



Ministry of Housing,
Communities &
Local Government

Response from CPRE Hampshire into the White Paper: Planning for the Future Consultation

Submitted 25.20.2020

Please note that all CPRE Hampshire comments are submitted in red text for ease of identification



The countryside charity
Hampshire



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Ministry of Housing, Communities and Local Government Fry
Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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Scope of the consultation

Topic of this consultation:	This consultation seeks any views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.
Scope of this consultation:	<p>This consultation covers a package of proposals for reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.</p> <p>Views are sought for specific proposals and the wider package of reforms presented.</p>
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The Government is mindful of its responsibility to have regard to the potential impact of any proposal on the Public Sector Equality Duty. In each part of the consultation we would invite any views on the duty. We are also seeking views on the potential impact of the package as a whole on the Public Sector Equality Duty.

Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 12 weeks from 6 August 2020.
Enquiries:	For any enquiries about the consultation please contact planningforthefuture@communities.gov.uk .

How to respond:	<p>You may respond by going to our website https://www.gov.uk/government/consultations/planning-for-thefuture</p> <p>Alternatively you can email your response to the questions in this consultation to planningforthefuture@communities.gov.uk.</p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to:</p>
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	<p>Planning for the Future Consultation, Planning Directorate, 3rd Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none">- your name,- your position (if applicable), and- the name of organisation (if applicable).
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Foreword from the Prime Minister

I never cease to be amazed by the incredible potential of this country. The vast array of innovations and talent that, when combined with our extraordinary can-do spirit, has brought forth everything from the jet engine to gene editing therapy.

But as we approach the second decade of the 21st century that potential is being artificially constrained by a relic from the middle of the 20th – our outdated and ineffective planning system.

Designed and built in 1947 it has, like any building of that age, been patched up here and there over the decades.

Extensions have been added on, knocked down and rebuilt according to the whims of whoever's name is on the deeds at the time. Eight years ago a new landlord stripped most of the asbestos from the roof.

But make-do-and-mend can only last for so long and, in 2020, it is no longer fit for human habitation.

Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.

That is what this paper proposes.

Radical reform unlike anything we have seen since the Second World War.

Not more fiddling around the edges, not simply painting over the damp patches, but levelling the foundations and building, from the ground up, a whole new planning system for England.

One that is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades.

That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.

That makes it harder for developers to dodge their obligations to improve infrastructure and opens up housebuilding to more than just the current handful of massive corporations.

That gives you a greater say over what gets built in your community.

This aspiration is supported by CPRE Hampshire, but there is very little detail in these proposals about how it will be delivered. Conversely, there are a number of examples (

e.g. the impact on Neighbourhood Planning) where the local community will have less say. MHCLG should provide specific examples of how they plan to deliver on this promise.

That makes sure start-ups have a place to put down roots and that businesses great and small have the space they need to grow and create jobs.

And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.

Getting homes built is always a controversial business. Any planning application, however modest, almost inevitably attracts objections and I am sure there will be those who say this paper represents too much change too fast, too much of a break from what has gone before.

But what we have now simply does not work.

So let's do better. Let's make the system work for all of us. And let's take big, bold steps so that we in this country can finally build the homes we all need and the future we all want to see.

Foreword from the Secretary of State

The outbreak of COVID-19 has affected the economic and social lives of the entire nation. With so many people spending more time at home than ever before, we have come to know our homes, gardens and local parks more intimately. For some this has been a welcome opportunity to spend more time in the place they call home with the people they love. For others – those in small, substandard homes, those unable to walk to distant shops or parks, those struggling to pay their rent, or indeed for those who do not have a home of their own at all – this has been a moment where longstanding issues in our development and planning system have come to the fore.

Such times require decisive action and a plan for a better future. These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have a dignity and security of a home of their own.

CPRE Hampshire strongly support this aspiration but have concerns that there is little if any evidence provided that the principles included in the white paper will actually deliver against the aspirations outlined.

Our proposals seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, in which smaller builders can thrive alongside the big players, where all pay a fair share of the costs of infrastructure and the affordable housing existing communities require and where permissions are more swiftly turned into homes.

We are cutting red tape, but not standards. This Government doesn't want to just build houses. We want a society that has re-established powerful links between identity and place, between our unmatched architectural heritage and the future, between community and purpose. Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville. Our guiding principle will be as Clough Williams-Ellis said to cherish the past, adorn the present and build for the future.

We will build environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand, where tree lined streets are the norm and where neighbours are not strangers.

This is a laudable aspiration but again the proposals lack detail on how this is to be delivered. Will new homes also be made energy, water, and pollution friendly ?

We are moving away from notices on lampposts to an interactive and accessible map based online system – placing planning at the fingertips of people. The planning process will be brought into the 21st century. Communities will be reconnected to a planning process that is supposed to serve them, with residents more engaged over what happens in their areas.

While the current system excludes residents who don't have the time to contribute to the lengthy and complex planning process, local democracy and accountability will now be enhanced by technology and transparency.

This sounds fine in theory, but again the white paper does not provide evidence in the detail on how improving technology and transparency will actually improve accountability or local democracy.

Reforming the planning system isn't a task we undertake lightly, but it is both an overdue and a timely reform. Millions of jobs depend on the construction sector and in every economic recovery, it has played a crucial role.

This paper sets out how we will reform the planning system to realise that vision and make it more efficient, effective and equitable. I am most grateful to the taskforce of experts who have generously offered their time and expert advice as we have developed our proposals for reform – Bridget Rosewell, Miles Gibson, Sir Stuart Lipton, Nicholas BoysSmith, and Christopher Katkowski QC.

The Rt. Hon. Robert Jenrick MP
Secretary of State for Housing, Communities and Local Government

Introduction

CPRE Hampshire feels that there are many positive aspirations outlined in the white paper, namely;

- the ambition to bridge the generational divide
- the emphasis on locally agreed strict design codes
- the commitment to streamlining the local Plan process and
- the determination to involve many more local people and their communities in the planning process

These are all welcomed so the overall direction of travel seems to be sensible.

We agree that the planning system requires reform, but not these reforms.

We have significant concerns that whilst the proposals appear to tackle many of the issues that we recognise with the planning system the outcomes of the proposals will not deliver the intentions and will in addition have significant unintended consequences.

CPRE Hampshire believes that the impact of the 2 planning white papers, the Proposed Changes to the Planning system and this white paper are intimately interlinked and for this reason believes that the impacts of both should be considered together.

We have major concerns over the consequences of the algorithms used in the various calculations which may be unintended. These algorithms produce a number of distortions which fundamentally undermine the stated intentions of the Governments proposals.

Specifically we have major concerns that the in this white paper proposals fail to address the following critically important topics;

1. The gap between permissions and completions.

There appears to be very little recognition in these proposals of the sheer number of planning permissions that have been granted and yet not built out. Nationally, this equates to some 1,000,000 homes and this backlog of unbuilt homes appears to be increasing.

Any radical reform of the planning system must address the issue of current and historic low market absorption rates – The Build Out Rate. This issue has been around for many years and was highlighted by Rt Hon. Sir Oliver Letwin in his Independent Review of Build Out Rates in 2018.

The white paper does refer to this obliquely. It states that - *“as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates “*

- but it makes no attempt to suggest remedies for the low market absorption rates. Indeed, it appears to find them acceptable:

“2.25 inclusion of an appropriate buffer to ensure enough land is provided to account for

the drop off rate between permissions and completions....”

The introduction of the ‘delivery test’ recognised this problem but came up with the wrong solution. It put the onus of delivery on the Local Planning Authority(LPA). However, the LPA is not responsible for the delivery. The party responsible for delivery are the developers.

So moving forward all measures put forward to deal with the low market absorption rate must focus on the developers.

The first measure that should be implemented would be a requirement that the developers demonstrate a capability and a willingness to build 300,000 houses per annum. Firstly, they are clearly not meeting their obligation at the moment as they have 1,000,000 planning permissions that have been granted that have not been completed. They could currently build 300,000 houses per annum without any changes to the planning system. Secondly, there is nothing in these proposals that makes delivery of the 300,000 houses binding on the building industry i.e. the only party who can determine how many houses are actually built.

An example of such a measure could be that the developer would be fined if the development for which they had secured planning permission was not built out within a number of years. The fine would be paid into the Infrastructure Levy.

Delivery is central to these proposals. Without measures such as these there is a danger that these proposals will simply increase the number of outstanding permissions, rather than increase the number of houses built.

Any proposals that wished to ‘bridge the generational divide’ as a matter of urgency would ensure that this failure to build out existing permissions was no longer tolerated.

In addition where there is discussion on the emphasis on the build out of existing permissions there is no recognition that this is not achievable in a market led system because developers have a strong incentive to keep prices high by limiting supply to the market. Multiple developers could help but this is outside the control of planning authorities. There is plentiful evidence of this for example in parts of the New Forest area where there is a monopoly house-builder who dominates supply.

2`. The proposals will perpetuate car-dependent developments in an era when walkable, healthy neighbourhoods are ever more needed.

3`. The proposals will transfer development from urban to rural areas, which will have a major impact on a county such as Hampshire which is largely rural.

The proposed new standard method (para 30 of the C2PS) would shift housing numbers from the cities to the rural districts. In Hampshire, there would be increases in Winchester District by 48%, East Hampshire by 50%, Test Valley by 40%; and decreases in Southampton by 17%, Portsmouth by 14%. This cannot be consistent with the stated aims of achieving sustainable development and maximising re-use of brownfield land. It also does not account for any constraints in terms of National Parks, other designations, nor water resources, or access to public transport hubs. In Hampshire, these are critical.

4`. **The proposals will make housing in Hampshire even less affordable and fail to address the real issues of affordable housing and the affordability of housing.**

In his forward, the Minister clearly states his ambition to ‘bridge the generational divide’. This is welcomed. However, there is little of substance in these proposals to help deliver on that ambition. This is reflected in the main proposal relating to ‘affordable housing’:

“Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision . Developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site. It is important that the reformed approach will continue to deliver on-site affordable housing at least at present levels.”

This key proposal - and nearly all of the discussion in the white paper on the subject of ‘affordable housing’ - appears to be related to the administrative mechanics of moving from S106 to the new Infrastructure Levy.

We believe that the challenge of ‘affordable housing’ is much more urgent than this and requires much more radical reform. Issues that should be considered are:

- Redefining ‘affordable housing’. In these proposals the definition of ‘affordable housing’ is a very narrow one (as defined in the NPPF)
- The focus should be on the affordability of all housing. Proposals should be brought forward to reduce the sale price of market housing to make it affordable for those on a median salary.
- It is very unlikely that these plans to build 300,000 houses pa will have any significant impact on reducing the market price of houses. This is because
 - i) Price modelling would suggest that this level of increase in supply – less than 1% - is unlikely to significantly reduce the market price of houses.
 - ii) It is not in the interests of the building industry for market prices to decline. This was clearly demonstrated in the Letwin Report

Furthermore, there are two aspects of these proposals which will make housing **even less affordable**.

- 1) The adjustment/affordability factor. The algorithm provides a perverse incentive for the developers to maximise the number of homes they can sell at a price that is above the median house price for the district. This this would ensure that the LPA is then required to allocate even more land for even more homes, making the average house even less affordable for the younger generation.
- 2) The plan, to temporarily lift the small sites threshold, below which developers do not need to contribute to affordable housing, to up to 40 or 50 units.

Bridging the generational divide requires urgent action. A radical proposal, for example, would be to issue a directive whereby 50% of all these new homes should be put on the market at a price that is BELOW the median price for that district. We have seen very little in these proposals that appears to reflect this sort of urgency.

5`. **Deprive the most disadvantaged regions of investment**

The algorithm used to calculate the Infrastructure Levy will distort the geographic distribution of the investment. The way it is currently structured, the vast majority of the investment will accrue to the richest areas of the country. The more deprived areas of the country will yet again be disadvantaged.

In addition CPRE Hampshire believe there are 4 important areas that have not been given sufficient weight within the white paper.

1. The topic of Water and sewage

We are genuinely concerned that topic of these 2 vital, life limiting constraints that are nowhere addressed in this white paper, for further detail see the detailed response on this in the response questions section under Q16 Sustainability.

2. The impact of Planning Constraints on a LPA's ability to deliver the new top down housing numbers it will be expected to deliver.

The issue of planning constraints is key, especially for a rural county such as Hampshire which contains both the New Forest and South Downs National Parks. The reduction in land area available for development caused by Green Belts, AONBs and National Parks is given no recognition in the white paper. There is already clear evidence that Green Belt is already being sacrificed to meet the current (lower) housing targets.

3. The topic of the changes seen in Urban areas – even before the recent impacts of the Covid 19 pandemic.

The white paper does not adequately address the downsizing of town and city centres, closure of shops, offices and industrial units and the consequential potential for many new windfall and brownfield sites. Using Southampton as an example some predictions indicate that student numbers will reduce from past high levels (40,000) In addition there appears to be a move of Student discontent with publicly and privately purpose-built accommodation, thereby releasing that accommodation for general housing. Plus large numbers of office spaces are already being converted.

Post Covid the pressure on city housing is likely to be reduced and the new permitted development rules are already having an impact on existing vacant blocks and buildings

4. The limited acknowledgement of the Climate Change Emergency

The proposals do not address the fundamental issue of reassessing the priorities for a new planning system and how it should be operated as the country tries to address the issue of the Climate Change and Biodiversity Emergency.

It seems to us that perpetuating the system that starts the planning process with a “call for sites” rather than building a new system around the need to harness new development, place making and retrofitting as key mechanisms to reduce greenhouse gas emissions, respite ecosystems and building resilience to the changing climate is a fundamental missed opportunity

There is emphasis on eco-efficient homes and on environmental ‘net gain’. This is welcome. But there is no reference to using the planning system to reduce the CO2 emissions that come as a result of excessive commuting. A radical reform programme

would have clearly included requirements that new development be directed to locations that offered local employment that would minimise the use of cars or was close to public transport.

We believe this should be combined with the point that the white paper has a lack of emphasis on use of Brownfield first. We know that these are often unattractive to developers due to the cost of cleaning up the brownfield site. We need to come up with a scheme for overcoming this difficulty. Government policy should regard Brownfield sites as the first areas to be redeveloped not further down the list.

The vitally important water cycle (flood, drought, supplies, sewage treatment) will also be increasingly affected by climate change and so needs to be addressed NOW, in this document, to be able to have an impact on new developments' effects on our declining water environment .

The challenge we face – an inefficient, opaque process and poor outcomes

- 1.1. The planning system is central to our most important national challenges: tackling head on the shortage of beautiful, high quality homes and places where people want to live and work; combating climate change; improving biodiversity; supporting sustainable growth in all parts of the country and rebalancing our economy; delivering opportunities for the construction sector, upon which millions of livelihoods depend; the ability of more people to own assets and have a stake in our society; and our capacity to house the homeless and provide security and dignity.¹
- 1.2. To succeed in meeting these challenges, as we must, the planning system needs to be fit for purpose. It must make land available in the right places and for the right form of development. In doing this, it must ensure new development brings with it the schools, hospitals, surgeries and transport local communities need, while at the same time protecting our unmatched architectural heritage and natural environment.

The proposals are very unclear as to how this will happen more detail is needed on how this will be achieved. .

- 1.3. There is some brilliant planning and development. And there are many brilliant planners and developers. But too often excellence in planning is the exception rather than the rule, as it is hindered by several problems with the system as it stands:
 - **It is too complex:** The planning system we have today was shaped by the Town and Country Planning Act 1947, which established planning as nationalised and discretionary in character. Since then, decades of reform have built complexity, uncertainty and delay into the system. It now works best for large investors and companies, and worst for those without the resources to manage a process beset

¹ The shortage of affordable homes in and close to the most productive urban centres is a major drag on national productivity – see PwC (2019) “UK Housing market outlook”, available at <https://www.pwc.co.uk/economic-services/ukey/ukey-housing-market-july-2019.pdf>.

by risk and uncertainty. A simpler framework would better support a more competitive market with a greater diversity of developers, and more resilient places.

- **Planning decisions are discretionary rather than rules-based:** Nearly all decisions to grant consent are undertaken on a case-by-case basis, rather than determined by clear rules for what can and cannot be done. This makes the English planning system, and those derived from it, an exception internationally, and it has the important consequences of increasing planning risk, pushing up the cost of capital for development and discouraging both innovation and the bringing forward of land for development.² Decisions are also often overturned – of the planning applications determined at appeal, 36 per cent of decisions relating to major applications and 30 per cent of decisions relating to minor applications are overturned.³

This point is unclear. The only party who can appeal against the decision of a Local Planning Authority is the developer. So this appears to be saying that 70% of their appeals are successful in overriding the planning decision made by the locally elected councillors .

The subjective nature of decision-making is an issue which should be looked at to provide a measure of consistency and to restore public confidence in planning, greater use of standards and codes could assist but the price would be the loss of flexibility.

- **It takes too long to adopt a Local Plan:** although it is a statutory obligation to have an up to date Local Plan in place, only 50 per cent of local authorities (as of June 2020) do, and Local Plan preparation takes an average of 7 years to put a new Local Plan in place (meaning many policies are effectively out of date as soon as they are adopted).

The local plan is a key document which the proposed reforms recognise, the outcome rather than the time it takes should be the focus of attention however the track record of a number of LPAs is very poor and that is where the sec of state should focus his attention. 30 months for an LPA to prepare a local plan is unrealistic

One of the main reasons for delay in preparing a Local Plan is the concern of the LPA that it will be subject to legal challenge by developers. Typically, developers challenge the precise wording of the Plans rather than the spirit and intention. LPAs therefore cannot afford to get the wording wrong. The recent example of East

² *The EU Compendium of Spatial Planning Systems and Policies*, European Commission (1997); OECD (2017), *Land-use Planning Systems in the OECD: Country Fact Sheets*; Monk, S., Whitehead, C., Burgess, G. & Tang, C. (2013) *International review of land supply and planning systems*, Joseph Rowntree Foundation.

³ MHCLG data, period covering 24 months to end March 2019. ⁴ YouGov polling commissioned by Grosvenor (2019) – available at <https://www.grosvenor.com/Grosvenor/files/a2/a222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf>. An overview of wider evidence and studies on public attitudes to planning and development is available in chapter 9 of the Building Better Building Beautiful Commission's interim report – available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815495/BBB_Commission_Interim_Report_Appendices.pdf.

Hampshire is a good one. The main reason the draft plan was delayed was because the LPA feared a legal challenge to their 'large site' plans

- **Assessments of housing need, viability and environmental impacts are too complex and opaque:** Land supply decisions are based on projections of household and business 'need' typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for. Assessments of environmental impacts and viability add complexity and bureaucracy but do not necessarily lead to environmental improvements nor ensure sites are brought forward and delivered;

Largely as a result of the changes initiated by this Government

- **It has lost public trust** with, for example, a recent poll finding that only seven per cent trusted their local council to make decisions about large scale development that will be good for their local area (49 per cent and 36 per cent said they distrusted developers and local authorities respectively).⁴ And consultation is dominated by the few willing and able to navigate the process – the voice of those who stand to gain from development is not heard loudly enough, such as young people. The importance of local participation in planning is now the focus of a campaign by the Local Government Association but this involvement must be accessible to all people;⁴

CPRE Hampshire believe that the planning system has lost public trust because a Plan can no longer be relied on to be a Plan. A good example of this would be Neighbourhood Planning. This was introduced by the Localism Act 2011. Local people were given the opportunity to work together to come up with their Plan for their community. Because it is complex and because they were not professionals the development of the NP took a long time – more than 2 years. This investment of time by local volunteers was deemed to be a good investment because they were told that the Plan would last for 15 years. The local community then voted on their Plan at a Referendum giving the Plan a popular mandate for 15 years. The Govt then said that these Plans would need to be reviewed every 5 years. It is this failure by the Govt to honour a Plan that has been agreed according to the rules set out by the Govt that has undermined public trust.

- **It is based on 20th-century technology:** Planning systems are reliant on legacy software that burden the sector with repetitive tasks. The planning process remains reliant on documents, not data, which reduces the speed and quality of decision making. The user experience of the planning system discourages engagement, and little use is made of interactive digital services and tools. We have heard that for many developers the worst thing that can happen is for the lead local authority official to leave their job – suggesting a system too dependent on the views of a particular official at a particular time, and not transparent and accessible requirements shaped by communities.
- **The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear:** as a result, the

⁴ See the LGA's open statement on planning at <https://www.local.gov.uk/keep-planning-local>.

outcomes can be uncertain, which further diminishes trust in the system and reduces the ability of local planning authorities to plan for and deliver necessary infrastructure. Over 80 per cent of planning authorities agree that planning

obligations cause delay.⁵ It also further increases planning risk for developers and landowners, thus discouraging development and new entrants.

- **There is not enough focus on design, and little incentive for high quality new homes and places:** There is insufficient incentive within the process to bring forward proposals that are beautiful and which will enhance the environment, health, and character of local areas. Local Plans do not provide enough certainty around the approved forms of development, relying on vague and verbal statements of policy rather than the popularly endorsed visual clarity that can be provided by binding design codes. This means that quality can be negotiated away too readily, and the lived experience of the consumer ignores too readily.

We do not feel that the concept of popularly endorsed visual clarity exists, much less that it can be achieved by binding design codes

More details are needed as to how the government will ensure that popularly endorsed visual clarity can be successfully included within their timetable.

- **It simply does not lead to enough homes being built,** especially in those places where the need for new homes is the highest. Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).⁶ The result of long-term and persisting undersupply is that housing is becoming increasingly expensive, including relative to our European neighbours. In Italy, Germany and the Netherlands, you can get twice as much housing space for your money compared to the UK.⁸ We need to address the inequalities this has entrenched.

The system did provide the appropriate number of planning permissions. There are 1,000,000 planning permissions that have not been completed. The problem is the failure of the developers to build out their existing permissions.

- 1.4. A poor planning process results in poor outcomes. Land use planning and development control are forms of regulation, and like any regulation should be predictable, and accessible and strike a fair balance between consumers,

⁵ MHCLG (2019) *The Value and Incidence of Developer Contributions in England 2018/19* available at: <https://gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructurelevy-in-england-2018-to-2019-report-of-study>

⁶ MHCLG data on housing supply available at <https://www.gov.uk/government/statistics/housing-supply-netadditional-dwellings-england-2018-to-2019>. ⁸ Data from the Deloitte Property Index, available at https://www2.deloitte.com/content/dam/Deloitte/cz/Documents/survey/Property_Index_2016_EN.pdf ⁹

Building Better Building Beautiful Commission (2019) *Creating space for beauty: Interim report*. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815493/BBBC_Commission_Interim_Report.pdf

producers and wider society. But too often the planning system is unpredictable, too difficult to engage with or understand, and favours the biggest players in the market who are best able to negotiate and navigate through the process.

- 1.5. The Government has made significant progress in recent years in increasing housebuilding, with construction rates at a 30-year high in 2019. But these fundamental issues in the system remain, and we are still lagging behind many of our European neighbours. And as the Building Better, Building Beautiful

Commission found in its interim report last year, too often what we do build is low quality and considered ugly by local residents.⁹

A new vision for England's planning system

- 1.6. This paper and the reforms that follow are an attempt to rediscover the original mission and purpose of those who sought to improve our homes and streets in late

Victorian and early 20th century Britain. That original vision has been buried under layers of legislation and case law. We need to rediscover it.

We agree this is an excellent aspiration but where is the detail on how the new proposed planning system plans deliver this.

- 1.7. Planning matters. Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. This is a question of social justice too. Better off people experience more beauty than poorer people and can better afford the rising costs of homes. As a nation we need to do this better. Evidence from the Town and Country Planning Association (TCPA), Royal Town Planning Institute (RTPI) and the Green Building Council to the Building Better Building Beautiful Commission all emphasised that the evidence on what people want and where they flourish is remarkably consistent.
- 1.8. The Government's planning reforms since 2010 have started to address the underlying issues:
 - last year, we delivered over 241,000 homes, more new homes than at any point in the last 30 years;
 - our reforms to change of use rules have supported delivery of over 50,000 new homes;
 - the rate of planning applications granted has increased since 2010;⁷

⁷ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875032/Planning_Application_Statistics_October_to_December_2019.pdf (p.3).

- the National Planning Policy Framework, introduced in 2012, has greatly simplified the previously huge volume of policy;
- we have introduced a simplified formula for assessing housing need and clearer incentives for local authorities to have up to date plans in place;
- we have introduced greater democratic accountability over infrastructure planning, giving elected Ministers responsibility for planning decisions about this country's nationally significant energy, transport, water, wastewater and waste projects;
- we have continued to protect the Green Belt;
- protections for environmental and heritage assets – such as Areas of Outstanding Natural Beauty (AONBs), and Sites of Special Scientific Interest (SSSIs) and Conservation Areas – continue to protect our treasured countryside and historic places; and

Why are national Parks not listed in this paragraph - have they been forgotten ?

- we have democratised and localised the planning process by abolishing the top down regional strategies and unelected regional planning bodies, and empowered communities to prepare a plan for their area, through our introduction of neighbourhood planning – with over 2,600 communities taking advantage of our reforms so far. **But the proposal is now to impose a top down housing figure ?**

1.9. But the simple truth is that decades of complexity and political argument have resulted in a system which is providing neither sufficient homes nor good enough

new places. Nor is it fairly using the talents and passions of public sector planners who often feel over-worked and under-appreciated, trapped between the urgent need for more homes, an insufficiently competitive market and a policy framework which makes it almost impossible for them to insist upon beautiful and sustainable new homes and places.

- 1.10. The planning system needs to be better at unlocking growth and opportunity in all parts of the country, at encouraging beautiful new places, at supporting the careful stewardship and rebirth of town and city centres, and at supporting the revitalisation of existing buildings as well as supporting new development.
- 1.11. It is also time for the planning system finally to move towards a modernised, open data approach that creates a reliable national picture of what is happening where in planning, makes planning services more efficient, inclusive and consistent, and unlocks the data needed by property developers and the emerging Property Technology (PropTech) sector, to help them make more informed decisions on what to build and where.

CPRE Hampshire believe that there is scope to make better use of technology and to introduce more efficient processes, e.g. linking the SHLAA process and the SA/SEA process in terms of information gathering and

improving the availability of data held by public agencies such as the EA ,NE and LPAs

1.12. We wish to:

- **be more ambitious for the places we create**, expecting new development to be beautiful and to create a ‘net gain’ not just ‘no net harm’;

Again an excellent aspiration which we would sully support but where are the details in these proposals that show how this is to be delivered ? There needs to be a plan in place to check the status of current sites so that a check can be made of whether net gain is achieved

- **move the democracy forward** in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made, harnessing digital technology to make it much easier to access and understand information about specific planning proposals. More engagement should take place at the Local Plan phase;
- **improve the user experience of the planning system**, to make planning information easier to find and understand and make it appear in the places that discussions are happening, for example in digital neighbourhood groups and social networks. New digital engagement processes will make it radically easier to raise views about and visualise emerging proposals whilst on-the-go on a smart phone;

Planning issues are complex this risks leading questions, gross over simplification and bias in the results

- **support home ownership**, helping people and families own their own beautiful, affordable, green and safe homes, with ready access to better infrastructure and green spaces;
- **increase the supply of land available for new homes where it is needed** to address affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market;
- **help businesses to expand** with readier access to the commercial space they need in the places they want and supporting a more physically flexible labour market;
- **support innovative developers and housebuilders**, including small and medium sized enterprises (SMEs) and self-builders, those looking to build a diverse range of types and tenure of housing, and those using innovative modern methods of construction (MMC);
- **promote the stewardship and improvement of our precious countryside and environment**, ensuring important natural assets are preserved, the development potential of brownfield land is maximised, that we support net gains for biodiversity and the wider environment and actively address the challenges of climate change; and
- **create a virtuous circle of prosperity in our villages, towns and cities**, supporting their ongoing renewal and regeneration without losing their human

scale, inheritance and sense of place. We need to build more homes at gentle densities in and around town centres and high streets, on brownfield land and near existing infrastructure so that families can meet their aspirations. Good growth will make it easier to level up the economic and social opportunities available to communities.

- 1.13. Underpinning this, we need to modernise the day-to-day operation of the planning system. Residents should not have to rely on planning notices attached to lamp posts, printed in newspapers or posted in libraries. The COVID-19 pandemic has highlighted the need for modern digital planning services that can be accessed from home, and many planners and local authorities have responded brilliantly to this challenge. The planning system must build on this success and follow other sectors in harnessing the benefits which digitisation can bring – real time information, high quality virtual simulation, straightforward end-to-end processes. It should be based on data, not documents, inclusive for all members of society, and stimulate the innovation of the great British design industry.
- 1.14. There are growing calls for change, and for the shape that it should take – based on a bold vision for end-to-end reform, rather than further piecemeal change within the existing system. Recent reports from think tanks and the Government-appointed Building Better, Building Beautiful Commission are the latest prominent voices to have added to the chorus.⁸

Proposals

- 1.15. We will undertake fundamental reform of the planning system to address its underlying weaknesses and create a system fit for the 21st century. We want to hear your views on our proposals:
- 1.16. **First, we will streamline the planning process with more democracy taking place more effectively at the plan making stage**, and will replace the entire corpus of plan-making law in England to achieve this:

How is this “more democracy” going to be achieved?

What role will Parish Councils have in this process? How important will the Neighbourhood Plans be? How will private individuals within a district area be able to make their voice heard?

 - **Simplifying the role of Local Plans**, to focus on identifying land under three categories - *Growth* areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan; *Renewal* areas suitable for some development,

⁸ See Policy Exchange (2020) “A planning system for the 20th century”, available at: <https://policyexchange.org.uk/publication/rethinking-the-planning-system-for-the-21st-century/>; Centre for Cities (2020) “Planning for the future”, available at: <https://www.centreforcities.org/publication/planning-for-the-future/>; Building Better Building Beautiful Commission (2020) “Living with beauty: promoting health, wellbeing and sustainable growth”, available at: <https://www.gov.uk/government/publications/living-with-beautyreport-of-the-building-better-building-beautiful-commission>; [Create Streets \(2018\)](#) “From NIMBY to YIMBY”, and (2018) “More Good Homes”.

such as gentle densification; and *Protected* areas where – as the name suggests – development is restricted. This could halve the time it takes to secure planning

permission on larger sites identified in plans. We also want to allow local planning authorities to identify sub-areas in their *Growth* areas for self and custom-build homes, so that more people can build their own homes.

We think this will be incredibly difficult to achieve. It is the nature of the self or custom builder that they find a site that can make their dreams come true. Having this pre-determined will be very difficult; and who decides which sites will be suitable? The owners of the site may not agree.

- **Local Plans should set clear rules rather than general policies for development.** We will set out general development management policies nationally, with a more focused role for Local Plans in identifying site and area specific requirements, alongside locally-produced design codes. This would scale back the detail and duplication contained in Local Plans, while encouraging a much greater focus on design quality at the local level. Plans will be significantly shorter in length (we expect a reduction in size of at least two thirds), as they will no longer contain a long list of “policies” of varying specificity – just a core set of standards and requirements for development.

We agree there is merit in having standard local plan policies provided that they are well written!

- **Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities** as they consult on Local Plans. Our reforms will democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes. We want to hear the views of a wide range of people and groups through this consultation on our proposed reforms.

CPRE Hampshire wholeheartedly supports this aspiration but is disappointed by the lack of detailed proposals to support it and has concerns that the reforms will deliver the opposite in terms of engagement, setting an unrealistic timetable and reducing the formal stages of consultation. There needs to be much greater clarity on what the consultation process will involve: who and with what timescale? Also, presumably, for the Local Plan to reach sensible conclusions, the future economic development of the borough/district will have to have been set out in some formal document.

- **Local Plans should be subject to a single statutory “sustainable development” test**, and unnecessary assessments and requirements that cause delay and challenge in the current system should be abolished. This would mean replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate.

A step in the right direction as the purpose of planning is to achieve sustainable development but the challenge is to set a definition which would deliver sustainable development i.e. use less resources, reduce emissions etc the proposals for the environmental efficiency of new housing is critical. We must build new houses that truly are environmentally efficient and in places that reduce dependence on the car.

- **Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template.** Plans should be significantly shorter in length and limited to no more than setting out site- or area-specific parameters and opportunities.

This sounds admirable but we have concerns over how realistic it will be to deliver such a huge IT project across all LPAs within realistic timeframe. This could cost £billions and still not deliver what is hoped for.

- **Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total)** for key stages of the process, and there will be sanctions for those who fail to do so.

CPRE Hampshire have concerns that this target is unrealistic and needs to be challenged.

- **Decision-making should be faster and more certain,** within firm deadlines, and should make greater use of data and digital technology.
- **We will seek to strengthen enforcement powers and sanctions** so that as we move towards a rules-based system, communities can have confidence those rules will be upheld.
- **We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms** – so that, as we bring in our reforms, local planning authorities are equipped to create great communities through world-class civic engagement and proactive plan-making.

1.17. **Second, we will take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data.** We will:

- **Support local planning authorities to use digital tools to support a new civic engagement process for local plans and decision-making,** making it easier for people to understand what is being proposed and its likely impact on them through visualisations and other digital approaches. We will make it much easier for people to feed in their views into the system through social networks and via their phones. Just putting a consultation on an app will not make it any more meaningful. It is great that the aim is for more young people to be involved, but this must not be at the expense of older residents who will feel so comfortable in the digital age. It will be hard to go into the level of detail that might apply to zone/site selection with just a few buttons. There is also significant risk that leading questions could bias the result of any such consultation.

- **Insist local plans are built on standardised, digitally consumable rules and data**, enabling accessible interactive maps that show what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector.
- **Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on**, including planning decisions and developer contributions. Approaches for fixing the underlying data are already being tested and developed by innovative local planning authorities and we are exploring options for how these could be scaled nationally.
- **Work with tech companies and local authorities to modernise the software used for making and case-managing a planning application**, improving the user-experience for those applying and reducing the errors and costs currently experienced by planning authorities. A new more modular software landscape will encourage digital innovation and will consume and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, making decision making faster and more certain.
- **Engage with the UK PropTech sector through a *PropTech Innovation Council*** to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

1.18. **Third, to bring a new focus on design and sustainability**, we will:

- **Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits**, by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.
- **Facilitate ambitious improvements in the energy efficiency standards for buildings** to help deliver our world-leading commitment to net-zero by 2050.
This can be achieved through Building Regulations planning does not need to be involved
- **Ask for beauty and be far more ambitious for the places we create, expecting new development to be beautiful, and to create a 'net gain' not just 'no net harm'**, with a greater focus on 'placemaking' and 'the creation of beautiful places' within the National Planning Policy Framework.
- **Make it easier for those who want to build beautifully through the introduction of a fast-track for beauty** through changes to national policy and legislation, to automatically permit proposals for high quality developments where they reflect local character and preferences.
- **Introduce a quicker, simpler framework for assessing environmental impacts and enhancement opportunities**, that speeds up the process while protecting and enhancing England's unique ecosystems.

We agree There is a need to have an appraisal process to ensure that the impact of change is understood, and measures can be put in place to address that impact A proper review leading to some best practice guidance is needed to improve the current system and avoid LPAs producing lengthy appraisals the value of which is questionable.

Expect design guidance and codes – which will set the rules for the design of new development – to be prepared locally and to be based on genuine community involvement rather than meaningless consultation, so that local residents have a genuine say in the design of new development, and ensure that codes have real ‘bite’ by making them more binding on planning decisions.

We have concerns here that to be effective and gain public buy in this will have to be done on a village by village basis. Even in North Hampshire there are a variety of styles of housing. What if the architecture of a village is dreadful? Should future adjacent developments be determined to continue the awfulness; or a newly defined beauty?

- **Establish a new body to support the delivery of design codes in every part of the country** and give permanence to the campaigning work of the Building Better, Building Beautiful Commission and the life of its co-chairman the late Sir Roger Scruton.

Possibly a nice idea but how will this be achieved without building in bureaucracy ?
Question - Where will the “beauty” chief rank with the conservationist and the environmentalist?

- **Ensure that each local planning authority has a chief officer for design and place-making**, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.

How can you ensure that the chief officer is sufficiently qualified in design, rather than an existing officer just given another title?

- **Lead by example by updating Homes England’s strategic objectives to give greater emphasis to delivering beautiful places.**
- **Protect our historic buildings and areas** while ensuring the consent framework is fit for the 21st century.

1.19. **Fourth, we will improve infrastructure delivery in all parts of the country and ensure developers play their part**, through reform of developer contributions. We propose:

- **The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally-set value-based flat rate charge (‘the Infrastructure Levy’)**. A single rate or varied rates could be set. We will aim for the new Levy to raise more revenue than under the current system of developer contributions and deliver at least as much – if not more – on-site affordable housing as at present. This reform will enable us to sweep away months of negotiation of Section 106 agreements and the need to consider site viability. We will deliver more of the infrastructure existing and new communities require by capturing a greater share of the uplift in land value that comes with development.

- **We will be more ambitious for affordable housing provided through planning gain**, and we will ensure that the new Infrastructure Levy allows local planning authorities to secure more on-site housing provision.
- **We will give local authorities greater powers to determine how developer contributions are used**, including by expanding the scope of the Levy to cover affordable housing provision to allow local planning authorities to drive up the provision of affordable homes. We will ensure that affordable housing provision supported through developer contributions is kept at least at current levels, and that it is still delivered on-site to ensure that new development continues to support mixed communities. Local authorities will have the flexibility to use this funding to support both existing communities as well as new communities.
- **We will also look to extend the scope of the consolidated Infrastructure Levy and remove exemptions from it** to capture changes of use through permitted development rights, so that additional homes delivered through this route bring with them support for new infrastructure.

The issue of how the impact of development is to be funded is a tricky one which CIL has probably made worse not better in terms of securing the funding for infrastructure improvements. The reforms once again are proposing a top down approach which on past performance will probably result in a poorer outcome than the current situation.

1.20. **Fifth, to ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres**, we propose:

- **A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans.** This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.

This approach would require the Government to have an understanding of the local planning constraints for every local authority in England and to undertake a robust SA, this is unlikely. It also perpetuates the focus of blame on planning and takes no account of impact of other factors such as the capacity of the development industry to deliver the target, the business models of the major house-builders who don't need to build 300,000 houses pa to make healthy profits, the availability of finance to those seeking to buy homes (one lender is looking to discount the bank of mum and dad as a source of funds). The Housing Delivery Test is staying so one can expect the argument over land supply and planning by appeal will continue

In addition the housing numbers need to ensure that new homes and commercial developments are in the areas that really need them, and address what will become an even worse north – south divide, the “levelling up” agenda needs to be addressed; thus suggesting that more development should take place in the north than in the south.

- **To speed up construction where development has been permitted**, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.

We fear this risks another example of a top down approach trying to shape market forces.
- **To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector**, we will consult on options for improving the data held on contractual arrangements used to control land.
- **To make sure publicly-owned land and public investment in development supports thriving places**, we will:
 - ensure decisions on the locations of new public buildings – such as government offices and further education colleges – support renewal and regeneration of town centres; and
 - explore how publicly-owned land disposal can support the SME and self-build sectors.

The change we will see – a more engaging, equitable and effective system

- 1.21. Our proposals will greatly improve the user experience of the planning system, making it fit for the next century.
- 1.22. **Residents** will be able to engage in a much more democratic system that is open to a wider range of people whose voice is currently not heard. Residents will no longer have to rely on planning notices attached to lamp posts, printed in newspapers and posted in libraries to find out about newly proposed developments. Instead people will be able to use their smartphone to give their views on Local Plans and design codes as they are developed, and to see clearer, more visual information about development proposals near them – rather than current planning policies and development proposals presented in PDF documents, hundreds of pages long. And existing and new residents alike will gain from more affordable, green and beautiful homes near to where they want to live and work.

Whilst there is clearly room for improvement this is an unfair view of the way in which LPAs engage with the public. Measures will need to be put in place to ensure that older people are not then disenfranchised as they are less comfortable in the digital age and may not even have smartphones.
- 1.23. **Communities** will be able to trust the planning system again as their voice will be heard from the beginning of the process and better use of digital technology will make it radically easier for people to understand what is being proposed in their neighbourhoods and provide new ways to feed their views into the reformed system. Local Plans will be developed over a fixed 30-month period with clear

engagement points, rather than the current inconsistent process which takes seven years on average. The Infrastructure Levy will be more transparent than Section 106, and local communities will have more control over how it is spent. Communities will be able to set standards for design upfront through local design codes. And with more land available for homes where they are most needed, and a renewed focus on the beauty of new development, communities will be able to grow organically and sustainably, and development will enhance places for everyone.

1.24. **Innovators, entrepreneurs and businesses** will benefit from a planning system that is much more adaptable to the changing needs of the economy. A greater amount of land available near to workplaces, and a more flexible approach to how that land can be used, will make it much easier for firms to set up and expand in the most productive locations – for example, spin-out companies looking to set up near to research-intensive universities. A reformed system that is based upon data, rather than documents will help to provide the data that innovators and entrepreneurs, including the burgeoning PropTech sector, need to build new technology to help improve citizen engagement and planning processes.

1.25. **Small builders, housing associations and those building their own home**, will find this system much easier, less costly and quicker to navigate, with more land available for development, and clearer expectations on the types of development permitted, helping them to find development opportunities and use innovative construction methods. With permission for the principle of development secured automatically in many cases, a major hurdle in the process will be removed, taking two to three years out of the process. The system of developer contributions will make it much easier for smaller developers, who will not have to engage in months of negotiation and can instead get on with the job of building. And a shorter, more certain process will remove significant risk from the process, lowering the need for developers to secure long development pipelines and lowering the regulatory barriers to entry that currently exist in the market. A data-led planning system will help developers of all sizes and experience to find the planning information they need to understand what can be built and where, which will provide greater certainty to them and their investors.

Not at all clear how the permission in principle will save much time as developers will still need to get detailed plans approved which would be needed to inform land transactions

1.26. **Local authorities**, including Mayoral combined authorities, will be liberated to plan and able to focus on what they do best, with the shackles of current burdensome assessments and negotiations removed. They will be able to give more attention to improving the quality of new development and focus on those large and special sites that need the most consideration. And the Government will support modernisation of the planning process so that routine tasks are automated and decision-making, and plan-making, is improved by better access to the data local authorities need.

1.27. **And for our children and grandchildren**, our reforms will leave an inheritance of environmental improvement – with environmental assets protected, more green spaces provided, more sustainable development supported, new homes that are much more energy efficient and new places that can become the heritage of the

future, built closer to where people want to live and work to reduce our reliance on carbon-intensive modes of transport.

- 1.28. This consultation document does not address every detailed part of the planning system, its function and objectives, but rather focuses on the key reforms that can help improve the delivery and quality of homes and neighbourhoods, set within our drive towards net-zero greenhouse gas emissions by 2050.
- 1.29. And fixing the planning system alone will not be enough – it will require a collective effort between Government, communities, businesses and developers over the long-term. But fixing the planning system should be the starting point for these efforts.

Pillar One – Planning for development

Overview

- 2.1. The starting point for an effective planning system is to establish a clear and predictable basis for the pattern and form of development in an area. The current system of land use planning in England is principally based on local plans, brought forward by local planning authorities on behalf of their communities. But in contrast to planning systems in places like Japan, the Netherlands and Germany, where plans give greater certainty that development is permitted in principle upfront, plans in England are policy-based, with a separate process required to secure permission on the sites that it designates for development.
- 2.2. Local Plans are a good foundation on which to base reform, as they provide a route for local requirements to be identified and assessed, a forum for political debate and for different views on the future of areas to be heard. The National Planning Policy Framework provides a clear basis for those matters that are best set in national policy.
- 2.3. However, change is needed. Layers of assessment, guidance and policy have broadened the scope of Local Plans, requiring a disproportionate burden of evidence to support them. As a result, Local Plans take increasingly long to produce, on average over seven years; have become lengthier documents of increasing complexity, in some cases stretching to nearly 500 pages; are underpinned by vast swathes of evidence base documents, often totalling at least ten times the length of the plan itself, and none of which are clearly linked, standardised, or produced in accessible formats; and include much unnecessary repetition of national policy.
- 2.4. It is difficult for users of the planning system to find the information they need, and when they do, it is difficult to understand. Few people read the array of evidence base documents which accompany plans and these assessments do not sufficiently aid decision-making. Much of this evidence becomes dated very quickly, and production times often render policies out of date as soon as they are adopted. Furthermore, even when the plan is in place, it cannot be relied on as the definitive statement of how development proposals should be handled.
- 2.5. Local Plans should instead be focused on where they can add real value: allocating enough land for development in the right places, giving certainty about what can be developed on that land, making the process for getting permission for development as simple as possible, and providing local communities a genuine opportunity to shape those decisions. To this end, Local Plans should:

What happens if a Local Plan identifies a piece of land for development, but the owner has no interest in selling? He is happy with his land as it is.

 - be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand;

- communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;
- be published as standardised data to enable a strategic national map of planning to be created;
- be developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

Questions

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

Adversarial, Cumbersome; Inconsistent;

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

Yes in all areas of the County

2(a). If no, why not?

Not applicable

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

A mix of methods will be required to ensure that information is accessible to all and those without access or choosing not to use on line methods are not discriminated against

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

The environment biodiversity and action on climate change, building homes for the Homeless, and 'more or better local infrastructure'.

Building homes that people can genuinely afford. All discussion about 'affordable housing' should be based on the income of the individual. It should NOT be based on a discount from a market price.

Creating communities. These proposals continue to put undue emphasis on housing. Planning should be about infrastructure, green spaces, employment, and pollution – not just housing. Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. We need well planned communities.

Planning for the future. Building homes that are sustainable, not car dependent and that will not cause further traffic congestion These proposals reflect the current short term

thinking about planning. The emphasis is on speeding up the process and providing certainty for developers. But those who build housing estates have no stake in the future. Once the development is complete, the local people have to live with the consequences for the foreseeable future. The local community are the stakeholders. For them, it is critical that the references in these proposals to design, sense of place, a desirable place to live should all be given much greater urgency and emphasis.

Proposals

2.6. We propose a new role for Local Plans and a new process for making them, by replacing the existing primary and secondary legislation.

A NEW APPROACH TO PLAN-MAKING

2.7. Local Plans should have a clear role and function, which should be, first, to identify land for development and sites that should be protected; and, second, to be clear about what development can take place in those different areas so that there is greater certainty about land allocated for development and so that there is a faster route to securing permission. They should be assessed against a single statutory “sustainable development” test to ensure plans strike the right balance between environmental, social and economic objectives.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are Protected.

2.8. All areas of land would be put into one of these three categories:

- ***Growth* areas “suitable for substantial development”** – we propose that the term substantial development be defined in policy to remove any debate about this descriptor. We envisage this category would include land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites. It could also include proposals for sites such as those around universities where there may be opportunities to create a cluster of growth-focused businesses. Sites annotated in the Local Plan under this category would have outline approval for development (see proposal 5 for more detail). Areas of flood risk would be excluded from this category (as would other important constraints), unless any risk can be fully mitigated;
- ***Renewal* areas “suitable for development”** – this would cover existing built areas where smaller scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as *Growth* or Protected areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area. Local authorities could continue to consider the case for resisting inappropriate development of residential gardens;
- **Areas that are *Protected*** – this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas

such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in *Growth* or *Renewal* areas. Some areas would be defined nationally, others locally on the basis of national policy, but all would be annotated in Local Plan maps and clearly signpost the relevant development restrictions defined in the National Planning Policy Framework.

- 2.9. This new-style Local Plan would comprise an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their *Growth*, *Renewal* or *Protected* designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category.
- 2.10. In *Growth* and *Renewal* areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and flexibilities in use allowed by virtue of the new Use Classes Order and permitted development). For example, it may be appropriate for some areas to be identified as suitable for higher-density residential development, or for high streets and town centres to be identified as distinct areas. In *Growth* areas, we would also want to allow sub-areas to be created specifically for self and custom-build homes, and community-led housing developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities. In the case of self and custom-build homes, local authorities should identify enough land to meet the requirements identified in their self-build and custom housebuilding registers. For *Protected* areas, the key and accompanying text would explain what is permissible by cross-reference to the National Planning Policy Framework.
- 2.11. **Alternative options:** Rather than dividing land into three categories, we are also interested in views on more binary models. One option is to combine *Growth* and *Renewal* areas (as defined above) into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it.
- 2.12. An alternative approach would be to limit automatic permission in principle to land identified for substantial development in Local Plans (*Growth* areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.

Question

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

NO. CPRE Hampshire strongly disagrees with the zoning proposals as laid out in the proposals.

We agree that Local Plans should be simplified, HOWEVER we do not agree with the zoning proposals. We think in these proposals, that 'zoning' has become conflated with the 'the standard method of assessing housing need'. The algorithm used for the SMAHN leads to some dangerous distortions. Most obviously, it directs housing development away from urban areas and into rural areas. This makes no sense in the context of the Govts economic objectives, or climate change goals. It also makes no sense in relation to the Govts 'levelling up' strategy as it directs the majority of the investment (the Infrastructure Levy) into the richer areas of the country. If zoning is linked to the SMAHN the risk is that those areas with high housing targets automatically become 'growth zones' and investment will once again be reduced in the less prosperous parts of our country. This would be a disaster.

Much of the land where the new method would focus housing is constrained by combination of Green Belt and environmental and heritage assets. This is not taken sufficiently into account within the proposals and would mean huge tensions between where should be zoned for Growth and where should be zoned for Protection. This makes argument and delay inevitable. It also raises big questions about the value of protected areas in supporting sustainable development.

For example, in Hampshire, this is critical to a district like the New Forest but the glib reference to factoring it in ignores the fact that Green Belt is already being sacrificed to meet the current (lower) housing targets.

There is additional confusion and concern about the small sites on village boundaries in Para 2.8 under Renewal. Renewal areas "suitable for development – this would cover existing built areas where smaller scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages."

This implies that it could include rural areas not in Growth or Renewal such as siteson the edge of villages. So Renewal is clearly not just within existing built areas. This would be very dangerous for small settlements, as these sites would then have automatic permission without an application. And so all omission sites (i.e. those proposed by developers in the call for sites) could then be included.

CPRE Hampshire would strongly urge that any new system of land allocation should bring back the sequential test. Brownfield land must be considered for development first.

With the proposed new system, if there is no guidance or master plan for development, how will developers value the land? It is too late at the reserved matters stage. If full details are to be set out as sub – areas (paragraph 2.10), there is little difference from the existing Local Plan system of allocating sites for development. We note that Proposal 14 advocates early preparation for a master plan and codes to allow access to a fast track system, but it is not clear if this will be optional.

The proposed 3 zones are far too simplistic and take no account of the fine 'grain' in English towns, villages, and countryside, with the mix of scale, ages, and character of development, and mix of land uses. At a time of rapid change, it is likely to prove too inflexible.

It is unclear how the Renewal zones 'suitable for development', in particular, will operate – will they cover all the land which is not in the growth and protected areas? It is also unclear how housing targets will be met unless development sites are allocated in this zone but here there will be problems of site assembly unless CPO powers are to be simplified.

It is also unclear how environment constraints such as biodiversity will affect growth areas with their outline approval.

In addition we do not believe the white paper sufficiently addresses the issue of complexity. The city of New York's zoning systems requires a great many regulations to deal with permitted/forbidden uses in each zone, related parameters, and standards, and possible exceptions; this increases the legislative complexity of such systems in a very significant way. As such, the introduction of a zoning system could hardly be coupled with any intention to cut red tape. For example in New York City, there are 21 basic Zoning Districts, each having additional sub-categories for specific requirements (which are listed in the 4,300+ page long Zoning Resolution).

The complexity of this system has been grossly underestimated,

CPRE Hampshire also have concerns over some of the potential and no doubt unintended consequences of the idea of "simple zoning". For example;

- this could lead to a new pattern of consultation and engagement. As the expectation would be for fewer planning applications to come forward, in light of the development permitted by the zoning map and regulations, there would be reduced necessity for consultation on individual schemes. On the other hand, this might mean that there would be an increased need for consultation when zoning requirements and allocations are being put together, as well as on design codes.
- More legal challenges: zoning systems can create controversy over development and land values, as a consequence of sometimes seemingly arbitrary zoning allocations which are then legally-binding. This might lead to an increase in appeals/judicial reviews as landowners/developers might see their sites allocated unfavourably.
- Parliamentary time: significant parliamentary and government time would be required to repeal/replace current planning legislation, policy, and guidance nationally.

While a radical overhaul of the existing planning system in England to introduce zoning does not seem either viable or desirable, particularly in light of the many uncertainties and few advantages identifiable, testing alternatives is the normal course of action when wanting to change and improve something.

It is highly likely that that zoning will INCREASE LEGISLATIVE COMPLEXITY. Yet the SoS claims that the whole thrust of these reforms is to simplify things.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

2.13. With the primary focus of plan-making on identifying areas for development and protection, we propose that development management policy contained in the plan

would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in *Growth* areas and *Renewal* areas, established through the accompanying text. The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans, such as protections for listed buildings (although we are interested in views on the future of optional technical standards). We propose to turn plans from long lists of general “policies” to specific development standards.

- 2.14. Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development. This is important for making plans more visual and engaging. These could be produced for a whole local authority area, or for a smaller area or site (as annotated in the Local Plan), or a combination of both. Design guides and codes would ideally be produced on a ‘twin track’ with the Local Plan, either for inclusion within the plan or prepared as supplementary planning documents.
- 2.15. We want to move to a position where all development management policies and code requirements, at national, local and neighbourhood level, are written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes. This will significantly increase clarity for those wishing to bring forward development, enabling automation of more binary considerations and allowing for a greater focus on those areas where there is likely to be greater subjectivity.
- 2.16. **Alternative options:** Rather than removing the ability for local authorities to include general development management policies in Local Plans, we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach. Another alternative would be to allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.

Question

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

Although In principle we would support the move to streamlining the development management content of Local Plans we have concerns that setting Development Management Policies at a National level is unrealistic given the very wide range of factors and variables. Planning is about detail, nationally derived policies would mean they can never be other than general and broad-brush containing enough caveats and exclusions, which would enable developers to wiggle out of / avoid intended

requirements and lead to the development of more mundane, monotonous, and mediocre “any town” development.

As an example – A development policy could state that all new streets should be tree lined, which most would agree would be a great idea. However this would be totally impossible in some situations whilst entirely achievable in others. So the most you would get would be a policy which would be an aspiration.

It is essential that local authorities retain the right to define their own policies where circumstances necessitate a locally-defined approach, without clear and detailed site specific policy. Local Plans will be toothless and development generic. Unless codes are site specific, they will not be able to take account of local context, characteristics, building styles or types.

On the other hand if these were well written they could save a lot of time for LPAs who all write their own versions of the NPPF within their LPs. It should be possible to have a range of generic policies on issues such as landscape which could be applied locally informed by local assessments of character etc whilst retaining a Local Plan document as a standalone statement of local planning policy.

We also have concerns that the implementation of nationally prepared wordings for use in LPs would lead to LPAs using them willy nilly for fear of being overturned on Examination if they were to change even one word. All flexibility to local circumstances, and response to public consultation, would go out of the window.

This is an invitation to developers to deliver mechanistic, identikit housing laid out in rigid blocks paying no heed to existing urban grain.

We think that centralised policy making for something that is so diverse as property design is fraught with dangers. Urban planners sitting in Whitehall may have a hugely different view of how houses should be built to the requirements and dreams of people living in the New Forest, for example. We would prefer local people to be determining these features but with some underlying principles, e.g. Setting standards for the way in which all new houses must be eco-friendly.

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

- 2.17. This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained.
- 2.18. A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process.
- 2.19. Specifically:
- we propose to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties (see our proposals under Pillar Two);
 - the Duty to Cooperate test would be removed (although further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges); and
 - a slimmed down assessment of deliverability for the plan would be incorporated into the “sustainable development” test.
- 2.20. Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period. Planmaking policies in the National Planning Policy Framework will make this clear.
- 2.21. The new-style digital Local Plan would also help local planning authorities to engage with strategic cross-boundary issues and use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located.
- 2.22. **Alternative option:** Rather than removing the existing tests of soundness, an alternative option could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed.

Questions

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

CPRE Hampshire supports the principle of simplifying and improving the current sustainability appraisal process, to avoid LPAs producing lengthy appraisals

However we have concerns over the lack of detail being provided on what the new consolidated test of sustainable development would consist of and contain.

Replacing the current principles underlying a Local Plan from the current test of "soundness" as used in LP Examinations to one of "sustainable development" would need to be wholly dependent on the agreement of a satisfactory definition of sustainable development for planning purposes. **NOTE this does not currently exist.**

Without this in place this proposal is very risky.

There is a need to have an appraisal process to ensure that the impact of change is understood, and measures can be put in place to address that impact. This must not just be about environmental impacts but must also now include environmental resource availability and sustainability

We think that again, this proposal is oversimplifying a complex area, and that setting a definition which would deliver sustainable development will be a challenge but if it could be achieved would place achieving sustainable development at the centre of the plan-making process.

Where a local plan passed the test development consistent with it would be by definition sustainable. Development which was in conflict with the local plan would be considered to be unsustainable development leaving the decision-maker to decide if an exception should be made contrary to the

We put forward a local example: Policies for a new settlement proposed by the Eastleigh Local Plan were found unsound in recent examination, partly based on the fact, as shown in the SA, that the proposed new settlement would breach the HRA in view of its impact on the River Itchen SAC and the designated South Downs NP, and on sustainability grounds due to its location far from public transport.

Any proposed approach needs to put achieving sustainable development at the centre of the plan-making process.

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

The County Structure Plans allowed for a sensible level of strategic input, giving some electoral accountability, and allowing for both strategic and local perspective. The old Hampshire County Structure plans achieved a difficult balance between urban and rural sensitivities.

CPRE Hampshire has concerns over some of the language being used in this section which is as yet undefined for example and believe this needs to be clarified for example – what is a data-driven insight and how would it assess infrastructure needs ?

So we agree with simplifying the process. But believe that MHCLG should present more detail on their ideas to develop a simplified process for assessing the environmental impact of plans. It is essential that the simplified process does not detract from the objective to ensure for new development to be beautiful and to create a 'net gain' not just 'no net harm';

Additional comments on Sustainability.

A radical reform of the planning system should put climate change at the heart of its proposals. This would then guide priorities. With such an approach two key priorities would be

- locate all new housing development close to employment or public transport – i.e. reduce commuting by car
- increase the incentives for developers to build on brownfield sites.

In addition, new housing, MUST now always incorporate 'green' measures like heat insulation, novel power generation & storage systems and water 'neutrality' in terms of both quantity and quality, for all new buildings.

Could all new housing require an energy certificate before habitation is allowed ? This has to start NOW. The usual resource-inefficient, bog standard box housing is just no longer fit for any type of 'sustainable' future !

We believe that this topic should be at the heart of the new (future) planning laws now, before it is all too late to make the required difference to our sustainability goals.

Area/regional resource limitations like water and sewerage. If these are not sufficiently available in the required quantity and quality for a proposed development area, then development has to be refused - or at least then predicated upon a significant upgrade to deliver these resources. We no longer live in a world where land/space is the only limiting resource in the development planning world !

Using a system of demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed would add uncertainty and seems to be completely at odds with the stated desire for simplicity and clarity. As well as requiring the allocation of a significant over-provision of sites.

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

2.23. Local Plans will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years. This includes land needed to take advantage of local opportunities for economic growth, such as commercial space for spin-out companies near to university research and development facilities, or other high productivity businesses.

10 years is a long time over which to commit. There should be a shorter period during which there is a firm commitment to deliver, say 5 years; with years 6-10 being more aspirational. Furthermore, there should be a requirement for Local Plans to be updated regularly, perhaps every 3 or 4 years.

2.24. Debates about housing numbers tend to dominate this process, and a standard method for setting housing requirements would significantly reduce the time it takes to establish the amount of land to release in each area. This has historically been a time-consuming process which ultimately has not led to enough land being released where it is most needed (as reflected by worsening affordability). A standard requirement would differ from the current system of local housing need in that it would be binding, and so drive greater land release.

2.25. It is proposed that the standard method would be a means of distributing the national housebuilding target of 300,000 new homes annually, and one million homes by the end of the Parliament, having regard to:

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed);
- the relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development);
- the extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk. For example, areas in National Parks are highly desirable and housing supply has not kept up with demand; however, the whole purpose of National Parks would be undermined by multiple large scale housing developments so a standard method should factor this in;
- the opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account;
- the need to make an allowance for land required for other (non-residential) development; and
- inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market.

The standard method would make it the responsibility of individual authorities to allocate land suitable for housing to meet the requirement, and they would continue to have choices about how to do so: for example through more effective use of existing residential land, greater densification, infilling and brownfield redevelopment, extensions to existing urban areas, or new settlements. The

existing policy for protecting the Green Belt would remain. We also propose that it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements. In particular, it may be appropriate for Mayors of combined authorities to oversee the strategic distribution of the requirement in a way that alters the distribution of numbers, and this would be allowed for.

There does not appear to be any real difference here from the current duty to cooperate .

In addition Councils are failing to do urban capacity studies as a first step before looking to greenfield and Green Belt releases.

Yes greater densification can be achieved in certain places but if we are to have a nation of well housed, happy & contented people over densification may not achieve this. We must not plan for the slums of tomorrow

- 2.26. In the current system the combination of the five-year housing land supply requirement, the Housing Delivery Test and the presumption in favour of sustainable development act as a check to ensure that enough land comes into the system. Our proposed approach should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate a five-year supply of land. However, having enough land supply in the system does not guarantee that it will be delivered, and so we propose to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.
- 2.27. **Alternative option:** It would be possible to leave the calculation of how much land to include in each category to local decision, but with a clear stipulation in policy that this should be sufficient to address the development needs of each area (so far as possible subject to recognised constraints), taking into account market signals indicating the degree to which existing needs are not being met. As now, a standard method could be retained to underpin this approach in relation to housing; and it

would be possible to make changes to the current approach that ensure that meeting minimum need is given greater weight to make sure sufficient land comes forward. However, we do not think that this approach would carry the same benefits of clarity and simplicity as our preferred option and would also require additional safeguards to ensure that adequate land remains available, especially once the assessment of housing need has been translated into housing requirements. We would, therefore, propose to retain a five-year housing land supply requirement with this approach.

- 2.28. We have published a separate consultation on proposed changes to the standard method for assessing local housing need which is currently used in the process of establishing housing requirement figures. The future application of the formula proposed in the revised standard method consultation will be considered in the context of the proposals set out here. In particular, the methodology does not yet adjust for the land constraints,

including Green Belt. We will consider further the options for doing this and welcome proposals.

Questions

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

No we strongly disagree that the proposed new standard method should be used to establish housing requirements

Within Hampshire the new proposed formula serves mainly to shift housing numbers from the cities out into the rural districts. For example in housing requirements would rise from current numbers by – in East Hampshire +50%, in the Winchester district by +48%, in Test Valley by +40%, whilst Southampton is down by -17% and Portsmouth by -15%. Havant and Hayling island rise by a whopping 91%.

The implications of such drastic swings in housing requirements will lead to huge numbers of houses having to be absorbed by the countryside and in a number of instances these numbers will simply be undeliverable.

Overall, Hampshire would be required annually to meet more than double its projected increase in households, the proposed new SM arriving at 9,275, compared to household projections of 4,097.

Using the city of Southampton as an example targets would fall by 2,500 dwellings, whereas that for the whole of the rural County would rise by 26,000. We believe this is clearly absurd, it does not make sense to us and will not make sense either to local communities and residents.

Southampton could and should take more, the city has the capacity, and the extra housing, with infrastructure, would be welcome.

There are too many variables to enable a simple standard method (SM) to be developed across the whole country – however tempting that may be. The anomalies arising out of the equation/ algorithm under consultation in ‘Changes to the current planning system’ illustrate the problem. No account is taken of particular situations, for example, of the proposal to create a ‘power house of the North’. It is totally inflexible.

We have concerns that although the white paper states that account will be taken of ‘constraints’ in the proposed standard method, if development cannot realistically be accommodated in the Growth and Renewal zones, it is clear that, as at present, constraints such as the Green Belt will be ignored. The statements on protecting the Protected zone are likely to be meaningless. No recognition is taken of the effect of National Parks on pricing models, which are not related to supply. Any method should disaggregate house prices and earnings for these designated areas.

The “top down” approach would require the Government to have an understanding of the local planning constraints for every local authority in England and to undertake a robust SA. Unlikely. It also perpetuates the focus of blame on planning and takes no account of impact of other factors such as the capacity of the development industry to deliver the target, the business models of the major house-builders who don’t need to build 300,000 dpa to make healthy profits, the availability of finance to those seeking to buy homes (one lender is looking to discount the bank of mum and dad as a source of funds). The Housing

Delivery Test is staying so one can expect the argument over land supply and planning by appeal will continue.

The methods of calculation must be seen to be sensible and fair to each area. There must also be a system for appeal. Local areas should not be dictated to by Westminster without some appeal system.

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

No – we do not agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated. The extent of the built up area should not be a significant determinant of housing need. It is a very crude indicator which takes no account of the character of the urban area and housing demands. The clearly unobtainable housing requirements in the London boroughs show the SM equation under consultation in Changes to the Current Planning System is faulty.

We cannot simply continue to take green field sites for development. We should all be responsible to ensure we maintain our wildlife and biodiversity. Affordability of housing can be achieved by local councils / government owning housing for those who cannot afford to buy. These houses should not subsequently be sold & then gentrified.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

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

2.30. There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development.

2.31. In areas suitable for substantial development (*Growth* areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan. Further details would be agreed, and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.

The white paper says the term of substantial development will be defined but then does not define it. What is substantial depends on context., where 10 houses could be considered substantial in a small village. See comment above about relatively small – @100 unit site allocations.

2.32. Detailed planning permission could be secured in one of three ways:

- a reformed reserved matters process for agreeing the issues which remain outstanding;

a Local Development Order prepared by the local planning authority for the development which could be prepared in parallel with the Local Plan and be linked to a master plan and design codes; or

- for exceptionally large sites such as a new town where there are often land assembly and planning challenges, we also want to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate route to secure consents. Similarly, we will consider how the planning powers for Development Corporations can be reformed to reflect this new framework.

This already exists in Local Plans for areas within settlement boundaries so no change here.

2.33. In areas suitable for development (*Renewal* areas), there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a plan-led approach, with plans reflecting the general appropriateness of these areas for development). Consent for development would be granted in one of three ways:

- for pre-specified forms of development such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements (as discussed further under the fast-track to beauty proposals set out under Pillar Two);
- for other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework; or
- a Local or Neighbourhood Development Order.

2.34. In both the *Growth* and *Renewal* areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application. We expect this to be the exception rather than the rule: to improve certainty in the system, it will be important for everyone to have confidence that the plan will be the basis for decisions, and so we intend to strengthen the emphasis on a plan-led approach in legislation (alongside giving appropriate status to national planning policy for general development management matters).

2.35. In areas where development is restricted (*Protected* areas) any development proposals would come forward as now through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders) and judged against policies set out in the National Planning Policy Framework.

2.36. We will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved.

2.37. Separate to these reforms, we also intend to consolidate other existing routes to permission which have accumulated over time, including simplified planning zones, enterprise zones and brownfield land registers.

Questions

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

The key issue here is the detailed plans on how MHCLG intends to meet the commitments that they have outlined in their description of the process. For example, the document describes Stage 1 of the process as follows:

Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.

It is essential that the comprehensive “best in class” ways of achieving public involvement at this plan making stage are watertight. How do MHCLG propose to deliver on this? If the local community have not been able to agree which areas have been defined as ‘Growth’ areas, these proposals will be a disaster.

Unless a master plan is in place so that developers will know the infrastructure required, facilities such as schools to be provided and if there are environmental constraints such as hedgerows and tree areas to be retained, as well as densities and affordable housing requirements. How else will they be able to value the land? It is these elements which take the time in the initial stages and frequently result in delays, not the LPA’s tardiness.

Moreover, if sites in existing adopted local plans are allocated for development together with other requirements, there is normally no need to go through the outline stage. It is misleading to say that an outline permission takes 2 -3 years if a site is designated for development. The detailed permission should be quicker with the benefit of design guides, but the major problems need resolution at the beginning of the planning process.

Para 2.34 is of great concern. It appears to undermine one of the stated principles of these reforms. The reforms are designed to give clarity and ‘certainty’. However, this para means that even after a Plan has been agreed the local community would have no certainty that further development proposals will not come along. These proposals would come after the plans for infrastructure had been agreed and would once again undermine the stated objective of coming up with a reformed planning system that will meet the needs of the community.

We are also concerned at the lack of public involvement if all the significant local decisions are left to the detailed stage where consultation is minimal. It is the detail of what is happening in its immediate vicinity which is largely of interest to the local community and it is very undemocratic to deprive people of meaningful input at this stage.

Future proposals to allow increased use of “Permitted Development Rights” must ensure that plans deliver decent quality living spaces with access to natural light, ventilation and to outside spaces. Recent poor examples of office conversions which have used existing permitted development rights must no longer be allowed and enabled.

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

We object to a general permission in favour of development in Renewal areas, on the basis that the land is oversimply defined as 'appropriate for development'. Unless there is sufficiently detailed information in the local plan, possibly on a site by site basis, which includes matters such as appropriate land uses and constraints such as valuable areas of biodiversity, highway capacity, and poor neighbour implications as well as matters to be included in the design guides, land that is not appropriate for development will be caught in this catch all definition.

On the matter of refunding application fees if a decision is not made in time, as the delays are frequently outside the LPAs control, such as when they are waiting for information from the applicant, the highways authority, or statutory undertakers, this could lead to more refusals

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

No we do not agree these proposals. Allowing new settlements to come forward through the Nationally Significant Infrastructure (NSIP) regime would mean the largest development will have the least local scrutiny and will probably lack local design codes. Unless there is adequate public consultation on issues such as highway capacity/ public transport, services to be provided, impact on adjacent areas and account is taken of constraints such as biodiversity local communities will feel that their views have been "railroaded".

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

2.38. For all types of planning applications regardless of the category of land, we want to see a much more streamlined and digitally enabled end to end process which is proportionate to the scale and nature of the development proposed, to ensure decisions are made faster. The well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now.

2.39. To achieve this, we propose:

- the greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with local planning authorities. In particular, the validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process. For Spending Review, the Government will prepare a specific, investable proposal for modernising planning systems in local government;

This does not explain how access to planning information will be improved through digitisation

- A new, more modular, software landscape to encourage digital innovation and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, which will support faster and more certain decision-making. We will work with tech companies and local planning authorities to modernise the software used for case-managing a planning application to improve the user-experience for those applying and reduce the errors and costs currently experienced by planning authorities;

These already exist e.g. TRICS for transport, FRA for flooding/drainage.

- shorter and more standardised applications. The amount of key information required as part of the application should be reduced considerably and made machine-readable. A national data standard for smaller applications should be created. For major development, beyond relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and National Planning Policy Framework;

data-rich planning application registers will be created so that planning application information can be easily found and monitored at a national scale, and new digital services can be built to help people use this data in innovative ways

- data sets that underpin the planning system, including planning decisions and developer contributions, need to be standardised and made open and digitally accessible;
- a digital template for planning notices will be created so that planning application information can be more effectively communicated and understood by local communities and used by new digital services;
- greater standardisation of technical supporting information, for instance about local highway impacts, flood risk and heritage matters. We envisage design codes will help to reduce the need for significant supplementary information, but we recognise there may still need to be site specific information to mitigate wider impacts. For these issues, there should be clear national data standards and templates developed in conjunction with statutory consultees;
- clearer and more consistent planning conditions, with standard national conditions to cover common issues;
- a streamlined approach to developer contributions, which is discussed further under Pillar Three;
- the delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.

Also as a consequence removing the opportunity for meaningful community involvement and discussion. There is also a risk that the push to standardisation /digitisation will remove the opportunity for the exercise of professional planning judgement.

- 2.40. We also believe there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit. But we also want to explore whether some types of applications should be deemed to have been granted planning permission if there has not been a timely determination, to ensure targets are met and local authorities keep to the time limit in the majority of cases. We particularly want to ensure that the facilities and infrastructure that community's value, such as schools, hospitals and GP surgeries, are delivered quickly through the planning system.
- 2.41. There will remain a power to call in decisions by the Secretary of State and for applicants to appeal against a decision by a local planning authority. However, by ensuring greater certainty about the principle of development in Local Plans, we expect to see fewer appeals being considered by the Planning Inspectorate. For those that do go to appeal, we want to ensure the appeals process is faster, with the Inspectorate more digitally responsive and flexible. And to promote proper consideration of applications by planning committees, where applications are refused, we propose that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.

Question

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

Again – in principle the headline proposal sounds sensible BUT the detail indicates a concerning lack of understanding over the causes of current delays to both the delivery of Local Plans and housing numbers?

Proposals in 2.40 are especially concerning any development must be properly approved. Delays are often caused by the developer not the local authority. This would be an easy route for developers to get their approvals inappropriately and is one reason why these proposals could be seen as a “**Developers Charter**”. Developers are the initiators of their applications. They must allow for the costs of appeals etc in their initial costings. To do otherwise will encourage councils to be weak in their upholding of their planning obligations to their local communities

There is already provision for awards of costs in the case of unreasonable behaviour by either party. If this proposal proceeds, then the appellant should pay the Council a further application fee if the appeal is dismissed

We also have concerns on a tick box approach to complex individual sites where frequently competing merits and disadvantages need to be weighed against each other.

We agree that hospitals, schools, and GP surgeries need to be delivered speedily through the planning system and would support balanced measures to deliver this but the white paper needs to recognise that it is not normally the LPA's fault if there are delays. One major reason for the current slow progress in the system is the threat of litigation from the developers. If the local planning professionals overseen by the locally elected councillors

were given greater latitude in decision making then they would be able to make decisions more quickly.

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

2.42. Planning documentation should reflect this simplified role for Local Plans and should support community engagement.

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

- 2.43. Interactive, map-based Local Plans will be built upon data standards and digital principles. To support local authorities in developing plans in this new format, we will publish a guide to the new Local Plan system and data standards and digital principles, including clearer expectations around the more limited evidence that will be expected to support “sustainable” Local Plans, accompanied by a “model” template for Local Plans and subsequent updates, well in advance of the legislation being brought into force. This will support standardisation of Local Plans across the country. The text-based component of plans should be limited to spatially-specific matters and capable of being accessible in a range of different formats, including through simple digital services on a smartphone.
- 2.44. To support open access to planning documents and improve public engagement in the plan-making process, plans should be fully digitised and web-based following agreed web standards rather than document based. This will allow for any updates to be published instantaneously and makes it easier to share across all parties and the wider public. Those digital plans should be carefully designed with the user in mind and to ensure inclusivity, so that they can be accessed in different formats, on different devices, and are accessible and understandable by all. Geospatial information associated with plans, such as sites and areas, should also be standardised and made openly available online. Taken together, these changes will enable a digital register of planning policies to be created so that new digital services can be built using this data, and this will also enable any existing or future mapping platforms to access and visualise Local Plans. This will make it easier for anyone to identify what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector. There should also be a long-term aim for any data produced to support Local Plans to be open and accessible online in machine-readable format and linked to the relevant policies and areas.
- 2.45. By shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled. making it easier for people to understand what is being proposed where and how it will affect them. These tools have the potential to transform how communities engage with Local Plans, opening up new ways for people to feed their views into the system, including through social networks and via mobile phones. Early pilots from local planning authorities using emerging digital civic engagement tools have shown increased public participation from a broader audience, with one PropTech SME reporting that 70% of their users are under the age of 45.

This sounds good but not enough and pointless if the community response is then ignored. Meaningful consultation aka the Gunning principles must be in place so that those consulted have a real opportunity to shape the proposals and not just be told what is going to happen which is what happens now.

We would welcome a situation where Local Plans were produced with greater consultation where people feel they have a real stake in the outcome then there would be a chance that this could work. But being handed a fait accompli of nationally determined requirements and then being told you have the opportunity to comment is not consultation.

2.46. To encourage this step-change, we want to support local authorities to radically rethink how they produce their Local Plans, and profoundly re-invent the ambition, depth and breadth with which they engage with communities. We will set up a series of pilots to work with local authorities and tech companies (the emerging 'PropTech' sector) to develop innovative solutions to support plan-making activities and make community involvement more accessible and engaging. This could include measures to improve access to live information and data or the use of 3D visualisations and other tools to support good community engagement.

Question

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

Yes, we would support these proposals with some caveats.

Moving plan making from paper based to on line digital and data based sounds good but will not be enough its own and pointless if the community response is then ignored. Meaningful consultation aka the Gunning principles must be in place so that those consulted have a real opportunity to shape the proposals and not just be told what is going to happen.

There is clearly scope to make better use of technology and to introduce more efficient processes, e.g. linking the SHLAA process and the SA/SEA process in terms of information gathering and improving the availability of data held by public agencies such as the EA ,NE and LPAs

So a risk here of lots of warm words and good intent but no real explanation on how digitising the system will improve either public access or more importantly public engagement.

In addition use of a compatible IT would be welcome – but almost all LPA's use the same platform (Uniform) now anyway although it is by no means user friendly. Local authorities will need to be supported with both the finance and expertise to introduce such measures and certainly the government has a very poor track record on new IT systems.

We would support measures to attract greater community involvement and accept that there is room for improvement, however we think this section presents an unfair and over simplified unfair view of the way in which LPAs engage with the public , many authorities already use various media and techniques in informing residents of their

Local Plan proposals. Notices on lampposts etc is not the method of communications now being used

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

2.47. The average time taken from plan publication to adoption rose from an average of 450 days in 2009 to 815 days in 2019. There is currently no statutory requirement around timescales for key stages of the plan-making process.

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

2.48. Under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission. Under our proposals, this would be shortened to 30 months, although we expect many local authorities could do this in a shorter time and we would encourage them to do so where this is practicable. We propose that the process covers five stages, with meaningful public engagement at two stages:

- Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.

This is no different to the current system of ‘call for sites’ which simply gives developers and landowners free rein to push their sites. Also what does best in class mean as used here, it is undefined.

- Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.
- Stage 3 [6 weeks]: The local planning authority simultaneously
 - (i) submits the Plan to the Secretary of State for Examination together with a Statement of Reasons to explain why it has drawn up its plan as it has; and
 - (ii) publicises the plan for the public to comment on. Comments seeking change must explain how the plan should be changed and why. Again, this process would embody ‘best in class’ ways of ensuring public involvement. Responses will have a word count limit.
- Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test. The plan-making authority and all those who submitted comments would have the right to be “heard” by the inspector (whether face to face, by video, phone or in writing – all at the inspector’s discretion). The inspector’s report can, as relevant, simply state

agreement with the whole or parts of the council's Statement of Reasons, and/or comments submitted by the public.

- Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.
- 2.49. Taken together, the effect of these reforms would be to greatly simplify and shorten the plan-making and development process, ensuring more land comes through the system and does so at pace.
- 2.50. To support the transition to the new system, we propose a statutory duty for local authorities to adopt a new Local Plan by a specified date – either 30 months from the legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years or where a Local Plan has been submitted to the Secretary of State for examination. In the latter case, the 42 month period would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later.
- 2.51. This should be accompanied by a requirement for each planning authority to review its Local Plan at least every five years. Reviews should be undertaken sooner than five years where there has been a significant change in circumstances, for instance where issues with land supply have been identified through regular monitoring. Where a review concludes that an update is required, then the same 30-month deadline would apply although there would be an expectation that in many cases an update could be completed more quickly.
- 2.52. Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention. A range of intervention options will be available, including the issuing of directions and preparation of a plan in consultation with local people. Decisions on intervention would also have regard to:
- the level of housing requirement in the area;
 - the planning context of the area, including any co-operation to get plans in place across local planning authority boundaries;
 - any exceptional circumstances presented by the local planning authority.
- 2.53. **Alternative options:** The existing examination process could be reformed in order to speed up the process. For instance, the automatic 'right to be heard' could be removed so that participants are invited to appear at hearings at the discretion of the inspector. Certain Local Plans, that are less complex or controversial, could also be examined through written representations only, as is usually the case with Neighbourhood Plans at present.
- 2.54. A further alternative could be to remove the Examination stage entirely, instead requiring Local Planning Authorities to undertake a process of self-assessment against set criteria and guidance. To supplement this, the Planning Inspectorate could be utilised to audit a certain number of completed plans each year in order to assess whether the requirements of the statutory sustainability test had been met.
- However, there is a risk that this option wouldn't provide sufficient scrutiny around whether plans meet the necessary legal and policy tests.

Question

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

Overall we agree with the objective but are sceptical that Local Plans can be achieved within the timescale proposed (30 months).

The white papers aspirations to speed up Plan-making appear directly at odds with the aim of opening it up to greater participation.

One of the main reasons for the delay in preparing a Local Plan is the concern of the LPA that it will be subject to legal challenge by developers. Typically, developers challenge the precise wording of the Plans rather than the spirit and intention. LPAs therefore cannot afford to get the wording wrong. The recent example of East Hampshire is a good one. The main reason the Draft Plan was delayed was because the LPA feared a legal challenge to their 'large site' plans.

We are extremely concerned that the imposition of such a tight timetable will lead to a loss of local democracy, any new system must enable a proper opportunity for communities to have their say and to appeal a contrary decision if a higher authority goes against the wishes of a local authority. 6 weeks is insufficient for public participation. We also believe that public participation is needed throughout the plan making process.

It is these elements which take the time in the initial stages and frequently result in delays, not the LPA's tardiness.

Although the proposals are touted as allowing more public consultation at the local plan stage, this is incorrect. At present many authorities have an options stage. In the current proposals the initial stage of calling for suggestions can hardly be counted as consultation. It will be primarily the developers and landowners who will put forward development proposals, not the local communities. The only time there is a genuine consultation stage is when the plan is submitted to the Inspectorate. There is no stage where the public can make suggestions for modifications/ improvements for the councils to consider before submission.

We also recognise that the outcomes of the Local Plan rather than the time it takes should be the focus of attention however the track record of a number of LPAs is very poor and that is where the sec of state should focus his attention.

The Local Planning production process has lost public trust because a Plan can no longer be relied on to be a Plan. A good example of this would be Neighbourhood Planning. This was introduced by the Localism Act 2011. Local people were given the opportunity to work together to come up with their Plan for their community. Because it is complex and because they were not professionals the development of the NP took a long time – more than 2 years. This investment of time by local volunteers was deemed to be a good investment because they were told that the Plan would last for 15 years. The local community then voted on their Plan at a Referendum giving the Plan a popular mandate for 15 years. The Govt then said that these Plans would need to be reviewed every 5 years. It is this failure by the Govt to honour a Plan that has been agreed according to the rules set out by the Govt that has undermined public trust.

We are also concerned at the lack of public involvement if all the significant local decisions are left to the detailed stage where consultation is minimal. It is the detail of what is happening in its immediate vicinity which is largely of interest to the local community and it is very undemocratic to deprive people of meaningful input at this stage.

Also concerned over the potential changes the new system would make to the role of planning committees and members, local democracy would be moved forward in the process by giving councillors a bigger role earlier on in drawing up their local plans."

But, and here we agree with the comment made by Hugh Ellis, Director of policy at campaign group the Town and Country Planning Association (TCPA), the proposals take away an important opportunity for elected councillors to review schemes at the outline planning stage. "Schemes are complex and at local plan stage, when proposals are lines on a map, the implications are difficult to envisage," he said.

By curtailing the role of the planning committee in considering outline and possibly even detailed applications for major schemes, democratic accountability will be severely reduced. planning committee members have a lot of local knowledge, built up over time, which they bring to bear in considering applications.

Under the proposed system much will be left up to the officers to interpret the rules in the local plan and design codes. .

We also have concerns on a tick box approach to complex individual sites where frequently competing merits and disadvantages need to be weighed against each other.

So in summary we agree it is in general, a good idea to speed up the decision making process. However, these proposals fail to recognise that the main reason for the current slow progress in the system is the threat of litigation from the developers. If the local planning professionals overseen by the locally elected councillors were given greater latitude in decision making, then they would be able to make decisions more quickly.

We have concerns at the limited detail provided on the plan making process. This is a major issue and views should be sought on several of the major proposals, for example;

- what is the process whereby MHCLG plan to include comprehensive "best in class" ways of achieving public involvement at this plan-shaping stage"
- what is the process by which developers will be able to challenge the Plan.

Will they be 'consulted' in the same way as the public or will they have the right to appeal against the Plan once agreed – e.g. on the definition of the 'Growth' zone. If the latter, how do MHCLG intend to reduce the incidence of such appeals which currently result in delays in the system.

Also, if the zoning plans, particularly for the Growth and Renewal areas are to be sufficiently detailed to guide developers, we cannot see how these can be prepared in 30 months, particularly if local design guides are to be prepared in tandem.

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

- 2.55. Since statutory Neighbourhood Plans became part of the system in 2011, over 2,600 communities have started the process of neighbourhood planning to take advantage of the opportunity to prepare a plan for their own areas – and over 1,000 plans have been successfully passed at referendum. They have become an important tool in helping to ‘bring the democracy forward’ in planning, by allowing communities to think proactively about how they would like their areas to develop.
- 2.56. Therefore, we think Neighbourhood Plans should be retained in the reformed planning system, but we will want to consider whether their content should become more focused to reflect our proposals for Local Plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users. By making it easier to develop Neighbourhood Plans we wish to encourage their continued use and indeed to help spread their use further, particularly in towns and cities. We are also interested in whether there is scope to extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they are happy to see.
- 2.57. Digital tools have significant potential to assist the process of Neighbourhood Plan production, including through new digital co-creation platforms and 3D visualisation technologies to explore proposals within the local context. We will develop pilot projects and data standards which help neighbourhood planning groups make the most of this potential.

Questions

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

Yes, we strongly support this proposal, but have major concerns about the impact that many of the other proposals in the white paper will have on Neighbourhood Planning

CPRE Hampshire has a number of contributors to this response who have significant experience of working within and chairing Neighbourhood Planning delivery groups. Based on that experience, it is very difficult to see what role is left for Neighbourhood Planning if these proposals are implemented as written. For example, Neighbourhood Plans will have no teeth unless they can contain development management policies for individual sites, yet these appear to be precluded by the rest of the planning white paper

We would challenge MHCLG to answer the following questions: “Following the implementation of these proposals

- What do you see as the role of Neighbourhood Plans?
- What decisions can a Neighbourhood Plan take that directly impacts on the Plan for their community
- Will NPs remain part of the Statutory Development Plan”

From our reading these proposals, it is very difficult to see how a Neighbourhood Plan would have either the relevant scope or the popular mandate to continue to be considered to be part of the statutory development plan. It would appear that NPs will

-not be able to contribute to the development of the Local Plan

-not be able to contribute once a Local Plan has been agreed.

It would appear that the only role left for Neighbourhood Plans would be “*to have their say on what those new buildings should look like*”. However, even this would be limited. In the context of there being a nationally agreed design code, and an agreed Local Plan with its design code, it is easy to foresee that that any contribution that the Neighbourhood Plan team would want to make on the specific design code for their community will be extremely limited.

Furthermore, even Locality - which provides support to neighbourhood planning groups on behalf of the Ministry for Housing, Communities and Local Government - has expressed their concerns. Locality believe that these proposals could have

the following implications for neighbourhood plans:

- The scope of what neighbourhood plans can do may be reduced, with the focus largely on design.
- Neighbourhood plans may no longer be able to allocate sites for development (including housing) or have the opportunity to shape development and growth in the local area.
- Neighbourhood plans may largely no longer be able to include development management policies.

The establishment of New-style Local Plans, with 30/42 month preparation period, top-down housing requirement and no locally-set development management policies, are likely to put existing Neighbourhood Plans rapidly out-of-date.

What happens then? This would seriously undermine communities' trust in the system.

We strongly recommend that all the powers granted to Neighbourhood Plans by the Localism Act 2011 and confirmed by MHCLG in their guidance dated 9/05/2019 (Paragraph: 001 Reference ID: 41-001-20190509) are retained.

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

CPRE Hampshire do not believe this to be the key issue.

Following the implementation of these proposals it is very unlikely that local people will wish to get involved with Neighbourhood Plans. The issue of the use of digital tools etc would be irrelevant.

Neighbourhood Plans are put together by local people who have no professional experience of Planning. They give willingly of their time. During peak periods of the process the Steering Group will be required to spend at least 20 hours a week working on the Plan. To meet all the regulations and ensure that the document is 'sound' in Planning terms, it normally takes well over 2 years to prepare a Plan.

People are unlikely to wish to give of their time to prepare a Plan that will carry little weight in determining any planning outcomes and will be of value for such a short period of time.

If there is no NP in existence, it would be impossible to develop an NP within this timescale. The process depends largely on volunteers and is complex, rarely is an NP developed within 2 years – with many taking over 4 years.

If these proposals, when finalised, do propose to make substantial changes to the current process in order to include the development of NPs in their timetable, it would necessarily need to be a slimmed down version of the process. One of the parts of the process that takes up the most time is in Stage 2 of the MHCLG Guidelines : *engage and consult those living and working in the neighbourhood area and those with an interest in or affected by the proposals (e.g. service providers)*. This is the core of Neighbourhood Planning – it reflects the views of the local community. This – along with the vote at the Referendum – gives the Plan its integrity and underpins the justification for including it within the Statutory Development Plan. Would a slimmed down version of the process still justify inclusion in the Statutory Development Plan?

The current guidance is that an NP has to be consistent with the Local Plan. Typically, therefore, it is best to wait until the Local Plan has been agreed before embarking on an NP.

But one of the core principles of these proposals is that they will bring certainty. Many of the aspects of these reforms are described as being ‘binding’ in order to support the underlying intention of bringing speed and clarity to the planning system.

In this context it is difficult to see any role for a Neighbourhood Plan. Once the Local Plan has been agreed, the proposals suggest that there will be no more changes.

Indeed, some of the current roles of Neighbourhood Planning are specifically excluded from these proposals

SPEEDING UP THE DELIVERY OF DEVELOPMENT

2.58. Our plans for a simpler and faster planning process need to be accompanied by a stronger emphasis on the faster delivery of development, especially for *Growth* areas where substantial development has been permitted. If local communities through the new Local Plan process have identified sites for substantial

development over the next ten years and developers have secured planning consents, there should be a presumption that these sites will be built out quickly. But as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates, with some sites taking over 20 years to complete.

Proposal 10: A stronger emphasis on build out through planning

2.59. To address this, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development (discussed under Pillar Two) should seek to include a variety of development types by different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.

Question

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

Yes CPRE Hampshire would strongly support stronger emphasis on improving the build out of development and existing permissions. We are concerned that there appears to be extraordinarily little recognition in these proposals of the sheer number of planning permissions that have been granted and yet not built out. Nationally, this is around 1,000,000 homes and this backlog of unbuilt homes appears to be increasing.

Any radical reform of the planning system must address the issue of current and historic low market absorption rates. This issue has been around for many years and was highlighted by Rt Hon. Sir Oliver Letwin in his Independent Review of Build Out Rates in 2018. The white paper refers to this obliquely. It states that - "as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates " BUT why are there no suggested remedies for the low market absorption rates in these proposals ?

The introduction of the 'delivery test' recognised this problem but came up with the wrong solution. It put the onus of delivery on the Local Planning Authority(LPA). However, the LPA is not responsible for the delivery. The party responsible for delivery is the developers. Developers will only build when they can achieve their pre-determined profit margin.

Whatever proposals are put in place to address this must address the risk that a failure to deliver on the housing delivery test risks a LPA losing its five-year land supply and/or fail the delivery test with the result that the presumption applies and non-allocated sites are much more likely to be granted permission.

So moving forward all measures put forward to deal with the low market absorption rate must focus on the developers. It is recognised that this will be extremely hard to achieve in a market led system because developers have a strong incentive to keep prices high by limiting supply to the market. Multiple developers could help this, but this is outside the control of planning authorities There is plentiful evidence of this in the New Forest area where there is a monopoly house-builder who dominates supply

The first measure that should be implemented would be a requirement that the developers demonstrate a capability and a willingness to build 300,000 houses per annum. Firstly, they are clearly not meeting their obligation at the moment as they have 1,000,000 planning permissions that have been granted that have not been completed. They could currently build 300,000 houses per annum without any changes to the planning system. Secondly, there is nothing in these proposals that makes delivery of the 300,000 houses

binding on the building industry i.e. the only party who can determine how many houses are actually built.

An example of such a measure could be that the developer would be fined if the development for which they had secured planning permission was not built out within a number of years. The fine would be paid into the Infrastructure Levy.

Or alternatively an obligation on the developer to put forward a development timetable with his application. If this timetable is not adhered to the local authority should be able to “take over” the development with no recompense to the original developer for the costs incurred to-date.

Whatever method is used delivery is central to these proposals. Without measures such as these there is a danger that these proposals will simply increase the number of outstanding permissions, rather than increase the number of houses built.

Any proposals that wished to ‘bridge the generational divide’ as a matter of urgency would ensure that this failure to build out existing permissions was no longer tolerated.

Pillar Two – Planning for beautiful and sustainable places

Overview

- 3.1. We have set out how a simpler planning process could improve certainty about what can be built where, as well as offering greater flexibility in the use of land to meet our changing economic and social needs. But improving the process of planning is only the starting point – we want to ensure that we have a system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050. Recent research from the Royal Town Planning Institute has set out the vital contribution that planning can make to a sustainable and inclusive recovery.⁹
- 3.2. To do this, planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community. It should generate net gains for the quality of our built and natural environments - not just ‘no net harm’.
- 3.3. As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short. Too many places built during recent

⁹ RTPi (2020) “Plan the world we need: The contribution of planning to a sustainable, resilient and inclusive recovery”, available at: <https://www.rtpi.org.uk/research/2020/june/plan-the-world-we-need/>.

decades fail to reflect what is special about their local area or create a high quality environment of which local people can be proud. The Commission has played an invaluable role not just in highlighting the deficiencies, but in setting out a wide range of recommendations for addressing them. We will respond fully to the Commission's report in the autumn, but there are important aspects that we want to highlight now, as being integral to our proposals for what a revised planning system can achieve.

Questions

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

Outside of Conservation Areas recent development has been generally ugly and poorly designed, poor quality materials, standardised, inflexible house-types, car-dependant and highways engineer dictated layouts, dull, lacking innovation, and flair.

Some of the worst designs have been allowed through the use of permitted development to residential properties and standards will fall further when the latest proposals are implemented particularly in relation to additional floors to residential and commercial properties – unless appropriately designed

So the aspiration to improve on this is welcome. However, there are no details in these proposals as to how this might be delivered in practice and based on the timetables presented it is very difficult to see where the checks and balances can be included in the development of plans.

Centralisation of design will mean the system fails to recognise the vastly differing requirements of different parts of the country. It would mean that complex issues like town centres will fall outside the remit of local planning authorities, so they will lose the ability to control what is in their interests. One set of uniform policy covering the breadth of England will not make sense.

A frequently seen issue with design especially in rural parishes is the development of urban style housing with dreadful brick choice for a rural setting. Furthermore, all opportunity has been missed in that, while all houses have a south facing elevation, none have been built with solar panels on them. This should have been a planning requirement from the start.

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

Energy efficiency of new buildings, less reliance on cars, more green and open spaces and more trees are all essential as is providing genuine affordable housing, biodiversity, and infrastructure.

There must be a greater emphasis on the use of Brownfield first, there is much developable land which could be looked at. All local authorities should be required to carry out Urban Capacity Studies as part of their plan making process

In addition all new development should be centred around public transport hubs

The topic of Water and sewage

'Floods' and 'Flood Risk Assessment' are only briefly mentioned with no mention of life-sustaining utilities other than 'energy' and that only in terms of efficiency.

As we approach the 50th anniversary of the Club of Rome's seminal report on 'The Limits to Growth', nowhere in this new planning process document (which purports to be about planning sustainably for future growth) is there any recognition that we are approaching resource constraints on our Limits to Growth in our small, overpopulated island. There should be at least some recognition of water resource/supply constraints, plus 'droughts' should also be mentioned alongside 'floods' as both should be taken account of in planning decisions for our globally-warmed future where we regularly oscillate between flood and drought.

There is no doubt that we are heading into an extremely difficult few decades ahead (planning horizon to 2040+) with a new planning policy focussed on 'getting houses built', new emphasis on Sustainability (in all its forms) and new 'Green' energy/transportation policies etc, such that diminishing resources of land, soil, water, and sewerage may get neglected or largely omitted from the planning policies.

It is noticeable in Hampshire and other rural counties that many of our small rural villages have already had significant volumes of bog-standard, box-house housing/estate building which has taken place, in addition to volumes of additional 'modern' infill housing on every spare patch of land. Often these villages are serviced by village sewage treatment works many of which were built in the mid-20th century with rotating arm clinker-filled filter beds. These were built to serve the small old village and its inner ring of Council houses and clearly have not been upgraded to cope with either all the infill houses or the new estates already there – let alone the bigger new peripheral estates now being built.

In Hampshire village streams, and especially our critically important chalk streams are typically only a trickle flow above the STW outfall, (due to groundwater abstraction from the nearby South Downs chalk boreholes), but below it, although the flow is significantly increased, the stream is often mired in excessive macrophyte weed growth and copious blanket-algae. This is now the depressing situation in so many of our lowland areas and streams.

Ever more houses will make this already poor state of our water cycle very much worse and will cause increasing overloads and breakdowns of these old sewage treatment works with consequent direct stream and river pollution.

So - just as our arguments about reducing groundwater abstraction to leave water for nature and the environment are now being addressed, so too we must voice these problems of the many ageing rural sewage treatment works being inadequate to protect the quality of our water environment especially if ever more housing is added into /around these ever-expanding rural villages.

This **MUST** now become, for the first time, a key planning issue. At present - it is hardly ever even mentioned apart from just a devolved aside that, 'Southern **W**ater will deal with any such issues.

We feel that this planning white paper and its consultation responses are an opportunity to get both ends of the water cycle into centre stage of planning for all new developments.

Not just flood planning (which is now recognised as an important 'material consideration') but lack of water resources (drought) planning, and lack of adequate sewage treatment capacity. All 3 should now be brought into the planning realm and seriously addressed when considering the sustainability and location of all new housing developments.

Proposals

CREATING FRAMEWORKS FOR QUALITY

- 3.4. To deliver our vision, it is important for the planning system to set clear expectations for the form of development which we expect to see in different locations. It should do so in ways which reflect local character and community preferences, and the types of buildings and places that have stood the test of time; but it should also address modern lifestyles, facilitate modern methods of construction (and its associated benefits for efficiency, build quality and the environment) and the need to create places that are both durable and sustainable. History provides many examples of how we can do this well – including Georgian terraces and Victorian mansion blocks – and we should learn from what has worked in the past.
- 3.5. Our National Design Guide, published in October last year, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It is a vital starting point, defining ten characteristics of successful places and the ingredients which can deliver these. However, to provide as much clarity as possible for applicants and communities and provide the basis for 'fast-tracking' decisions on design, broad principles need to be turned into more specific standards.
- 3.6. To address this challenge, this autumn we will publish a National Model Design Code to supplement the guide, setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision, in line with our wider vision for cycling and walking in England.¹⁰ It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets.

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

- 3.7. As national guidance, we will expect the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities. But to ensure that schemes reflect the diverse character of our country, as well as what is provably popular locally, it is important

¹⁰ Our plan for cycling and walking is available at <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>.

that local guides and codes are prepared wherever possible. These play the vital role of translating the basic characteristics of good places into what works locally, and can already be brought forward in a number of ways: by local planning authorities to supplement and add a visual dimension to their Local Plans; through the work of neighbourhood planning groups; or by applicants in bringing forward proposals for significant new areas of development.

- 3.8. We propose that these different routes for bringing forward design guides and codes should remain, although in all cases it will be essential that they are prepared

with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. To underpin the importance of this, we intend to make clear that designs and codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, we will also make clear that decisions on design should be made in line with these documents. Where locally-produced guides and codes are not in place, we also propose to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.

Question

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

If design guides and codes have to conform to the National Model Design Code, then we would not support these.

If codes are to be genuinely locally derived and not imposed, then we would be more inclined to support them, but they will still not be a substitute for site specific place-making.

It is especially important that the new system does have the appropriate mechanisms to ensure that the ambition described by Clough Williams-Ellis is delivered.

Local design is about more than just brick colour and chimney shape. Local design codes need to reflect the character of local settlements and support proper place making

However, we have concern that as written the proposals do not give sufficient detail on how this is to be delivered. One key issue is that there is insufficient detail given on process by which “effective inputs from the local community is to be gained”, how will empirical evidence of what is popular and characteristic in the local area be included ?

We do not feel that the concept of “popularly endorsed visual clarity” exists, much less that it can be achieved by binding design codes

What new penalties will be introduced to ensure adherence to the code. It is noted that the intent is to make the codes ‘more binding’. What are the circumstances under which the codes will NOT be binding, what powers will Local Authorities have if the agreed design is not followed by the developer? What fines or sanctions will be imposed; and will they be? Local authorities must be given the teeth to ensure agreed design plans are indeed implemented. Without that clarity there will be little confidence that the new codes will be respected.

We fear that the in the white paper for centralisation and standardisation could easily lead to a tick box approach to decision making. we also have concerns over the length of time it will take to develop meaningful design codes, and the degree to which they can be influenced by the community. If these turn out to be cursory, there will be little meaningful control for local authorities and the quality of development will not improve. If someone is drafting detailed rules, they will surely have to look in detail at the environmental impacts.

We fear that trying to achieve one set of design codes covering the breadth of England is Unrealistic Codes that fail to recognise the vastly differing requirements of different parts of the country will just not work.

We also have concerns over the ability of local authorities to twin track the development of these with the new Local Plans, bearing in mind the 30 month deadline.

So the concept of the introduction of design codes may be useful, as long as they do not become minimum standards.

Use of undefined jargon We have some concerns over the undefined use of jargon in this section of the proposals, for example the proposals talk about the introduction of design code without explaining in detail what these would be. In existing parlance design brief and masterplan have meaning but design code does not. Other examples of jargon would be 'gentle densification' and 'data not documents', poorly-defined aesthetic concepts such as 'provably popular designs' and 'fast-track for beauty'

3.9. The Building Better, Building Beautiful Commission recommended several other changes to the National Planning Policy Framework that can support the planning system's role in fostering better buildings, places and settlements, and we will consult on changes which reflect these recommendations in the autumn.

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

3.10. The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector. We recognise that this will not happen overnight, and that authorities will need support.

3.11. We will explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. Different models exist for how this could be taken forward - such as a new arms length body reporting to Government, a new centre of expertise within Homes England, or reinforcing the existing network of architecture and design centres. Whatever model is adopted, we envisage that it would be able to draw on the expertise of recognised experts with a range of skills, drawn from across the built

environment sector. Should the final proposals lead to the creation of new central government arm's-length body, then the usual, separate government approval process would apply for such entities.

- 3.12. We will also bring forward proposals later this year for improving the resourcing of planning departments more broadly; and our suggestions in this paper for streamlining plan-making will allow some re-focusing of professional skills. However, effective leadership within authorities will also be crucial. To drive a strong vision for what each place aspires to, and ensure this is integrated across council functions, we believe that each authority should appoint a chief officer for design and place-making, as recommended by the Building Better, Building Beautiful Commission.

Question

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

Yes, we would support this. This is a good idea – once the roles and responsibilities have been clearly defined. The critical issues are the extent to which the design codes carry weight in the determination of planning applications and the ability of developers to challenge such decisions at appeal.

Also though the aspiration is good, this needs to be delivered without adding layers of additional bureaucracy and cost.

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

- 3.13. We are committed to taking a leadership role in the delivery of beautiful and well designed homes and places, which embed high environmental standards. The Building Better, Building Beautiful Commission recommended that Homes England should attach sufficient value to design as well as price, and give greater weight to design quality in its work.
- 3.14. The Government supports this recommendation and recognises that the work of Homes England is an important route through which we can lead by example. Homes England have already taken steps to champion design quality in their land disposals programme, through implementation of a design quality assessment approach, with a minimum standard which must be achieved for a proposal to progress.
- 3.15. However, we recognise that there is an opportunity to go further, and we will engage Homes England, as part of the forthcoming Spending Review process, to consider how its objectives might be strengthened to give greater weight to design quality, and assess how design quality and environmental standards can be more deeply embedded in all Homes England's activities and programmes of work.

Question

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

Yes, we agree this proposal providing account is taken of local character and non-residential development.

A FAST-TRACK FOR BEAUTY

3.16. One of the important propositions of the Building Better, Building Beautiful Commission is that there should be a ‘fast-track for beauty’. Where proposals come forward which comply with pre-established principles of what good design looks like (informed by community preferences), then it should be possible to expedite development through the planning process. This should incentivise attractive and popular development, as well as helping to relieve pressure on planning authorities when assessing proposals.

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

3.17. We propose to do this in three ways. In the first instance, through updating the National Planning Policy Framework, we will make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

3.18. Second, where plans identify areas for significant development (*Growth* areas), we will legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters. These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established. For example, a set of simple ‘co-ordinating codes’ of the sort endorsed by the Building Better, Building Beautiful Commission could set some initial key parameters for the site layout. Where sites are expected to come forward in the near future, more developed masterplans or codes, prepared by the local planning authority or site promoter, will provide greater certainty.

3.19. Third, we also propose to legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support ‘gentle intensification’ of our towns and cities, but in accordance with important design principles. There is a long history – in this country and elsewhere – of ‘pattern books’ being used to articulate standard building types, options and associated rules (such as heights and setbacks). They have helped to deliver some of our most popular and successful places, and in a way which makes it relatively easy for smaller development companies to enter the market. We want to revive this tradition, in areas suitable for

development (*Renewal* areas), by allowing the pre-approval of popular and replicable designs through permitted development. The benefits are much more than fast delivery of proven popular designs – it will foster innovation and support industrialisation of housebuilding, enabling modern methods of construction to be developed and deployed at scale.

We have concerns over who determines what is ‘popular and replicable’ For example sticking two additional storeys on top of any detached block of flats as permitted development is hardly a good precedent

3.20. To take this approach forward, we intend to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied – enabling increased densities while maintaining visual harmony in a range of common development settings (such as semi-detached suburban development). These would benefit from permitted development rights relating to the settings in which they apply. Prior approval from the local planning authority would still be needed for aspects of the design to ensure the development is right for its context (such as materials), as well as for other important planning considerations such as avoidance of flood risk and securing safe access. To enable further tailoring of these patterns to local character and preferences, we also propose that local planning authorities or neighbourhood planning groups would be able to use local orders to modify how the standard types apply in their areas, based on local evidence of what options are most popular with the wider public.

3.21. This proposal will require some technical development and testing, so we will develop a pilot programme to test the concept. Where we are taking forward existing schemes to expand the scope of permitted development through upwards extensions and demolition/rebuilding, we also intend to legislate so that prior approval for exercising such rights takes into account design codes which are in place locally (or, in the absence of these, the National Model Design Code).

Question

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

No we do not support the Fast Track for Beauty proposal; we have concerns that this would create a two tier system when development of the fast-track quality should be the base requirement. This concept gives the impression that any proposal that is not ‘fast tracked’ will not be required to adhere to the design codes?

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

3.22. The reformed planning system will continue to protect the places of environmental and cultural value which matter to us. Plans will still play a vital role in identifying not just areas of defined national and international importance (such as National Parks and Sites of Special Scientific Interest), but also those which are valued and defined locally (such as Conservation Areas and Local Wildlife Sites).

The implication here is that non-designated areas do not matter to local communities, which is nonsense

- 3.23. However, the planning system can and should do much more than this. In line with the ambitions in our 25 Year Environment Plan, we want the reformed system to play a proactive role in promoting environmental recovery and long-term sustainability. In doing so, it needs to play a strong part in our efforts to mitigate and adapt to climate change and reduce pollution as well as making our towns and cities more liveable through enabling more and better green spaces and tree cover. Several initiatives are already laying the foundations for this. Nationally, the Environment Bill currently before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development. And the Local Nature Recovery Strategies which it will also introduce will identify opportunities to secure enhancements through development schemes and contributions. We will also deliver our commitment to make all new streets tree-lined, by setting clear expectations through the changes to the National Planning Policy Framework which will be consulted on in the autumn, and informed by the outcome of this summer's consultation on the England Tree Strategy.¹¹ And we are also assessing the extent to which our planning policies and processes for managing flood risk may need to be strengthened along with developing a national framework of green infrastructure standards.
- 3.24. Once the proposals in this paper for reformed Local Plans begin to be implemented, it will be important for authorities to consider how the identification of different categories of land, and any sub-areas within them, can most effectively support climate change mitigation and adaptation. For example, in identifying land for inclusion within the *Growth* area, or the densities of development appropriate in different locations, the ability to maximise walking, cycling and public transport opportunities will be an important consideration.

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

- 3.25. These measures, and reform of our policy framework, provide important opportunities to strengthen the way that environmental issues are considered

through the planning system. However, we also think there is scope to marry these changes with a simpler, effective approach to assessing environmental impacts.

- 3.26. In doing so, we will want to be clear about the role that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated. In reviewing the Framework, we will also want to ensure that it provides a clear and robust basis for development management

¹¹ To give your views on the England Tree Strategy, please visit <https://consult.defra.gov.uk/forestry/englandtree-strategy/>.

decisions more generally, so that reliance no longer needs to be placed on generic policies contained in Local Plans.

We would support this proposal, but it will be important to see the detail of the proposals to determine the weight that they will carry in the new system.

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

3.27. It is vital that environmental considerations are considered properly as part of the planning and development process. However, the current frameworks for doing so – which include Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment – can lead to duplication of effort and overly long reports which inhibit transparency and add unnecessary delays. Outside of the European Union, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.

3.28. To succeed, a new system will need to meet several objectives:

- Processes for environmental assessment and mitigation need to be quicker and speed up decision-making and the delivery of development projects. The environmental aspects of a plan or project should be considered early in the process, and to clear timescales. National and local level data, made available to authorities, communities and applicants in digital form, should make it easier to reuse and update information and reduce the need for site-specific surveys.
- Requirements for environmental assessment and mitigation need to be simpler to understand and consolidated in one place so far as possible, so that the same impacts and opportunities do not need to be considered twice.
- Any new system will need to ensure that we take advantage of opportunities for environmental improvements while also meeting our domestic and international obligations for environmental protection. This will be the subject of a separate and more detailed consultation in the autumn.

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

3.29. The planning system has played a critical role ensuring the historic buildings and areas we cherish are conserved and, where appropriate, enhanced by development. The additional statutory protections of listed building consent and conservation area status have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed. We want to build on this framework as we develop the new planning system. We envisage that Local Plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views.

- 3.30. We also want to ensure our historic buildings play a central part in the renewal of our cities, towns and villages. Many will need to be adapted to changing uses and to respond to new challenges, such as mitigating and adapting to climate change. We particularly want to see more historical buildings have the right energy efficiency measures to support our zero carbon objectives. Key to this will be ensuring the planning consent framework is sufficiently responsive to sympathetic changes, and timely and informed decisions are made.
- 3.31. We will, therefore, review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. In doing so, we want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

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

- 3.32. The planning system is only one of the tools that we need to use to mitigate and adapt to climate change. Last year we consulted on our proposals to move towards a Future Homes Standard, which was a first step towards net zero homes. From 2025, we expect new homes to produce 75-80 per cent lower CO2 emissions compared to current levels. These homes will be 'zero carbon ready', with the ability to become fully zero carbon homes over time as the electricity grid decarbonises, without the need for further costly retrofitting work.
- 3.33. We welcome the Committee on Climate Change's response to the consultation and we have considered the points they raised. We will respond to the Future Homes Standard consultation in full in the autumn. As part of this, we intend to review the roadmap to the Future Homes Standard to ensure that implementation takes place to the shortest possible timeline. Our ambition is that homes built under our new planning system will not need retrofitting in the future. To work towards ensuring that all new homes are fit for a zero carbon future we will also explore options for the future of energy efficiency standards, beyond 2025.

If this is genuinely achieved, this will a huge positive step forward, but there will need to be clarity that environment goals are more important than conservation issues.

- 3.34. All levels of Government have a role to play in meeting our net zero goal, and Local Authorities are rising to this challenge. Local Planning Authorities, as well as central Government, should be accountable for the actions that they are taking, and the consultation response will look to clarify the role that they can play in setting energy efficiency standards for new build developments.

3.35. We will also want to ensure that high standards for the design, environmental performance and safety of new and refurbished buildings are monitored and enforced. As local authorities are freed from many planning obligations through our reforms, they will be able to reassign resources and focus more fully on enforcement. Ensuring that planning standards and building regulations are met, whether for new homes or for retrofitting old homes, will help to ensure that we deliver homes that are fit for the future and cheaper to run.

We have significant concerns that proposals 16,17 and 18 read as something of a rushed afterthought. These are important topics – why are there no questions relating to proposals 16,17 or 18?

Pillar Three – Planning for infrastructure and connected places

Overview

- 4.1. New development brings with it new demand for public services and infrastructure. Mitigating these impacts – by securing contributions from developers and capturing more land value uplift generated by planning decisions to deliver new infrastructure provision – is key for both new and existing communities. It is also central to our vision for renewal of the planning system.
- 4.2. At present, there are two broad routes for local planning authorities to secure developer contributions, both of which are discretionary for authorities: planning obligations and the Community Infrastructure Levy. Planning obligations – through Section 106 agreements – are negotiated with developers, and in 2018/19 were worth a total of £7bn, of which £4.7bn was in the form of affordable housing contributions – supporting delivery of 30,000 affordable homes. In contrast, the Community Infrastructure Levy is a fixed charge, levied on the area (floorspace) of new development, and secures infrastructure that addresses the cumulative impact of development in an area. The Community Infrastructure Levy is not mandatory for local planning authorities, and around half of authorities currently charge it. Levy rates are discretionary, established by assessments of infrastructure need and viability.
- 4.3. There are several problems with this system. Planning obligations are broadly considered to be uncertain and opaque, as they are subject to negotiation and renegotiation based in part on the developer's assessment of viability. This creates uncertainty for communities about the level of affordable housing and infrastructure that development will bring. In turn, this brings cost, delay and inconsistency into the process. Over 80 per cent of local authorities agree that such negotiations create delay, despite the planning application being acceptable in principle.¹² This acts as a barrier to entry to the market, and major developers are better placed to

¹² MHCLG (2019) *The Value and Incidence of Developer Contributions in England 2018/19*

devote the legal and valuation resource needed to negotiate successfully. This unevenness is a problem too for local authorities, with significant variation in skill and negotiation in negotiating viability across authorities.

- 4.4. The Community Infrastructure Levy addresses many of these problems as it is a flat-rate and non-negotiable tariff, and developers and local authorities have, in general, welcomed the certainty it brings. However, as payment is set at the point planning permission is granted, and payment due once development commences, it is inflexible in the face of changing market conditions. Payment before a single home has been built increases the developer's risk and cost of finance, creating cashflow challenges which are more acute for smaller developers. And despite early payment, many local authorities have been slow to spend Community Infrastructure Levy revenue on early infrastructure delivery, reflecting factors

including indecision, competing spending priorities, and uncertainty over other infrastructure funding streams.

- 4.5. Securing necessary infrastructure and affordable housing alongside new development is central to our vision for the planning system. We want to bring forward reforms to make sure that developer contributions are:
- responsive to local needs, to ensure a fairer contribution from developers for local communities so that the right infrastructure and affordable housing is delivered;
 - transparent, so it is clear to existing and new residents what new infrastructure will accompany development;
 - consistent and simplified, to remove unnecessary delay and support competition in the housebuilding industry;
 - buoyant, so that when prices go up the benefits are shared fairly between developers and the local community, and when prices go down there is no need to re-negotiate agreements.
- 4.6. The Government could also seek to use developer contributions to capture a greater proportion of the land value uplift that occurs through the grant of planning permission and use this to enhance infrastructure delivery. There are a range of estimates for the amount of land value uplift currently captured, from 25 to 50 per cent. The value captured will depend on a range of factors including the development value, the existing use value of the land, and the relevant tax structure – for instance, whether capital gains tax applies to the land sale. Increasing value capture could be an important source of infrastructure funding but would need to be balanced against risks to development viability.

Question 22. When new development happens in your area, what is your priority for what comes with it?

More affordable housing, both social for rent and truly affordable for local people on local incomes, is a priority.

There needs to be an appropriate mix of tenure types, assessed for each local area whilst everyone may aspire to home ownership in reality many people will require homes which are affordable to rent as a step on the way to this.

Delivery of appropriate infrastructure is also clearly important.

New developments should no longer be located in places that need significant new infrastructure. We should aim to expand existing already developed areas that are already supplied with facilities.

The priority should be based on the hopes, aspirations and plans of the local people. This was one of the original objectives of the Localism Act.

Proposals

A CONSOLIDATED INFRASTRUCTURE LEVY

4.7. We propose that the existing parallel regimes for securing developer contributions are replaced with a new, consolidated 'Infrastructure Levy'.

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

4.8. We believe that the current system of planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'.

4.9. This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would address issues in the current system as it would:

- be charged on the final value of a development (or to an assessment of the sales value where the development is not sold, e.g. for homes built for the rental market), based on the applicable rate at the point planning permission is granted;
- be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
- include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold ; and

- provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.
- 4.10. The single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.
 - 4.11. As a value-based charge across all use classes, we believe it would be both more effective at capturing increases in value and would be more sensitive to economic downturns. It would reduce risk for developers, and would reduce cashflow difficulties, particularly for SME developers.
 - 4.12. In areas where land value uplift is insufficient to support significant levels of land value capture, some or all of the value generated by the development would be below the threshold, and so not subject to the levy. In higher value areas, a much greater proportion of the development value would be above the exempt amount, and subject to the levy.
 - 4.13. To better support the timely delivery of infrastructure, we would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. Enabling borrowing combined with a shift to levying developer contributions on completion, would incentivise local authorities to deliver enabling infrastructure, in turn helping to ensure development can be completed faster. As with all volatile borrowing streams, local authorities should assure themselves that this borrowing is affordable and suitable.
 - 4.14. Under this approach the London Mayoral Community Infrastructure Levy, and similar strategic Community Infrastructure Levies in combined authorities, could be retained as part of the Infrastructure Levy to support the funding of strategic infrastructure.
 - 4.15. In bringing forward the reformed Infrastructure Levy, we will need to consider its scope. We will also consider the impact of this change on areas with lower land values.
 - 4.16. **Alternative option:** The Infrastructure Levy could remain optional and would be set by individual local authorities. However, as planning obligations would be consolidated into the single Infrastructure Levy, we anticipate that there would be a significantly greater uptake. The aim of the *de minimis* threshold would be to remove the viability risk, simplifying the rate setting process, as this would remove the need for multiple charging zones within an authority. It would be possible to simplify further – for instance, for the Government to set parameters. There would be a stronger incentive for local authorities to introduce the new Levy, as they would not be able to use Section 106 planning obligations to secure infrastructure or affordable housing. In addition, some local authorities have chosen not to introduce the Community Infrastructure Levy out of concern for the impact on viability of development. Because the new Infrastructure Levy would only be charged above a set threshold, these impacts would be mitigated.
 - 4.17. This option would address issues around transparency, responsiveness to local needs and consistency. However, the Government's levers over levels of land value capture would be less strong, with decisions about levy rates being taken at the local level.

4.18. Alternatively, the national rate approach could be taken, but with the aim of capturing more land value than currently, to better support the delivery of infrastructure. While developers would be liable for paying the levy, the cost of this would be capitalised into land value. This would ensure that the landowners who benefit from increases in value as a result of the grant of planning permission contribute to the infrastructure and affordable housing that makes development acceptable.

Questions

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

This is probably a sensible approach. But it is very revealing how much detail is included in these paragraphs on this subject. It would be hoped that any radical review of the planning system would focus primarily on the outcomes from the planning system; on how we create a sense of place and a sense of community. Planning matters: Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. This is a question of social justice too.

These proposals should be giving more detail as to how MHCLG plan to deliver against all these goals, rather than focusing on the arcane mechanisms as to how infrastructure is to be funded.

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

We acknowledge that there is a major problem with the way the current Infrastructure Levy is calculated, so a new simplified and clear CIL would be very desirable. Many current planning permissions are not taken up because of oppressive section 106 demands.

However we have concerns the new proposal based on the numbers of units of housing built, will, with the changes to the standard method for assessing housing numbers, deliver significant probably unintended consequences. The algorithm has directed the majority of the houses to the richer parts of the country, as a result the less advantaged regions of the country will once again be deprived of the infrastructure investment that they need to stimulate their local economies.

The key questions for the PWP proposals are therefore, will they raise more funds, especially in lower value areas, and will they remove developers' incentives to play the system? How also can the IL positively impact upon the levelling-up agenda, with more than 50% of current developer contributions going to London and the South-east?

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

[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

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

YES - We believe that affordable housing should, at least in part, be provided by the local authority as council housing was and believe councils should be able to borrow to build such houses but only as long as they should not subsequently be allowed to be sold. They should stay as part of the affordable housing stock for the nation.

In addition on Infrastructure and CIL - we think the cost dis-incentive that currently exists to develop brown field sites is a community/national responsibility; and therefore developers should be incentivised to use this form of site before encroaching on green spaces. Maybe a sequential test obligation similar to that used for retail development could be used ?

Proposals should, in addition be amended to include recognition of the impact that the land value uplift all too frequently has, once planning permission is granted, on plans to include infrastructure such as Local Green Spaces and nature conservation areas as part of development. All too often these aspects become unaffordable and need to be given greater priority to ensure access for all to "the countryside next door".

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

4.19. In making this change to developer contributions for new development, the scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, we will maintain the exemption of self and custom-build development from the Infrastructure Levy.

Question

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

[Yes / No / Not sure. Please provide supporting statement.]

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

4.20. Developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site. It is important that the reformed approach will continue to deliver on-site affordable housing at least at present levels.

- 4.21. Affordable housing provision is currently secured by local authorities via Section 106, but the Community Infrastructure Levy cannot be spent on it. With Section 106 planning obligations removed, we propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing.
- 4.22. This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so. Local authorities would have a means to specify the forms and tenures of the onsite provision, working with a nominated affordable housing provider. Under this approach, a provider of affordable housing could purchase the dwelling at a discount from market rate, as now. However, rather than the discount being secured through Section 106 planning obligations, it would instead be considered as in-kind delivery of the Infrastructure Levy. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. This would create an incentive for the developer to build on-site affordable housing where appropriate.¹³ First Homes, which are sold by the developer direct to the customer at a discount to market price, would offset the discount against the cash liability.

4.23. Under this approach we recognise that some risk is transferring to the local planning authority, and that we would need to mitigate that risk in order to maintain existing levels of on-site affordable housing delivery. We believe that this risk can be fully addressed through policy design. In particular, in the event of a market fall, we could allow local planning authorities to ‘flip’ a proportion of units back to market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions. Alternatively, we could require that if the value secured through in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments. Government could provide standardised agreements, to codify how risk sharing would work in this way.

4.24. We would also need to ensure the developer was incentivised to deliver high build and design quality for their in-kind affordable homes. Currently, if Section 106 homes are not of sufficient quality, developers may be unable to sell it to a provider or have to reduce the price. To ensure developers are not rewarded for low standard homes under the Levy, local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality. It is important that any approach taken maintains the quality of affordable housing provision as well as overarching volumes and incentivises early engagement between providers of affordable housing and developers. Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of

¹³ As above, a Section 106 planning obligation could still be used to secure a covenant on the land, where necessary. However, the value would be captured through the Infrastructure Levy, rather than Section 106.

funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.

4.25. **Alternative option:** We could seek to introduce further requirements around the delivery of affordable housing. To do this we would create a 'first refusal' right for local authorities or any affordable housing provider acting on their behalf to buy up to a set proportion of on-site units (on a square metre basis) at a discounted price, broadly equivalent to build costs. The proportion would be set nationally, and the developer would have discretion over which units were sold in this way. A threshold would be set for smaller sites, below which onsite delivery was not required, and cash payment could be made in lieu. Where onsite units were purchased, these could be used for affordable housing, or sold on (or back to the developer) to raise money to purchase affordable housing elsewhere. The local authority could use Infrastructure Levy funds, or other funds, in order to purchase units.

Questions

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

The proposals do not define what 'affordable housing' means. It would appear to focus on offering discounts from the market price. This does not make the house affordable. The proposals should be re-written to base assumptions about 'affordability' on income not market prices.

The Govt algorithm is based on median house prices and median salaries. The Govt suggests that once the multiple goes above 4 this trigger concerns about 'affordability'.

This makes sense. It is roughly the multiple of salary that a mortgage provider would consider. So for a given individual in a given district where the median salary is £30,000 the likely amount that could be borrowed would be £120,000. Assuming that there two adults in the household and both are on the median salary, it is reasonable to conclude that the Govt believes any house priced above £240,000 in this district is likely to be 'unaffordable'. If the median house price in that district was £300,000 that would be a key indicator that action would need to be taken to ensure that the median house price in that district could be brought down to the affordable level of £240,000.

This objective is laudable and an action plan that would deliver it should be supported as it addresses the need to make housing more affordable to the younger generation.

However, the proposals will not deliver houses that are affordable at the level described above. Firstly, this is because the algorithm used encourages developers to continue to build houses ABOVE the median level so that the LPA is then required to release even more land. Secondly, because even offering a 30% discount on a house valued at £400,000 does not make it affordable.

The proposals as written are unlikely to solve the affordability shortfall. It is unreasonable to expect the developers and buyers of the "non-affordable" housing to provide the money. Developers should pay the appropriate tax on their profits and that should be used for the needed affordable housing.

[Yes / No / Not sure. Please provide supporting statement.]

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

More detail is required before we can give an opinion on this. If the in-kind delivery approach is to be considered, the proposals should provide more detail as to how the 'in-kind' quantum will be valued. Will there be a standard national rate, or will it be left to the Local Planning Authorities to establish local rates or will it be the subject of negotiation with developers.

Q 26 . Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Again more detail needed, this question can only be answered after the issue of in-kind delivery on-site has been resolved. What are the current projections of the cash that will be available to be invested in the local infrastructure once the provision for the in-kind delivery on-site has been taken into account?

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

As above

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

[Yes / No / Not sure. Please provide supporting statement.]

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

4.26. It is important that there is a strong link between where development occurs and where funding is spent. Currently, the Neighbourhood Share of the Community Infrastructure Levy ensures that up to 25 per cent of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas. There are fewer restrictions on how this funding is spent, and we believe it provides an important incentive to local communities to allow development in their area. We therefore propose that under this approach the Neighbourhood Share would be kept, and we would be interested in ways to enhance community engagement around how these funds are used, with scope for digital innovation to promote engagement.

4.27. There is scope for even more flexibility around spending. We could also increase local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax. The balance of affordable housing and infrastructure may vary depending on a local authority's circumstances, but under this approach it may be

necessary to consider ring-fencing a certain amount of Levy funding for affordable housing to ensure that affordable housing continues to be delivered on-site at current levels (or higher). There would also be opportunities to enhance digital engagement with communities as part of decision making around spending priorities. Alternatively, the permitted uses of the Levy could remain focused on infrastructure and affordable housing, as they are broadly are at present. Local authorities would continue to identify the right balance between these to meet local needs, as they do at present.

Question

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

This question can only be answered after the issue of in-kind delivery on-site has been resolved. What are the current projections of the cash that will be available to be invested in the local infrastructure once the provision for the in-kind delivery on-site has been taken into account?

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

[Yes / No / Not sure. Please provide supporting statement.]

Delivering change

How we move into the new system

- 5.1. It is important that in bringing forward reform to improve the operation of the planning system, we do not cause delays to development that is currently planned.
- 5.2. Subject to responses to this consultation, we will consider the arrangements for implementing these changes to minimise disruption to existing plans and development proposals and ensure a smooth transition. This includes making sure that recently approved plans, existing permissions and any associated planning obligations can continue to be implemented as intended; and that there are clear transitional arrangements for bringing forward new plans and development proposals as the new system begins to be implemented.
- 5.3. Nevertheless, we do want to make rapid progress toward this new planning system. We are already introducing a new Use Class Order, with associated permitted development rights, to make easier for businesses to change use without the need for planning permission to support our high streets and town centres bounce back following the COVID-19 pandemic. We have also created new permitted development rights to enable more new homes to be built on top of buildings and the demolition and rebuild of vacant buildings for housing, without the need for usual planning permission.
- 5.4. Today, we are also publishing a consultation on four shorter-term measures which will improve the immediate effectiveness of the current system:

- changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in this paper;
- securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
- temporarily lifting the small sites threshold, below which developers do not need to contribute to affordable housing, to up to 40 or 50 units;
- extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first;

5.5. This consultation document can be found at:

www.gov.uk/government/consultations/changes-to-the-current-planning-system

5.6. To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, we will consult on options for improving the data held on contractual arrangements used to control land. This can be found at:

www.gov.uk/government/consultations/transparencyand-competition-a-call-for-evidence-on-data-on-land-control

Public assets and investment

5.7. As we fix our planning system, we also want to make better use of surplus land owned by the public sector, and to level up public investment in development to support renewal of towns and cities across the country, giving power to communities to shape its future use and bringing investment to places across the country. We will do this by:

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- **Ensuring investment in new public buildings supports renewal and regeneration of town and city centres across the country.** The Government Estate Strategy (GES), which was published in 2018, sets out how we will use the estate as an enabler to deliver better outcomes for the public, across all four nations of the UK. As part of this, the Government Hubs programme aims to transform the Government's office estate by accommodating departmental workforces in shared regional hubs and supporting office estate – creating strategic hubs across the UK in major city centre conurbations and in secondary towns and cities. We will continue to look at how the Government can ensure investment in its estate delivers wider benefits for places across the country.
- **Exploring how disposal of publicly-owned land can support the SME and self-build sectors.** As announced by the Prime Minister last month in 'A New Deal for Britain', the Government will produce a new cross-government strategy on how land owned by the Government can be managed and released more effectively and put to better use. As part of this review, we will explore how we can support SME housebuilders, community land trusts and self-builders to identify public land opportunities.

Supporting innovation in delivery

- 5.8. As we bring forward planning reform, we also want to ensure we have in place the right delivery mechanisms, including development corporations. A good example that we are already progressing is development at Toton in the East Midlands, where we have announced our intention to support the establishment of a development corporation to maximise the area's international links and create tens of thousands of new homes and jobs. We want to see more schemes of this kind, backed by modern delivery models, around the country.
- 5.9. That is why we consulted at the end of last year on changes to the legislative framework for development corporations. This includes exploring whether we need to make changes to enable more flexible development corporation models that can drive housing, regeneration and employment. We are currently considering responses to the consultation and will respond to it shortly.

Making sure the system has the right people and skills

- 5.10. Local planning authorities remain at the heart of our ambitious reforms. We want to free up planners to focus on what they were trained for – creating great communities through world-class civic engagement and proactive plan-making, rather than reactive development management.
- 5.11. We recognise that local planning departments need to have the right people with the right skills, as well as the necessary resources, to implement these reforms successfully. Many local authorities are delivering great services, and through the COVID-19 pandemic have been able to transform the way they work to a more digital and modern service. We look forward to seeing evaluations and lessons learned so that we can use this as a catalyst for modernisation of our planning services.
- 5.12. But we know that local authority planning departments are under great pressure – with spending per person on planning and development down 60 per cent and shortages of specialist skills such as design and ecology.¹⁴ And the technology in local planning authorities to support modern services is not there – whilst PropTech firms are developing new apps and other digital services that enable communities to engage with development in new ways, in few places can this be captured by the local authority. Instead, documents are submitted electronically, but not in the way of modern digital services such as those now supporting tax services.
- 5.13. The preparation of reformed Local Plans, development of new design codes, a major overhaul of development contributions, and a new streamlined approach to decision-making will have profound implications for how local planning authorities operate in future. They will need to have sufficient leadership, a strong cadre of professional planners and good access to technical expertise, as well as transformed systems which utilise the latest digital technology. But equally

¹⁴ Institute for Fiscal Studies (2019) "English local government funding: trends and challenges in 2019 and beyond", <https://www.ifs.org.uk/uploads/English-local-government-funding-trends-and-challenges-in-2019and-beyond-IFS-Report-166.pdf>

importantly, there must be a fundamental cultural change on how planning departments operate. They need to be more outward looking, proactively engaging with developers, businesses, architects and designers, as well as a wider cross section of their local communities.

- 5.14. In particular, we envisage the focus of local planning authorities shifting towards the development of clear Local Plans and high-quality design codes which set the parameters for development – rather than making discretionary decisions based on vague policies. In doing so, there is a real opportunity for planners to redesign their individual roles and change perceptions of their profession. We will consider how best to support the planning profession in making this adjustment, in a way which supports culture change, improves recruitment and changes perceptions of planning.
- 5.15. In addition, other key players, including the Planning Inspectorate and statutory consultees, will have to transform the way they operate in response to these reforms, given their critical role supporting the preparation of Local Plans and decision-making. They too will need to be more responsive and outward looking and have the necessary skills and resources to undertake their new roles.
- 5.16. We understand why many participants – not just local authorities, but statutory consultees and the Planning Inspectorate – are risk averse. Judicial review is expensive, and to lose a judicial review in the courts is bad for the reputation of either. And judicial reviews can be precedent setting, establishing a new interpretation of the law. We think the proposals set out in the document should remove the risk of judicial review substantially. Most judicial reviews are about imprecise and unclearly worded policies or law. Our plans for an overhaul of

planning law to create simple and clear processes and for plans that set out clear requirements and standards will substantially remove the scope for ambiguity and therefore challenge.

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

- 5.17. The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer. Currently, the cost of development management activities by local planning authorities is to a large extent covered by planning fees, although the current fee structure means the cost of processing some applications can be significantly greater than their individual fee. However, the cost of preparing Local Plans and enforcement activities is now largely funded from the local planning authority's own resources.
- 5.18. Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. This should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate.

- 5.19. If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.
- 5.20. Reform should be accompanied by a deep dive regulatory review to identify and eliminate outdated regulations which increase costs for local planning authorities, especially to the decision-making process.
- 5.21. Some local planning activities should still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the Government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.
- 5.22. Local planning authorities should be subject to a new performance framework which ensures continuous improvement across all planning functions from Local Plans to decision-making and enforcement – and enables early intervention if problems emerge with individual authorities.
- 5.23. The Planning Inspectorate and statutory consultees should become more self-financing through new charging mechanisms and be subject to new performance targets to improve their performance.
- 5.24. Workforce planning and skills development, including training, should be principally for the local government sector to lead on, working closely with Government, statutory consultees, planning consultancies and universities.
- 5.25. Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making. We think the English planning profession has the potential to become an international world-leader in digital planning, capable of exporting world class planning services around the world.
- 5.26. In developing this strategy, we recognise different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country. We will work with local planning authorities, professional bodies and the wider planning sector to ensure views about implementation are considered. We would particularly want to see innovative solutions which can transform practice.
- 5.27. At the same time, we also want to enable a thriving PropTech sector. By unlocking the data that underpins the planning system so that it is open, we want to enable the PropTech sector to transform housing, land, and planning industries with innovative products that are interoperable with others. This will make use of process improvement insights and data to offer services for many different clients, including for improved public consultation opportunities for citizens and developers to identify sites on which to build, helping to reduce investment risks. We will continue to engage with the innovators and the UK PropTech sector through a Minister-led PropTech Innovation Council (announced in November 2019) to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the

wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

Stronger enforcement

5.28. As part of the implementation of our planning reforms, we want to see local planning authorities place more emphasis on the enforcement of planning standards and decisions. Planning enforcement activity is too often seen as the 'Cinderella' function of local planning services. But local communities want new development to meet required design and environmental standards, and robust enforcement action to be taken if planning rules are broken. As local planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.

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

5.29. We will review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. We will introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

5.30. This will include implementing our commitments from the Government's response to the consultation on unauthorised development and encampments, to strengthen national planning policy against intentional unauthorised development and ensure temporary stop notices are more effective. And will also consider what more can be done in cases where the Environment Agency's flood risk advice on planning applications is not followed.

What happens next

Implementing reform

- 6.1. The proposals in this paper apply to England only. Planning is devolved in Scotland, Wales and Northern Ireland.
- 6.2. Subject to the outcome of this consultation, we will seek to bring forward legislation and policy changes to implement our reforms. This consultation sets out our vision for the basis of a reformed planning system. We have not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation. We will continue to develop the proposals as we gather feedback and views on them.
- 6.3. Our proposals for Local Plan reform, changes to developer contributions and development management would require primary legislation followed by secondary legislation. The proposals allow 30 months for new Local Plans to be in place so a new planning framework, so we would expect new Local Plans to be in place by the end of the Parliament.
- 6.4. We would implement any policy changes, including to set a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

Responding to this consultation

EQUALITIES IMPACTS

- 6.5. We want all communities, families, groups and individuals to have a say in the future of the places where they live. For too long, planning and planning decisions have felt out of reach from too many people. The Government has heard how the combination of technical jargon and traditional models of community engagement discourages people from having their say on decisions. At the same time, it disproportionately encourages engagement from people from a narrow set of demographic groups – typically older, better off and white. We believe that the voices of those who may benefit most from new development are therefore often the quietest in the planning process.
- 6.6. We are committed to delivering wider engagement in planning, increasing the supply of land for development, and supporting inclusive and mixed communities. Some authorities and developers are pioneering new models of engagement that broaden this to different groups. We hope that the reforms set out in this consultation – to make the system more accessible, accountable, digital and transparent – will increase access and engagement for all groups up and down the country.
- 6.7. We would welcome views on the potential impact on the proposals raised in this consultation on people with protected characteristics and whether further reforms could broaden access to planning for people in diverse groups.

Question

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

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Annex A

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

These rights apply to your personal data (your name, address, and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

4. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data, we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected

d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> , or telephone 0303 123 1113.

7. Storage of your personal data

The Data you provide directly will be stored by MHCLG's appointed third-party on their servers. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

If you submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems at a date following the consultation publication date.

8. Your personal data will not be used for any automated decision making.