

White Paper: Planning for the future

Ministry of Housing, Communities and Local Government consultation August 2020

DRAFT OCS response October 2020

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

Bureaucratic, inefficient, ineffective

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

Yes

- 2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

N/A

2. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

We are not convinced that the proposals will make it much easier to access plans, at least for the less technically enlightened. Improved online processes would be our preference.

3. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

Increasing the real affordability of housing; the design of new homes and places; reducing the impact on the environment, biodiversity and climate change.

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.

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

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

No – and we do not believe that the proposals will simplify Local Plans, if LPs will incorporate Neighbourhood Plans and area- or site-specific Design Guides or Codes.

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

No – we do not believe the proposals suggested will deliver the objectives or priorities we endorse.

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

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

The answer to this question is entirely dependent upon the detail or definition of “sustainable development”, so it is impossible to provide one, or to judge how different the proposals are from current practice.

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

The preferred option would be for local-regional Boards, or Commissions, to implement planning policies across the functional (economic and social) region, where this overlaps current Local Authority boundaries.

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.

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

Not sure, in practice, since the acceptability of this approach is dependent upon the details of the methodology and the constraints which would be considered. We do not accept that any planning system is capable of correcting the flawed concept that the ‘broken’ housing market can be rectified to achieve the priorities for development. Housing requirements assessments should identify and include homes for rent and social housing.

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

Not sure, since affordability and the extent of existing urban areas are not the only indicators of the quantity of development to be accommodated: local environmental and economic indicators, as well as requirements for homes to rent and social housing needs also should be taken into account.

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.

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

Not sure, since acceptability of automatic permission within Growth areas depends upon the detail (size, boundaries, location) of designated Growth areas, and better definition of what is meant by 'faster routes' for detailed consent.

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

Not sure – acceptability is entirely dependent upon the detail of the proposals.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

No – assuming that 'settlements' means substantial residential, social, cultural and economic developments planning issues extend beyond the scope of NSIPs, and using this regime would cause more confusion and obscurity.

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

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

It is not accepted that the current planning process generally causes significant delays in development; furthermore, speed should not be the primary objective of the development management system. Speed and certainty of decision-making may be necessary but are not sufficient to ensure the best planning outcomes. Many other factors, economic, social and environmental also need to be taken into balance. If more decisions on development are to be delegated, competence of officers must be increased and the process made more transparent.

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

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

Not sure, since the suggestion seems to be that digitised, web-based plans should always replace existing mechanisms. IT technology should be exploited, but implementation should be more efficient and reliable than to date, and caution should be exercised in view of the appalling track-record of government-introduced IT systems. Digitisation will not help those whose digital capabilities are limited or non-existent, so may reduce public involvement even further. Any proposed new systems should be thoroughly piloted in a few selected areas before being considered for adoption nationally.

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.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

No – the setting of a timetable is directly related to the availability of resources (human and financial) and the precise functions involved; it is suggested that Design Guides and Codes should

be developed as part of the development of Local Plans; this implies considerable input, and no information is provided on funding to Local Authorities for implementation of any of the proposals, or for the wider education of the general public on the issues involved.

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

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

Not sure, since the relationship between Neighbourhood Plans in any hierarchy of Local Plans and nationally imposed decisions remains unclear. NPs are a significant exercise in democracy – but much-increased resources should be made available to communities; there is a real problem in creating and maintaining enthusiasm, and in the provision of expert professional advice.

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?

Professional expertise in urban planning and architecture should be made available to communities (Neighbourhood Forums).

Proposal 10: A stronger emphasis on build out through planning

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

Not sure, since automatic imposition of financial penalties would be unreasonable. Like other decisions involving human behaviour discretion in execution is required. However, a stronger thrust towards timely build-out is required: financial penalties should be imposed on unnecessarily delayed developments, with an extreme backstop of compulsory purchase. There should also be quicker remedies and stronger penalties for defective construction.

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

Mixed – there are good examples, but most commercial developments are ugly and poorly designed. Little attempt is generally made to provide energy-saving features beyond minimum legal requirements.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

“Sustainability” is a term grossly over-used. Consequently, it is much diminished in conveying clear precise meaning. There needs to be much less reliance on cars for personal transport, much more encouragement for active travel, all homes should be carbon-neutral and water-conserving, and green spaces and trees should be designed-in. Commercial and industrial buildings as well as housing should incorporate energy-generating elements, such as PV panels as a requirement.

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.

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

Not sure, since the WP provides no clear route to the availability of resources to provide the necessary local input necessary for the preparation and scrutiny of Design Guides and Codes. It is essential both that adequate human, financial and time resources are made available to ensure that these are prepared in sufficient detail and in parallel with Local Plans, and that such Guides cover all the necessary elements necessary to ensure not just 'beauty' but sustainability and a social and transport infrastructure. A nationally imposed default Design Code is likely to be insensitive to the importance of place and negates any democratic input. There is also a serious danger of Codes and pattern books becoming too prescriptive, stifling variety and innovation, without which creative communities and vibrant architecture cannot survive.

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.

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

Not sure; each Local Authority must have the resources to develop design guides and codes; this requires more than just a 'chief officer'. Local Authority resources are much more important than some centralised national 'new body' to support the activity.

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.

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

No; we are not convinced that Homes England has the capacity or motivation to influence the delivery of genuinely beautiful developments in genuinely sustainable locations; we have seen no evidence in support of the idea that this could be the case.

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.

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

No; Proposal 14 is completely meaningless in the absence of any details on what is meant by 'fast track' or 'accelerate', what incentives might be offered, what might constitute 'high quality' or 'beauty', and who might judge these issues, or how.

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.

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.

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

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.

21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health

provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

More affordable housing; more and better infrastructure; design of new buildings.

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.

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

It is crucial that the massive gain in value of land allocated for development is made available for provision of infrastructure, mitigating climate change and improving design. Rationalising the current system of S.106 and CIL, and adopting a system which pre-defines the charge to be made are logical steps, but it is essential that an appropriate infrastructure is provided for all developments, not just those of large scale.

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

Large regional variations, for example in likely final development value, the scale of development, the need for (augmented) infrastructure, and construction costs suggest that a single national rate would be inappropriate. A local rate, set by Government, seems most appropriate.

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

More value. We welcome the intention stated in the WP to capture a significantly greater amount for the support of infra-structure, truly affordable housing and community facilities.

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

Yes, in order to consider and promote provision of infrastructure and community facilities in advance or in parallel with development.

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

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

In principle, yes, since the proposals suggest the possible extension of PDRs to large-scale development (subject to compliance with Local Plan allocations and any Design Guides or Codes).

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

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

Yes; the aim should be to secure “significantly” more (the WPs own words), and more truly affordable housing than under the present system.

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

Not sure, since acceptability would depend upon the outcome of negotiations influenced by local factors.

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

See Q. 24(b).

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

See Q. 24(b)

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

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

Yes – but in areas of 2-tier Local Authorities, with separate responsibilities for transport and development planning, clarification is needed on arrangements for allocation of Infrastructure Levy.

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

A minimum 'ring fence' could be imposed, but LAs should have power to adjust allocation according to local priorities.

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:

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.

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.

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.

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.

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.

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.

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. 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.

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.

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

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

No.