place.

56. Given the short period of time to prepare for implementation, to support readiness, councils must have access to standard documents, advice and support that will allow them to develop policies that are clear to developers and avoid limited resources being diverted into legal challenges and appeals.

57. Active Travel England

55.1 Active Travel England – the government's new adviser on sustainable transport – will also become a statutory consultee for key planning applications.

58. We would expect Active Travel England to have a proportionate response when undertaking its role as a statutory consultee, reflecting local circumstances, priorities and resources.

Regeneration

In the Bill

59. Development Corporations

57.1 This Bill will make provision for a new type of locally-led Urban Development Corporation, with the objective of regenerating its area and accountable to local authorities in the area rather than the Secretary of State.

57.2 The planning powers available to corporations will be updated so that they can become local planning authorities for the purpose of local plan-making, neighbourhood planning and development management.

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57.3 The Bill will amend the process for establishing locally-led New Town Development Corporations, remove the cap on the number of board members and remove the aggregate borrowing cap, subject to agreeing borrowing limits with HM Treasury on a case-by-case basis.

60. We support the principle of councils being able to set up locally-led urban development corporations for the purpose of supporting regeneration projects and also the principle of being directly accountable to councils, rather than the Secretary of State. It is good that the cap on the number of board members and remove the aggregate borrowing cap are to be removed. We have long been calling for the removal of the borrowing cap, which limits the scope of Development Corporations, creates uncertainty about investment beyond the cap and affects the delivery of Local Plans.

61. We would also welcome powers to enable the creation of zero carbon and nature-rich places; the power to use a CPO; and ensure there is clear guidance and policy support in place for councils looking to establish successful Development Corporations.

62. High Street Rental Auction

60.1 The Government will give councils a new power to instigate high street rental auctions of vacant commercial properties in town centres and on high streets which have been vacant for more than one year.

60.2 There will be a two-month notice period during which landlords can evidence a signed lease, and if none is presented, an authority will be able to serve a final rental auction notice, triggering a two-month auction period for bidders to come forward.

63. Additional powers to deal with empty premises are broadly welcome. We would welcome further information on how the Government intends for this new power to be implemented by councils. We believe that there are lessons to be learnt on its implementation from the current CPO system. If the process is cumbersome and the power is expensive to use, there will be less instances of councils using High Street Rental Auctions in circumstances that warrant its use and the ability of councils to negotiate with landlords will be diminished. Therefore, we would expect this power to be simple, inexpensive and effective to use if required. However, if the Government is serious about empowering councils, they will revoke permitted development rights, which negatively impacts the ability of councils to shape their local areas and reimagine their high streets and town centres.

64. Compulsory Purchase Order

62.1 The Bill amends and clarifies the powers and procedures for using compulsory purchase.

62.2 The aim of the measure is to make it clear that local authorities can use this power to compulsorily purchase land for regeneration purposes, as well as improving the efficiency of the CPO process.

62.3 The Government intends to introduce a measure that reforms land compensation by ensuring that 'fair compensation' is paid for the value attributable to prospective planning permission ('hope value').

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- 62.4 The relevant planning assumptions in the Land Compensation Act 1961 will be made more realistic.
- 62.5 These changes will make the valuation of land in this context closer to a normal market transaction.
- 62.6 A consultation was launched on this measure on Monday 6 June.
65. The introduction of measures that will genuinely make the CPO process more efficient for councils is an encouraging step, as we have previously lobbied on the need to reduce the time taken to use a CPO.
66. It is good the Government has stated its intention to reform the hope value, which will reduce the likelihood that cost presents a barrier for councils to assemble the land as a last resort. We would welcome further information on this proposal including the definition of 'fair compensation'. We would like to see reform of the [Land Compensation Act \(1961\)](#) to clarify that for large scale land assembly purposes councils should be enabled to compulsorily purchase land at its existing use value. This proposal has parallels with the use of compulsory purchase powers in Europe (e.g. Netherlands). Reform along these lines would restore the credibility of using a CPO as a tool to encourage landowners to release their land voluntarily at an early stage.
67. However, if the Government is serious about enabling regeneration by making CPOs easier to navigate, further legislative reforms can be introduced to restore confidence in the sector that a CPO is an option that can realistically be used as a last resort.
68. This includes the ability to tackle sites which have had planning permission for a long time but which have not been built out, by introducing stronger compulsory purchase type powers where permissions have expired and development has not commenced. As well as incentivising developers to complete a timely build-out their scheme after planning permission has been granted, councils will be confident that they can act promptly and decisively to acquire land that is vacant to meet local needs.
69. The removal of the requirement for permission from the Secretary of State to proceed with a compulsory purchase order, would be a welcome step. By doing so, the time taken to use a CPO would be reduced and councils would be able to intervene at an earlier stage to acquire land. The default position should be that acquiring authorities can confirm their own compulsory purchase orders. As a backstop, the Secretary of State could retain the ability to use his/her recovery powers in certain circumstances.

Wider improvements to planning procedures

In the Bill

70. Improving the effectiveness of planning enforcement

- 68.1 The Government intends to introduce a variety of measures to ensure that planning enforcement works more effectively.
- 68.2 These new measures include extending the period for taking enforcement action to ten years in all cases; introducing enforcement warning notices; increasing fines associated with certain planning breaches; doubling fees for retrospective

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applications; extending the time period for temporary stop notices from 28 to 56 days.

- 68.3 The Planning Inspectorate will have the power to dismiss certain appeals where the appellant causes undue delay.
- 68.4 The scope for appeals against enforcement notices will be tightened so that there is only one opportunity to obtain planning permission retrospectively.
65. We broadly welcome the introduction of additional tools and powers to achieve compliance and deal with those that breach planning provisions. The new enforcement measures will go some way to prevent planning breaches from occurring; further enable councils to take punitive action when breaches do occur; and streamline the enforcement process.

Alongside the Bill

66. Planning Skills Strategy

- 66.1 The Government is seeking to improve capacity in the planning system by supporting councils to build the skills they need, initially by working with sector experts to develop a planning skills strategy for councils.
67. It is a positive and welcome step that the Government has committed to improving capacity in the sector through skills development. But this measure must be progressed quickly. Councils have expressed concerns regarding their stretched capacity and the difficulty of accessing the relevant skills and expertise to implement national policies such as BNG. Councils will need the right the level of resource to carry out the meaningful community engagement critical to achieving good planning and will need to be properly resourced for any additional burdens due to any changes to the planning system going forward.
68. We would also welcome a focus on future-proofing the planning system by making planning a more attractive career path for the younger generation and supporting young people to find pathways into leadership roles in the sector.

69. Planning fees

- 69.1 To improve capacity in the planning system, the Government has stated its intention to increase planning fees for major and minor applications by 35% and 25% respectively.
- 69.2 This is caveated in that increasing fees must lead to a better service for applicants.
- 69.3 To improve performance, the Government intends to expand the existing planning performance framework to measure performance across a broader range of measures.

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69.4 A consultation will be launched on this measure.

70. We welcome the increase in planning fees, as it has for a long time been our position that there is a need for a well-resourced planning system. This reform must be implemented quickly. This increase will build-capacity in the sector and support councils to enable the building of the affordable homes and infrastructure that the country needs. However, this increase on its own will not enough to comprehensively address the issue of resourcing in the planning sector; and Government should go further by allowing councils to set planning fees locally. We look forward to seeing more detail on the planning performance framework.

Implications for Wales

71. We will continue to work with the Welsh LGA to share good practice and information.

Financial Implications

72. There are no immediate financial implications

Next steps

73. To publish our position on the LGA's website and update as further information on the reforms become available.
74. Continue to work with the sector – including councils and other membership organisations – to develop our asks and identify opportunities for joint-lobbying.
75. Continue to work with the LGA's public affairs team to brief parliamentarians during the passage of the Levelling Up and Regeneration Bill.
76. Continue to engage with DLUHC officials and Ministers to ensure that the concerns of councils are heard in government and to help influence the policy detail of the proposals.
77. Review opportunities to undertake a deeper dive into the reforms and further develop our asks by commissioning research.
78. Respond to consultations which arise as a result of the reforms – including compulsory purchase – and engage the sector via our Planning Sounding Board to ensure that our response reflects the views of our membership.